



Illinois Department of Natural Resources

The Recreational Trails Program

Illinois Grant Program Information and Application

FY2023

In cooperation with:



**U.S. Department of Transportation
Federal Highway Administration**

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FY 2023 RTP CHANGES

- **The Recreational Trails Program (RTP) will only accept applications electronically through the new AmpliFund Grant Management System.**
- **All applications will need to be submitted to:**
<https://il.amplifund.com/Public/Opportunities/Details/2afbaae6-c2c3-49c7-b7cf-5258cc4a40e5>
- **No other form of submission will be allowed or eligible.**
- **Any submission that does not include all documents in the RTP Application Checklist will be considered ineligible and will not be reviewed.**

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Grant Basics

The Recreational Trails Program is offered annually through the Illinois Department of Natural Resources (IDNR). The following pages contain a very brief overview of this grant program; please read the grant guidelines for more detailed information.

Recreational Trails Program (RTP): This is a **reimbursement** grant program that provides up-to-80 percent project funding. This grant program is federally funded and is administered by the IDNR in cooperation with the Federal Highway Administration (FHWA). [Recreational Trails - Environment - FHWA \(dot.gov\)](#)

RTP funding is available to: Federal, state, and local government agencies, not-for-profits organizations and private operators of motorized recreational facilities open to the public.

The following types of projects are eligible for RTP funding:

- New recreational trail construction for motorized and non-motorized use (may include site clearing and grading, surfacing, drainage, bridging, access control devices, fencing & signs)
- Trail maintenance/restoration (includes trail damage by unauthorized users)
- Trailside and trailhead facilities (for example parking, access roads, shelters, restrooms, potable water, architectural/engineering services, etc.)
- Purchase/lease of recreational trail construction and maintenance equipment
- Land acquisition of property in fee simple title, permanent easements, or long-term leases from *willing sellers* for recreational trails or recreational trail corridors
- Educational programs promoting trail safety and environmental protection (These projects cannot exceed 5 percent of Illinois's annual RTP apportionment.)

The following types of projects are not eligible for RTP funding:

- Projects that, either in whole or in part, will not be open to the general public for the specified use of the proposed trail/trail site during reasonable hours and reasonable days throughout the year
- Projects that, through the Cultural Resources, Endangered Species & Wetland Review (CERP) have had a determination that an Archeological Survey will be required on the property to be acquired or developed.
- Condemnation of any kind of interest in property
- Construction of any trail on National Forest Service lands for motorized uses unless such lands have been allocated for uses other than wilderness by an approved agency resources 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 specified in such approved land and resource management plan
- Upgrading, expanding, or otherwise facilitating motorized uses 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

Frequently Asked Questions

Please see grant guidelines for additional details

What is meant by “Recreational Trail”?

A trail is a route along a path or road that has been planned and marked for a particular purpose. A Recreational Trail project should be across a wild or natural region and can include rough country. Trails should be constructed of a more natural base over concrete or asphalt. Trails are not sidewalks, park cut-throughs, or on-street striping.

What is the difference between the Illinois Bicycle Path Grant Program and the RTP grant program? RTP is expected to be in a natural setting providing a sense of being in nature. A Bike Path project should be a linear pathway that is paved or hard surface such as aggregate. RTP trails can allow motorized use whereas a Bike Path cannot, RTP projects also allow equestrian use where Bike Path projects do not.

I am not sure which grant program is better suited for my project. What are the funding priorities with RTP?

It is the current policy of the IDNR and Illinois Greenways & Trails Council to place the highest priority for use of the non-motorized trail portion of annual RTP funding to assist with equestrian use; hiking/cross-country skiing; mountain bike and water trail projects; and projects that promote development or enhancement of the *American Discovery Trail* and *Grand Illinois Trail*.

Priorities for use of the motorized trail portion of annual RTP funding are projects proposing linear trail development, especially well developed long distance trails; connector trails linking several existing trails; or multiple use trails; initial development of motorized facilities; locations in areas (counties) of high demand as determined by population and/or number of users in the area; ones that produce minimal adverse environmental and social effects; provide the most long term, stable management potential; and land acquisition in perpetuity or long term leases.

Can I apply for Bike Path and RTP for the same project?

Yes, however IDNR will determine which funding source is the best fit for your application and will determine which program it will be evaluated under.

How much money is available through the grant program?

This can vary depending on appropriations, but typically there are \$1.5 million dollars available annually through RTP for grants. The RTP is funded through the federal transportation bill.

Do I have to be registered in the Grants Accountability and Transparency Act (GATA) system prior to applying for funding?

Yes, all applicants to this program must be fully registered by the close of the application period in the GATA system or their application will not be accepted. Link to Grantee Porthole:

<https://grants.illinois.gov/portal/>

Is there an application fee?

Yes, the RTP program requires a non-refundable application fee. This fee is calculated as $\frac{1}{4}$ of 1% (0.0025%) of the grant request. There is a minimum fee of \$100 and a maximum fee of \$300.

Can I apply for multiple grants through RTP?

Yes, there is no limit on the number of individual grants that one entity can apply for. Only one grant will be awarded to any applicant during a grant cycle, however. The only exception to this rule is if the acquisition portion of the proposed project constitutes an eligible land donation that will be used by the project applicant as either part of or the entire required project grant match.

What is the maximum amount of funding assistance I can apply for?

The RTP provides 80% reimbursement funding assistance on approved projects. A maximum grant of \$200,000 may be awarded per application for nonmotorized development projects. This grant maximum represents a total minimum project cost of \$250,000 per application. No maximum grant award amount is set for acquisition projects and for motorized projects.

When is the grant deadline?

Applications must be received no later than 5:00 pm on the date posted in the Notice of Funding Opportunities (NOFO). This year that date is March 17, 2023. If the application deadline date is on a weekend or holiday, applications will be accepted until 5:00 pm on the first business day of the month.

Can I make changes to my project after it has been selected for funding?

All proposed grant projects are competitively scored and selected based on merit. Under most circumstances grantees may not deviate from the scope of an approved project. Occasionally circumstances arise whereby the project sponsor may request authorization to revise the scope of an approved project. Such changes are made at the sole discretion of the IDNR staff.

Where do I send my completed grant application?

The Recreational Trails Program (RTP) will only accept applications electronically through the new AmpliFund Grant Management System.

All applications will need to be submitted to:

<https://il.amplifund.com/Public/Opportunities/Details/2afbaae6-c2c3-49c7-b7cf-5258cc4a40e5>

Is there a fee if my project is selected for funding?

Yes, there is a Grant Award Fee of 1% of the total funding assistance awarded with a maximum fee of \$5,000.

How are awarded projects selected?

All applications undergo extensive review, often including a site visit. After project site visits have been completed, professional staff members score all applications. Projects and scores are then reviewed and approved by IDNR administration. At the completion of this process award announcements are made.

How long does it take to award a project?

Awarding a project is multi-layered and therefore takes a significant amount of time. The IDNR reviews and recommends projects to the Federal Highway Administration (FHWA). The final approval comes from the FHWA and takes around 12 months to receive from the time of IDNR's recommendation.

What is meant by reimbursement?

If your project is selected for funding, you must have adequate funds on hand to pay for your project. Paid invoices are then submitted to the IDNR at a minimum of every nine months throughout the life of your project. IDNR then reimburses the project sponsor the eligible grant percentage after approving the documentation. Reimbursement time turnaround is estimated at 4-6 weeks for RTP.

My project proposal includes construction on land that is owned by others. Is this allowable?

All grant assisted construction projects must be located on property that is owned, leased (minimum 25-year non-revocable lease) or on an easement held by the project sponsor. If property negotiations are incomplete at the time of application, a signed letter of intent from the property owner is required.

Under the RTP program any property being acquired, leased, already owned, and/or used for the trail project contained within this grant application must have been acquired following the rules set forth in the Federal Uniform Relocation Act <http://www.fhwa.dot.gov/realestate/ua/index.htm> and contained in Attachment 6: Land Acquisition Criteria and Procedures.

If the grant applicant is already in possession of the property where the proposed RTP project will be constructed, the applicant must prove either the Uniform Relocation Act was followed when possession of the property took place or the applicant can prove there was no intent to seek Federal Funding in conjunction with the acquisition of the property in question. If the property in question was purchased after September 2, 1971, and the acquisition procedures were not in accord with the Federal Uniform Relocation Act, yet at the time of application and last known displacement on the project lands, no planning or intent by the applicant to seek Federal financial assistance, then the applicant should include a signed Certification for Development Projects with their application. This form can be found in Appendix A-1. If the applicant cannot prove that the Uniform Relocation Act was followed when the property in question was purchased and/or there was intent to seek federal funding of any kind to be used in conjunction with this property, then the proposed project will automatically be deemed ineligible for RTP funding.

All land acquisition criteria and procedures are contained in section Attachment 5 of this grant application. Please read through this section very carefully and comply with all the criteria and procedures applicable to your project. Failure to comply with this section of the RTP grant application will automatically cause your application to be deemed ineligible for RTP funding.

If you have any questions regarding the Uniform Relocation Act, please contact: Office of Grant Management and Assistance at (217) 782-7481 or dnr.grants@illinois.gov.

How long do I have to complete my project?

Do not start your project until you have entered into formal agreement with the IDNR. You should plan to complete your project within *24 months of entering into formal agreement with the IDNR*.

If my staff members or volunteers work on the project, is the value of their time eligible as a project cost?

Governmental entities may use in-house labor costs as an eligible project cost, however not-for profit organizations and private park operators may not. Please see page 10 for details and documentation requirements. My RTP project proposal is for an education program that does not include any construction activities.

What types of equipment purchases are eligible under the RTP program?

No equipment is eligible for purchase at this time. Equipment rental and leasing is allowed. Any equipment to be used must be specifically related to your trail project and to future maintenance of your trail. Equipment cannot be used for other purposes that are not related to trail use. An applicant must demonstrate, in a convincing manner, how they will ensure that all equipment will be stored, maintained and applied only for trail use. If there is considerable doubt about the ability of the applicant to use equipment for only trail use, throughout the life of the equipment, IDNR reserves the right to deny the equipment request.

I see that Buy America is a requirement to follow, what is it?

All grant award recipients must conform to the new Buy America guidance located in Appendix A-3. Equipment is not being approved at the federal level at this time.

Who can I contact if I have questions?

Illinois Department of Natural Resources
Office of Grant Management and Assistance
One Natural Resources Way
Springfield, Illinois 62702
Email: dnr.grants@illinois.gov
telephone: (217) 782-7481
fax: (217) 782-9599

Guidelines for the Recreational Trails Program

Introduction and Purpose

Introduction and Purpose

The Recreational Trails Program (RTP) provides funds to the States to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. The RTP is an assistance program of the Department of Transportation's Federal Highway Administration (FHWA). Federal transportation funds benefit recreation including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, or using other off-road motorized vehicles. The [Fixing America's Surface Transportation \(FAST\) Act](#) reauthorized the Recreational Trails Program (RTP) for Federal fiscal years 2016 through 2020 as a set-aside of funds from the [Transportation Alternatives](#) (TA) Set-Aside under [Surface Transportation Block Grant Program](#) (STBG).

I. Revenue

A. Source and Amount

The Recreational Trails Program is funded by the transfer of federal gas taxes paid on fuel used in off-highway vehicles used for recreational purposes. The funds can be used to assist government agencies and trail groups in the rehabilitation, development, maintenance, and acquisition of recreational trails and related facilities. The trails may be motorized, non-motorized, or multiple use trails. RTP funds can also be used for environmental protection and safety education projects related to trails. Illinois's allocations are typically around \$1.5 million annually.

B. Distribution

Distribution of funds to eligible government agencies and trail groups will be on a statewide competitive basis, as determined by need, type of project, project costs, and the capability of the project sponsor (applicant) to fund, operate, and maintain the project. Additional considerations are included in the Project Selection Process.

The Recreational Trails Program mandates that not less than 30 percent of the monies received annually shall be reserved for uses relating to motorized recreational trail use and not less than 30 percent shall be reserved for uses relating to non-motorized recreational trail use. To ensure diversified trail use, at least 40 percent will be used for both motorized and non-motorized use, but preference will be given to projects with the greatest number of compatible recreational uses and/or that which provide for innovative recreational corridor sharing to accommodate motorized and non-motorized recreational trails.

C. Cost Sharing

RTP will reimburse up to 80 percent of total approved project costs. The remaining 20 percent of the costs will be borne by the project sponsor. The RTP is a reimbursement program, meaning that a project sponsor must have sufficient cash, donations, or eligible in-kind services to pay for work, and then be paid back the grant percentage after approval of a reimbursement request. ITEP is not an allowable source of matching funds.

II. Types of Eligible RTP Projects

- A. Maintenance and restoration of existing trails
- B. Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails. Trailside and trailhead facilities include, but are not limited to the following: 1) drainage; 2) crossings; 3) stabilization; 4) parking; 5) signage; 6) controls; 7) shelters, and 8) water, restroom buildings and access facilities
- C. Lease of recreational trail construction and maintenance equipment
- D. Construction of new recreational trails, except, in the case of new recreational trails crossing Federal lands, shall be:
 - (i) permissible under other law
 - (ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) and that is in effect
 - (iii) approved by the administering agency of the State designated under subsection (c)(1)
 - (iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)
- E. Acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors
- F. Assessment of trail conditions for accessibility and maintenance
- G. Operation of educational programs to promote safety and environmental protection (as those objectives relate to the use of recreational trails), but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year.

III. Ineligible RTP Projects

Recreational Trails Program funds may **NOT** be used for any of the following:

- A. Condemnation of any kind of interest in property
- B. Equipment purchases
- C. On-street striping for a bike path is an ineligible project or component of a project since there is no separation of bicyclists and the vehicular traffic
- D. Planning as a stand-alone project
- E. Construction of any recreational trail on National Forest System land for any motorized use unless:
 - (i) The land has been designated for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

- (ii) The construction is otherwise consistent with the management direction in the approved forest land and resource management plan
- E. Upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by non-motorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.
- F. Pump tracks or other self-enclosed circular track that is not part of a trail system.

IV. Allowable Costs

A. Basic Concept

The Recreational Trails Program is a reimbursable grant program. To be eligible for grant assistance, costs other than engineering and design costs must be incurred within the project period, stipulated by a signed project agreement.

B. Development, Rehabilitation, and Maintenance

Upon receipt of a signed project agreement provided by the Illinois Department of Natural Resources, development, rehabilitation, and maintenance costs are eligible for reimbursement and are incurred at the start of actual physical work on the project site and continue through the period the work is being done. Costs must be incurred within the project period (contract execution date through contract expiration date) to be eligible for reimbursement. Initial master plan costs are not eligible, but applicable construction drawings may be eligible.

C. Acquisition

Acquisition costs are eligible for reimbursement **if incurred during the grant contract period** and are considered incurred on the date when the earliest of any of the following takes place:

1. Participant accepts deed, lease (the lease must be for the minimum of 25 years and be non- revocable) or other conveyance
2. Participant makes full payment for the property
3. Participant makes first payments in a series of payments

Costs of acceptable appraisals and valid incidental costs for the project are eligible for reimbursement only if the grant is approved.

All eligible acquisitions should be done under an approved grant contract. The acquisition must still be completed using state compliance guidelines.

Federal Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970

All acquisitions must conform to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Federal Uniform Act) P.L. 91-646. This law prescribes policies and procedures to ensure fair, equitable, and uniform treatment of persons whose land is acquired through federally assisted programs.

The provisions of the Federal Uniform Act apply to the acquisition of all real property for, and the relocation of all persons displaced by, projects which receive federal assistance.

Important - The Act applies regardless of whether federal assistance is used for acquisition or development.

For example, an organization cannot knowingly circumvent the federal law by acquiring the land with local funds and not follow the regulations of the Act and then apply for development funds in a later project. For all development projects, proof must be supplied that the project site was acquired in accord with P.L. 91-646 if the land was acquired after January 2, 1971. This is explained in more detail for development projects in Appendix A-1.

There are two major sections to the law: policies regarding the acquisition of land and relocation benefits to landowners. Each section will be discussed separately in this application. The acquisition procedures explained in this chapter, should be read with extreme care. If the procedures are not followed, the sponsor could encounter severe problems in being reimbursed regardless of the method of acquisition.

D. Donations & In-House Labor

IDNR encourages the donation of land, cash, materials and labor contributions by non-government, private parties. The value of labor contributions by non-government, private party entities may not be used as any of the project sponsor's share of project costs. The method of valuation and charges for materials must be approved by IDNR prior to the donations being applied to reimbursement requests in order to be considered as part of the grantees' matching share (receipts will be required). Equipment is not allowable as a donation expenditure.

The value of donated real property shall be established by two independent appraisers. The IDNR will review the narrative analytical appraisal and, if disputes arise as to fair market value, the property will be re-appraised by another appraiser chosen by IDNR. Project sponsors will pay for the appraisals, which are eligible for reimbursement. Appraisers will be selected by the local sponsor from the Illinois Department of Transportation (IDOT) appraiser list. If the appraisal is acceptable, the fair market value of a donated parcel can be used as all or part of the non-federal share. Land transfers from one public agency to another are not be eligible.

Before any real property can be donated to a project sponsor it is required that the project sponsor must read and understand the new RTP property acquisition criteria and procedures located in Attachment 5 of this application.

If there are any questions concerning these new procedures contact:

Illinois Department of Natural Resources
Office of Grant Management and Assistance
One Natural Resources Way
Springfield, Illinois 62702
Email: dnr.grants@illinois.gov
telephone: (217) 782-7481 fax: (217) 782-9599

Labor may be contributed by professional and technical personnel, consultants, and skilled labor for governmental units only. **“Administrative” labor is not eligible.** Each hour of service may be counted as part of the governmental sponsor's matching share if the service is part of an approved project. Documentation of their hourly wages will be required.

E. Planning

In cases where the assistance of an architect, landscape architect, consultant, planner, or engineer is required for a project, no more than 15.25% of the costs may be borne by program funds. To be eligible for reimbursement, planning costs must reflect actual grant work that was performed. The 15.25% is further broken out as follows: 10.25% for initial analysis, design & bid work and 5% for on-site construction supervision and final project close-out work.

V. ADMINISTRATION

A. General Responsibility

The Office of Grant Management and Assistance (will administer the RTP program and ensure both the successful performance of the project and the continued operation and maintenance of aided facilities for public recreational trail use. The IDNR Office of Grant Management and Assistance will also inspect projects to ensure compliance with the intent of the program. In addition, as mandated by the RTP, IDNR has worked cooperatively with the Greenways and Trails Council to develop criteria and procedures for selecting projects for funding from the RTP.

B. Eligible Applicants

- 1. Political Subdivisions of Illinois**
- 2. State Government Agencies**
- 3. Federal Government Agencies**
- 4. Non-profit organizations ***
- 5. Individuals**

* (NFP's who reside outside of Illinois may only apply if the property to be developed is in Illinois and currently owned by them, leased by them, or they have an easement on it.)

C. Applicant Responsibilities

1. Accessibility

One of the goals of the RTP program is to provide and improve recreational access opportunities for people with disabilities. As such, all facilities assisted with RTP monies must conform to standards outlined by the United States Access Board: Architectural and Transportation Barriers Compliance Board: Final Guidelines for Outdoor Developed Areas dated November 25, 2013.

<http://www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas/a-summary-of-accessibility-standards-for-federal-outdoor-developed-areas>.

2. Ownership

A project sponsor must either own or have a sufficient long term non-revocable lease or easement for an RTP project area. A long-term lease or easement must be for a minimum of 25 years at the time of application.

3. Public Hearings

Governmental applicants proposing the creation of a new trail within a linear corridor must conduct a Public Hearing, held specifically to solicit public review and comments on the proposed trail. Notice of the Hearing must be advertised in a local newspaper of general circulation at least seven (7) days prior to the Hearing date. Minutes of the Hearing, along with written comments received and a copy of the newspaper notice must be submitted as part of the application.

Non-governmental applicants proposing a new, year-round trail or motorized use area **MUST** submit confirmation of project approval from local zoning board **OR if no local zoning regulations exist**, the applicant must submit a certificate of publication confirming that notice of project intent was published / advertised in the local newspaper AND confirmation that public notice of the project was posted at the local county courthouse and two (2) other prominent public locations in the county such as nearest municipal building, post office, etc. **(See Appendix A-4 Public Notice Form for posting)**

4. Insurance

Non-governmental applicants must submit proof of \$1.0 million minimum liability insurance coverage for proposed project facility. Club applicants must submit verification of club's incorporation status with Secretary of State's Office.

5. Conflict of Interest

If the project sponsor is a local government, no official or employee of the local government who is authorized in his/her official capacity to negotiate, make, accept, approve, or take part in decisions regarding a contract or subcontract in connection with an approved RTP grant project shall have any financial or other personal interest in that contract or subcontract.

No person performing services for a local government in connection with an approved RTP grant projects shall have a financial or other personal interest other than his/her employment or retention by the local government in any contract or subcontract in connection with said RTP grant project. No officer or employee of a person retained by the local government shall have any financial or other personal interest in any real property acquired under an approved RTP grant project unless that interest is openly disclosed on the public records of the local government and that officer, employee or person has not participated in the acquisition for, or on behalf of, the local government.

D. Project Evaluation

The following criteria will be used by the Department for evaluating and ranking grant applications. Each criterion indicates the weighting that will be given to that criterion.

1. Projects of high need (20%):
 - a. Trail significance – the estimated users that will be attracted to the trail/trail site; will it potentially be of interstate, State, regional or local importance
 - b. Geographic distribution – will the proposed project, considering the trail type and proposed users of the trail or site, be the first in the county, area, or region
 - c. Population served.
2. Project concept and quality (55%):
 - a. Project type. The following will be considered in the priority listed:
 - i. acquisition of land for new trails/trail sites
 - ii. initial development of trails/trail sites
 - iii. additional development of existing trails/trail sites
 - iv. renovation of existing trails/trail facilities
 - b. Trail length
 - c. Diversity of trail use

- d. Availability of necessary amenities/support facilities, such as drinking water, restrooms, and parking
3. Environmental suitability of the proposed trail/trail site (5%)
4. Local support for the proposed project (5%)
5. Local financial contribution (5%)
6. Overall program suitability (5%)
7. Applicant/Application Factors (5%)
Consideration is given to the applicant's past performance in completing Department grant projects or unresolved project violations, maintenance history of existing sites, and administrative considerations (such as application completeness and response time during the application process).

E. Matching Requirements

Project sponsors will be reimbursed up to 80 percent of the total cost of acquisition, development, maintenance or rehabilitation undertaken. The remaining share of the project costs will be borne by the project sponsor.

1. Federal Agency Project Sponsor

Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that:

- (A) The share attributable to the Secretary of Transportation may not exceed 80 percent of the cost of a project under this section.
- (B) The share attributable to the Secretary and the Federal agency may not exceed 95 percent of the cost of a project under this section.

The use of funds from federal programs to provide non-federal share, notwithstanding any other provision of law, the non-Federal share of the cost of the project may include amounts made available by the Federal Government under any Federal program that are:

- (A) Expended in accordance with the requirements of the Federal program relating to activities funded and populations served.
- (B) Expended on a project that is eligible for assistance under this section.

2. State and Local Funds

Any eligible state or local government funds may be used toward the 20 percent match. This could include tax sources, bond issues, cash, or force account contributions. Force Account (In-house) labor may also be used.

3. Private Gifts/Donations

Private individuals, entities, organizations, or corporations may donate funds, rights-of-way, materials, or real property as part or all of the non-federal share. The IDNR will approve documentation of the certified market value of donated private rights-of-way or materials. The value of each gift must be estimated at the time of application. Applicant cannot take possession of any real property until a state/local agreement is signed (only if applicant intends to use the value of the real property for cost sharing purposes).

F. Project Billing Requirements

Project sponsors will be given a copy of the Implementation and Billing Packet that includes forms and directions on how to partially or completely bill on a project. The Implementation and Billing Packet can also be found at <http://dnr.state.il.us/ocd/newrtp2.htm>. All awarded grants **must** provide a billing to the IDNR within 9 months of being awarded the grant and every 9 months thereafter until the project is complete. Failure to do so will jeopardize the project compliance status.

VI. AVAILABILITY TO USERS

Projects acquired, developed and rehabilitated with RTP assistance shall be open to all persons regardless of race, color, religion, creed, gender, national origin, age, or disability. This also applies to any lessee or licensee operating within the project area or providing a service to the public including concessions and accommodations.

A. Use Limitations

Project sponsors may impose reasonable limits, with prior state approval, on the type and extent of use of areas and facilities acquired, developed, maintained, or rehabilitated with RTP assistance when such a limitation is necessary for maintenance or preservation. It is highly encouraged that trails be operated and maintained to promote multiple trail uses on a year round basis.

B. Access

The IDNR shall have access to RTP grant assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with the RTP guidelines.

C. Concessionaires

Project sponsors may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities for dispensing food to the public and/or any other services as may be desired by the public and the project sponsor for enjoyable and convenient use of the RTP grant assisted site. However, the possession, sale or consumption of alcoholic beverages on RTP grant assisted sites is expressly prohibited.

D. User Fees

User fees are permitted at areas and facilities assisted with program funds; however, they are discouraged. If it is deemed necessary by the project sponsor to levy fees for use of the project facilities, prior approval from the IDNR must be received for the proposed fee schedule. Justification for charging a fee must clearly document that the existing operation and maintenance budget of the project sponsor is not sufficient to cover the cost of properly operating and maintaining the project facility. All fees received must be deposited in a separate account to be used for project facility operation and maintenance as well as future improvements to the facility.

E. Non-Residents

Discrimination based on residence, including preferential reservation or membership systems, is prohibited, except to the extent that the reasonable differences in admission or other fees may be maintained based on residence however may not be more than twice the amount charged to residents.

VII. RESPONSIBILITIES AFTER PROJECT COMPLETION

A. Operation and Maintenance

All areas and facilities acquired, developed, maintained, or rehabilitated with RTP assistance must be adequately operated and maintained by the project sponsor at no cost to the IDNR to insure continuing public use in a safe and sanitary manner and must be open to the general public during reasonable hours of operation to maximize its intended public benefit.

B. Retention

The project sponsor is obligated to maintenance and use of the project as follows:

1. Acquisition

Land acquired with IDNR trail grant funding assistance shall be operated and maintained for the intended public recreation use for a specified period of time, usually in perpetuity*, as so stated in the approved grant project agreement. Development and use of the project site for trail purposes, as specified in the approved grant agreement, must commence within three (3) years following the property's acquisition.

* Excludes ROWs acquired through railbanking as defined by the National Trails System Act (16 USC 1247d)

2. Development

For projects receiving IDNR trail grant funding for development (construction) assistance only, terms of the contractual agreement between the project sponsor and IDNR shall no longer apply after the time period specified below relating to the total amount of grant funds expended on the project:

<u>Total Grant Award</u>	<u>Time Period After Final Project Billing Requiring Program Compliance</u>
<i>0 - \$50,000</i>	<i>5 Years</i>
<i>for every \$10,000 increment over \$50,000</i>	<i>add 1 year</i>

3. Conversion of Property

Conversion of property acquired or developed with IDNR grant assistance from the recreational use specified in the signed project grant agreement will result in the project sponsor being held liable for replacing the converted property with new property and facilities as deemed comparable by the IDNR in terms of current fair market value, recreation trail usefulness and location unless otherwise specified in the grant project agreement.

C. Penalties

Failure to comply with the provisions of this program shall be considered just cause for the IDNR, at his/her election, to:

1. Withhold future payments to the project sponsor
2. Withhold action on all pending projects of the grantee for the infraction in question
3. Debarment from all IDNR grant program eligibility for a period of two (2) grant cycles. The Director could also notify other state or federal agencies of the compliance failure.

RTP Project Application and Implementation Process

1. **March 17th (or other date as indicated on the NOFO) – SUBMISSION** – The project applicant submits the application to the Illinois Department of Natural Resources (IDNR). Receipt of the application is acknowledged. IDNR staff reviews the proposal to determine the applicant's and the project's eligibility. The application is also checked for completeness. If it is found to be incomplete or unacceptable, the applicant will be notified.
2. **SITE VISITS AND REVIEW – April 15th through July 1st (approximately)** –All eligible proposals are reviewed by IDNR staff. Site visits are conducted for all proposed projects. Projects are then scored by the review team. When this process is complete, the Director of IDNR reviews and approves IDNR staff funding recommendations.
3. **RECOMMENDATIONS AND APPROVAL** – Project sponsors are notified in writing of the status of the application(s). *Project sponsor may not begin the project until a project agreement is awarded between IDNR and the project sponsor.* If the proposal(s) is not selected, the applicant will be notified.
4. **AGREEMENT** – A contract is signed to assure that the applicant will complete the project within 24 months and be eligible to receive up to 80 percent reimbursement. The contract is between the state (IDNR) and the project sponsor. After the signing of the agreement, a copy will be sent to the project sponsor.
5. **PROJECT IMPLEMENTATION** – The project sponsor may proceed with project construction after completing any additional steps required. Any change orders +/- \$10,000 that occur within a contract bid under this RTP grant must be approved by IDNR prior to executing the change. Reimbursement requests may be made after funds have been expended.
6. **PROJECT COMPLETION** – The project should be completed within 24 months. A site inspection may be made after the project is complete; IDNR staff may also visit the project at any time during construction. An RTP acknowledgement sign must be posted in a conspicuous location when the project is complete. The required sign or specifications for its construction will be furnished by the IDNR.

LAND ACQUISITION CRITERIA AND PROCEDURES

ELIGIBLE ACQUISITIONS

Land may be purchased from either private landowners or other units of state or local government that has not been used for recreational purposes in the past.

Sites already owned by the town, city, township or county which the grant recipient represents, but which have been under the control of another department of the same local unit, may not be purchased with grant funds.

Property which the current owner (not the grant applicant) acquired with federal funds may not be purchased with RTP funds nor could it be used as an in-kind land contribution match for a grant. However, a grant could be made to develop facilities on it if the source of local match were other than the land value.

STATE AND FEDERAL ACQUISITION POLICIES

Federal Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970

All acquisitions must conform to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Federal Uniform Act) P.L. 91-646. This law prescribes policies and procedures to ensure fair, equitable, and uniform treatment of persons whose land is acquired through federally assisted programs.

The provisions of the Federal Uniform Act apply to the acquisition of all real property for, and the relocation of all persons displaced by, projects which receive federal assistance. The Act applies regardless of whether federal assistance is used for acquisition or development. For example, an organization cannot knowingly circumvent the federal law by acquiring the land with local funds and not follow the regulations of the Act and then apply for development funds in a later project. For all development projects, proof must be supplied that the project site was acquired in accord with P.L. 91-646 if the land was acquired after January 2, 1971.

There are two major sections to the law: policies regarding the acquisition of land and relocation benefits to landowners. Each section will be discussed separately in this chapter. The acquisition procedures explained in Attachment V, should be read with extreme care. If the procedures are not followed, the sponsor could encounter severe problems in being reimbursed regardless of the method of acquisition.

LAND ACQUISITION COSTS

Eligible Costs:

The following land acquisition costs are allowable and eligible for reimbursement under the Recreational Trails Program.

1. The appraised fair market value of fee simple title or an easement for the use of real property acquired by negotiated purchase.
2. The purchase price for an easement or fee title to real property acquired by bargain sale (below appraised value). The donated land value (the difference between the purchase price and appraised value) may be used as a match for federal funds to purchase that parcel of land, purchase other pieces of property, or develop facilities. Similarly, lands for which 100% of the value is donated may only be used as the organization's share of a project to purchase other land or build facilities.
3. Incidental acquisition and relocation costs only as described in the Uniform Relocation Assistance and Real Property Acquisition Policies Act.
4. Appraisal fees - a maximum of \$4,000 total is allowed.
5. Engineering reconnaissance fees where a land acquisition project involves proposed major facilities and their feasibility needs to be established. Examples of such eligible fees include hydrologic investigations, subsurface explorations, availability of construction materials and preliminary cost outlines. Detailed plans and specifications for construction of the facilities would not be eligible in a grant for only the land purchase, but would be eligible in a grant which included building the facilities.

Ineligible Costs

Costs ineligible for reimbursement in an acquisition project include:

1. The purchase of real property to which the project sponsor became committed prior to federal approval of the grant.
2. Boundary surveys, title search, legal fees, fines and penalties paid by the project sponsor.
3. Incidental costs relating to real property acquisition and interests in real property unless allowable under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.
4. Taxes for which the local sponsor would not have been liable to pay.
5. Damage judgments arising out of acquisition whether determined by judicial decision, arbitration or otherwise.

TRANSFER OF TITLE

Land is transferred on the date the warranty deed is signed by the previous landowner and the buyer. If reimbursement is to be requested for the cost of a land purchase, the deed cannot be signed by the seller and buyer until the project is approved by the Federal Government. The applicant also cannot make a commitment to purchase real property prior to federal grant approval as described below under timing for purchases. The applicant may need or want to guarantee land will be available for purchase after grant approval. The property may be reserved for the applicant by: (1) having a private third party acquire and hold title to the land, or (2) by securing an option to purchase by a later date. A third party could be an individual, private business or educational institution, not-for-profit organization other than the applicant, or other similar entity.

TIMING FOR PURCHASES AND DATE WHEN COSTS ARE INCURRED

The applicant may not commit to purchase land prior to federal approval of the grant with the following exceptions: (a) an option to purchase is exercised; (b) payment is made to an escrow agent even though the applicant has not received the deed from the escrow agent; (c) a contract to purchase is executed; (d) the deed is accepted although payment has not been made; (e) the buyer takes possession of the property; or (f) other written promises to purchase have been made.

Confusion often arises in acquisition projects on the exact date when land purchase costs are incurred. To be eligible for matching assistance, purchase payment(s) to the landowner must be incurred within the project period (date of federal approval to the date of project expiration). Acquisition costs are incurred on the date when the earliest of any of the following transactions take place:

1. Project sponsors accept deed or other appropriate conveyance.
2. Project sponsor makes full payment for the property.
3. Project sponsor makes the first payment in a series of spaced or time payments.
4. Project sponsor makes the first payment or as much as 10% of the purchase price as stipulated in an option agreement. (The cost of the option is not an allowable cost in from grant funds.)
5. Project sponsor makes first partial or full payment to an escrow agent.

OPTIONS

The applicant may wish to take an option on the property to prevent the land being sold prior to the approval of a project. The date an option is exercised is normally the date the buyer advises the seller that he desires to complete the purchase under the terms of the option. The option may include special conditions or terms which govern whether or not the buyer will purchase. For example, one condition could be the availability of funds or financing. An option is unacceptable if it is exercised prior to project approval, unless it specifies that acceptance is contingent on the availability of RTP grant money so the date of project approval would be the exercise date.

If an option is signed prior to federal approval of the project, then it should extend at least until fall so it may be exercised after the grant is approved. Since competition for funds is often intense, applicants may find it helpful to negotiate an option which can be extended at no cost for a second year. This could enable the project to compete for funds a second time if it were not approved the first year.

The purchase price in an option is to be the amount negotiated after the land has been appraised and the fair market value offered to the landowner as explained in the section on negotiated purchases. Only one payment toward the property may be made under an option. A maximum of 10 percent of the approved appraised value of the property may be paid at the time the option is transacted. This amount should be part of the purchase price of the property. Any additional payments prior to grant approval may make the acquisition ineligible. It is important that documentation of the option payment required for reimbursement billings be kept for later use. Project sponsors are encouraged to consult the Office of Real Estate before negotiating an option to ensure the eligibility of the land acquisition under the option conditions.

TIMING FOR LAND DONATIONS

Property donations may be transferred to the applicant after project approval. If a land donor wants to convey the property before project approval the land could be given to a third party, such as a foundation or other not-for-profit organization other than the applicant. This third entity could donate the land in a later year and the land value would be eligible as a match. Land donations will be credited toward the sponsor's match. No direct reimbursement will be given for a land donation.

PROPERTY RIGHTS FOR CONTROL AND TENURE

Adequacy of Title

For lands included in a project, the sponsor must have title or adequate control and tenure of the project area in order to provide reasonable assurances that a conversion to a use other than public trail use will not occur without federal approval. Copies of the property titles, leases, easements, or appropriate documents must be submitted as part of a project's documentation.

The most common method of acquiring property is by fee simple title. This is the preferred method of acquisition since it gives the holder an absolute right to the property within limitations imposed by state or federal law.

In some instances, the agency may wish to purchase less than fee simple title, such as easements, rights of-way and title subject to deed restrictions. This would be permissible when fee simple is excessively expensive and a lesser control of the area will not detract from the recreational use of the land. Title to land may be conveyed by warranty or quit claim deed to the applicant. Neither the State of Illinois nor Federal Government will obtain title to a local area or facility acquired with federal assistance. The project sponsor must submit a description of the character and nature of the title received before requesting reimbursement. This evidence of title must include the recorded property deed and either a written opinion from an attorney on the adequacy of title or a title insurance policy. A survey may be required when there is reasonable doubt about the exact location of the boundary or of the size of tract being acquired. The project sponsor is responsible for quieting claims against title and for replacing property found to have defective title with other properties of equivalent value, usefulness and location acceptable to the Department of Natural Resources and Federal Highway Administration or by paying the grant back to the Federal Government if the land is lost.

RESERVATIONS, ADVERSE RIGHTS, AND DEED RESTRICTIONS

Oil, gas, mineral, or other reservations and rights held by others are permissible only if it is determined the project purposes and the environment would not be adversely affected. Such reservations must be described in the narrative of the project proposal, and how they will be dealt with to avoid impacting recreation and the environment. The acquisition of land which is subject to the reservation of surface rights extending more than 5 years must be justified. Reservations that are incompatible with project purposes will not be accepted.

Often landowners desire to specify restrictions in the property deed. The most frequent example would be that the land can only be used for park purposes. If a deed restriction for park purposes indicates the grantor's intent and does not provide for reversion of title upon failure to comply with the grantor's wishes, the condition may be acceptable. In certain situations, a landowner may retain a life estate, under which he or she retains use of the property while living.

Land which has a reversionary clause in the deed whereby the landowner could repossess the property if it ceased to be used solely for the purpose specified in the deed may make the project ineligible. If a reversionary clause in the deed specifies that the land must be developed for a specific purpose, even though the project includes that type of development, the project may be ineligible. A development project to construct a facility on land with a reversionary clause in the deed may also be ineligible, even though land may have been acquired without federal funds. Federal approval is required to acquire or develop land with reversionary clauses or outstanding interests in the property deeds. The Office of Grant Management and Assistance should be consulted prior to submitting a project application involving deed clauses and restrictions.

If at some later date the rights to subsurface reservation or other deed restrictions adversely affect recreation use of the land or facilities, the applicant will be responsible for acquiring replacement property of equivalent usefulness, value and location or returning the federal funds used in the project.

Outstanding property rights may affect the value of the land. Examples include mineral rights, road rights-of-way, utility easements, and other deed restrictions. An appraiser should be fully aware of and take into consideration the legal description of the property and any restrictions to be placed on the rights transferred. An appraisal of a property's value involves full consideration of the rights remaining with the property and, where appropriate, the effect the loss of these rights has on its value.

EASEMENTS

In some instances, the applicant will not be able to purchase the property but can acquire an easement. An easement must be held in perpetuity. The easement cannot be revoked at will by the landowner. The land must be retained in public trail use. Provisions stated in the easement cannot be detrimental to the proposed recreational development.

Negotiations for easements must follow general negotiated land purchase regulations including the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

If federal assistance is being requested on the purchase of an easement, the document cannot be transacted until the project has received federal approval.

RAIL BANKING

If the applicant is planning on developing trail facilities on land involved in the "Rail Banking" process, please contact the Office of Grant Management and Assistance to determine the eligibility of your project proposal.

Please have a copy of any agreements involved with this process.

METHODS OF ACQUIRING LAND

Negotiated Purchases

This section outlines specific procedures under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (49 CFR 24) to follow in acquiring land through negotiated purchases involving federal assistance. The following steps must be taken by the applicant in negotiating with the landowner.

1. Make initial contact with the seller to see if the land might be available for sale. At this point, the price should not be negotiated since the purchase amount must be based on an appraisal.
2. Obtain information as to whether or not the owners, business (es), or tenants will be eligible for relocation assistance. The property residents must be advised of their right to relocation assistance.
3. Have the land appraised according to the Uniform Appraisal Standards for Federal Land Acquisitions, with the landowner given the opportunity to accompany the appraiser. The appraiser must have a copy of the appraisal requirements which are located on the web at <http://www.justice.gov/enrd/land-ack/Uniform-Appraisal-Standards.pdf>. The appraisal must also be completed in accordance to the IDNR's Recreational Trails Program Appraisal Specifications which will be given to the grant applicant to forward to their selected appraiser.
4. Submit the appraisal to the Office of Grant Management and Assistance for review by a review appraiser in the IDNR's Division of Realty. Upon receiving approval of the appraisal, the applicant then knows the acceptable fair market value of the property to be acquired.
5. Inform the owner in writing of the value of the property based on the results of the appraisal and offer to purchase the property for this price. Also, inform the landowner of his or her eligibility for relocation benefits. It is not necessary to show the appraisal itself to the landowner. The authorized agent of the applicant and the property owner must sign the *Statement of Just Compensation* and *Written Offer to Purchase* form, which should indicate the appraised value of the property. A copy of this form is included in the Implementation and Billing Packet that will be provided upon grant award.
6. Based on the written offer at the appraised value, the final selling price is negotiated. If the purchase price is more than the appraised value, additional documentation explaining the difference in value will be needed, as explained later in this section. If the price is less than the appraised value, the acquisition is called a "bargain sale", and a *Waiver of Just Compensation* must be signed by the landowner as explained in the section on bargain sales. At this point, the applicant may sign an option to purchase, if desired, but before the grant receives federal approval the applicant may not make a commitment to acquire the property.

A project application may be submitted during any of the above steps to acquire the land. The appraisal, however, must have been submitted and approved prior to Step 6. Again, the land can only be acquired during the approved project period to be eligible for reimbursement of acquisition costs. The above procedure is mandatory and must be followed for all negotiated purchases.

Applicants should be aware that state regulations, which apply to acquisitions by public agencies for which federal funds are not provided, follow the same sequences of steps, except the IDNR does not review local documentation. The state also specifies relocation benefits for landowners and tenants.

Land purchased by negotiated purchase is based on a fair market value for the property as established in an independent appraisal prepared by a real estate appraiser hired by the applicant. An appraisal, if competently compiled by a qualified person, should be an acceptable estimate of property value. It cannot be assumed, however, to be a final determination of value. The approved appraisal value is the minimum floor value for establishing the amount of just compensation offered to the owner at the initiation of negotiations. The negotiations between a willing seller and a willing buyer will sometimes set a price that is higher than the appraisal, and this marketplace value must be considered with the appraised value in establishing the purchase price of the property. The Illinois Department of Natural Resources will only reimburse the applicant for the approved appraised value of the property and not for any costs over and above this value. Additional consideration given to the property owner will be at the purchaser's expense and not eligible for reimbursement under the RTP program.

Sometimes a seller or purchaser desires to spread payments for land over several years. "Contract Sales", where installment payments are made over a specified period of time at the end of which the buyer receives title are acceptable for RTP projects provided the entire purchase will be completed within the project period (usually 15 months). The risk is in the event the periodic payments are not paid when due, the seller could foreclose and regain complete ownership of the land. Thus, the federal and local funds would have been spent with nothing to show for the expenditure. If the applicant fails to complete the purchase, the federal funds invested must be returned or another replacement site acquired. Reimbursement of costs incurred can be made as the land is purchased in installments.

A suggested alternative is to subdivide a tract into smaller parcels. The applicant may acquire full title to each parcel individually and receive reimbursement as each is acquired. This does not jeopardize the investment of public funds.

Assistance for separate parcels may need to be applied for in different grants over a period of years, depending upon the cost and timing of the acquisitions.

Condemnation

Condemnation is not allowed with the Recreational Trails Program. All land acquired with RTP monies must be acquired from a willing seller.

Land Donations

A donation of land from a private landowner can be used as part of the sponsor's entire share of the project costs, provided the donor did not acquire the land with federal funds. The donation may be used to match the federal funds for: (1) the purchase of land at the same site, (2) the development of facilities on or at the same site as the land gift, or (3) the purchase of land or construction of facilities at other sites serving a similar purpose. A letter of intent to donate the property to the applicant from the landowner must accompany the project application.

The date when title to a land gift is transferred to the applicant is critical to the eligibility of the land value for a match. The earlier section on timing for land donations should be clearly understood.

A written offer to purchase and a Statement of Just Compensation are not necessary when acquisition is by full donation. The legal act of donation itself precludes the necessity for these documents which relate only to negotiated purchases and bargain sales. However, the donor should sign a statement for donation (with or without) an appraisal (see appendix A-2, A-3).

Two appraisals for a land donation are required. To appraise a land donation, the appraiser should first be approved by the Illinois Department of Natural Resources, Office of Realty and Capital Planning, Division of Real Estate Services & Consultation.

The appraisals must be paid for by the project sponsor. Appraisals provided by landowners may not be used as the basis for federal assistance.

For the project application, one copy of each appraisal must be submitted. Since a land donation constitutes all or part of the local matching share of a project's costs, it is important that the land value be established early in advance of application to enable the applicant to take full advantage of the donated land value and at the same time prevent the project sponsor from having to provide additional local funds if the land value is later found to be less than anticipated.

Once the appraisals are approved, federal approval is obtained, and the property is transferred the donated land value will be credited towards the grantee's matching share. If the match has been met, then the development costs will be reimbursed at 100%.

Bargain Sale

In some cases, a landowner may be willing to sell real property for less than the full market value, but is not able to donate the entire value of the land. A bargain sale involves the purchase of a tract of land. The difference between the sale and the appraised fair market value is considered donated land value. For an RTP project, federal reimbursement may be provided for the purchase part of the acquisition. The fee simple donated value in a bargain sale may be used to match the purchase of the same tract, or other land purchases and facility construction, similar to lands which are 100% donated.

The appraisal requirements for full purchases also apply to bargain sales. Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, the applicant is required to offer the landowner the full appraised value of the land. When the lesser sale price is negotiated the owner must sign a *Waiver of Right to Just Compensation*. A waiver of entitlements under the Act by property owners or displaced person will be approved only in fully documented cases where the reasons for the waiver are explained. The purpose of the Act is to ensure each displaced person and property owner receives a just and equitable settlement through the purchase price and payment of relocation expenses. Few landowners would involuntarily accept an amount less than their entitlement, although in some instances landowners may be willing to accept less than the appraised value for their property. In such cases, the landowner must sign a waiver which includes the following information:

1. That the owner has been fully informed of his or her rights and benefits under P.L. 91-646.
2. That the acquiring agency has provided a written *Statement of Just Compensation* and *Offer to Purchase* for the appraised property value (state the amount).
3. That the owner is satisfied with the negotiated price, even though it is less the appraised fair market value, and/or
4. That he or she elected to waive entitlement to the relocation benefits (this would include the dollar amount by category of moving expenses, payments for replacement housing, incidental expenses, etc.).
5. A statement setting forth the reasons for accepting a lesser amount than the appraised value offered by the local agency or for waiving relocation benefits.

RELOCATION ASSISTANCE

Relocation Benefits

A resident or residential business or farm property to be acquired may be eligible for relocation assistance. This resident, who can be either a landowner or a tenant, may be reimbursed for expenses incurred in moving from the purchased property to a new dwelling. The purpose of providing relocation benefits is to enable a property resident to move to a new residence or business location without undue personal hardship.

These costs are based on maximum and minimum schedules specified in the law and Federal Highway Administration guidelines. Relocation costs are to be paid for moving expenses, replacement of business, or housing, search, closing and other costs the occupant may pay related to moving into another dwelling or relocating a business.

Landowners are also entitled to reimbursement of certain incidental expenses incurred in conveying title. These costs may be incurred even though no one was living on the property at the time of purchase.

These costs include:

1. Recording fees, transfer taxes, revenue stamps, notary fees or similar expenses.
2. Penalty costs for prepayment of pre-existing recorded mortgages as may be required to convey a clear title.
3. The pro rate portion of real property taxes which would apply to the period after the date title vests in the government or the effective date of possession by the government, whichever is earlier.

Often these costs are paid by the applicant upon acquisition of the land. Payment of these costs should be documented at the time of the billing. When an applicant determines the land proposed for purchase may involve relocation, the Office of Real Estate should be contacted for brochures, forms, and guidelines for procedures and determining costs. It is essential that landowners be informed of relocation benefits. They must also receive payment unless they voluntarily waive their benefits.

Relocation Plan

A relocation plan shall be developed for projects where land acquisition will cause displacement of persons from their dwellings, business, or farm operations. The relocation plan shall be undertaken during the planning phase of the project prior to the initiation of land acquisition negotiations for the project. Based on this plan, the project sponsor should proceed with a project only after it has been determined that within a reasonable period of time prior to displacement, decent, safe and sanitary replacement housing will be available. Then information brochures and forms for claiming costs should be distributed to the persons to be relocated.

A relocation plan needs to include:

1. The number of individuals, families, businesses, farms, and non-profit organizations to be relocated.
2. The availability of decent, safe, and sanitary replacement housing within the financial means of the individuals and families being relocated.
3. The estimated total cost of payment to displaced persons for all benefits under P.L. 9 1-646 for replacement housing; and

4. The estimated cost of administering required relocation services to displaced persons. The relocation plan may be coordinated with the Dept. of Housing and Urban Development and other agencies performing relocation in the area. Applicants may contract with a city relocation agency, such as the Community Development Department, or a private firm to handle relocation services. The plan is to be submitted with the project application. Relocation costs should be part of the cost estimates for the project. Payments to relocated persons are eligible to be reimbursed on an 80-20 basis.

Appeals

Although technical assistance is available through the IDNR, the project sponsor will be responsible for all negotiations with landowners or tenants concerning relocation benefits. These persons relocated have the right to appeal the determination of the amounts they are eligible to receive and need to be informed in writing of their right to appeal. Formal appeals may be submitted by relocated individuals to the IDNR.

Department staff will review all data concerning the calculation of relocation payments. If the person is still dissatisfied, a hearing will be scheduled with the Director of the Department of Natural Resources.

The appellant shall be given a full opportunity to be heard at the appeal hearing. After the hearing, the result may still be appealed through the judicial review of the Illinois Court System. No appeals will be heard by the Federal highway Administration.

Waiver of Relocation Benefits

As indicated in the land acquisition section on bargain sales, tenants and landowners may waive their rights to relocation benefits. In such instances a waiver must be signed.

Any land purchased by an applicant, whether or not federal assistance is involved, is subject to paying relocation benefits; however, project sponsors may decide federal land acquisition regulations are too restrictive and may decide to purchase the property with local funds and then submit a development application. A circumvention of the federal or state land acquisition procedures will jeopardize the eligibility of a future development project at this site. The federal law specifies that such a deliberate refusal to follow the proper land acquisition procedures will make all future development projects ineligible for federal assistance.

DEVELOPMENT ON LAND ACQUIRED WITH FEDERAL ASSISTANCE

Future Development Conditions

It is not necessary that the future development be carried out with federal assistance or the proposed unassisted development receives prior approvals so long as it is in accord with the purposes for which the acquisition was made. Once the land is acquired with RTP assistance, it must always be used for public trail purposes.

On land where federal funds were reimbursed on the acquisition, certain regulations for the development of facilities must be followed. All facilities must be accessible to persons with disabilities. Attachment I and III will explain other development requirements, such as state and federal permits and approvals, which need to be obtained for construction projects.

SUMMARY OF STEPS TO TAKE IN NEGOTIATING WITH LANDOWNERS

Purchases and Bargain Sales:

1. Make contact with the landowner regarding availability of the property and permission to appraise. Obtain information on the owner's and any tenant's eligibility for relocation benefits.
2. Have the land appraised according to the Uniform Appraisal Standards for Federal Land Acquisitions by a state certified general appraiser. The landowner must be given the opportunity to accompany the appraiser.
3. Submit the appraisal for approval by the Illinois Department of Natural Resources.
4. Offer to purchase the property for the approved appraised value using the *Statement of Just Compensation* and *Offer to Purchase*. Also inform the landowner and any tenants of their eligibility for relocation benefits.
5. Negotiate the selling price.
 - a. If the owner wishes to donate part of the land's value, the acquisition will be a bargain sale and the owner needs to complete the *Waiver of Right to Just Compensation*. Similarly, if a person to be relocated does not want reimbursement for relocation expenses, that person needs to sign a similar waiver for these benefits.
 - b. In cases where the sale price is negotiated higher than the appraised value IDNR will only reimburse for the approved appraised value of the property.

6. An option to purchase may be obtained once the price has been determined for a negotiated purchase.
7. Federal grant approval and a Categorical Exclusion (Attachment I) must be received by this point.
8. Obtain title insurance or an abstract opinion, and then title to the land. The project sponsor pays for the land, closing and incidental acquisition costs and relocation benefits.
9. A reimbursement request for the federal share of the acquisition costs may then be submitted to the Illinois Department of Natural Resources.

Donations

1. After the landowner offers to donate the property, obtain permission to appraise and information on the owner's and any tenant's eligibility for relocation benefits.
2. Have the land appraised according to the Uniform Appraisal Standards for Federal Land Acquisitions, with the donor being given the opportunity to accompany the appraiser.
3. Submit the appraisal for IDNR review.
4. Do not accept title prior to federal approval of grant award and completion of a Categorical Exclusion (Attachment I).
5. Obtain title insurance, the property deed, and pay for closing costs and any relocation benefits.

ACQUISITION COST ANALYSIS SCHEDULE

DIRECTIONS

List separately each parcel of land to be acquired and give all the information requested. Parcel identification numbers may be taken from a tax map or may be arbitrary numbers listed in sequence. However, they must correspond with parcel identification listed on maps or other attachments within the application. Relocation costs are the costs incurred when owners or tenants are displaced from their homes, farms, or places of business.

NOTE: Included in the total relocation cost is the actual cost of moving the tenant or owner to a new location. If relocation costs are involved in an acquisition project, contact the Illinois Department of Natural Resources prior to filling out the application, (217) 782-7490.

The RTP grants do not allow Eminent Domain procedures.

IMPORTANT

Do not purchase any land prior to approval by the Illinois Department of Natural Resources. If any written agreements are made prior to this approval, the acquisition may not be eligible for funding.

NOTE: IDNR will only cost share on the approved appraised value of the parcel of land to be acquired for your project. IDNR WILL NOT cost share on any premium value associated or paid for this property.

NOTE: All appraisals must be completed by an IDNR approved appraiser.

CHANGES IN PROJECT SCOPE

The IDNR has established a policy that generally prohibits major project scope changes in their grant programs. Occasionally circumstances arise whereby the project sponsor may request authorization to revise the scope of an approved project. Such changes are made at the sole discretion of the IDNR. All requests for project scope changes must be made in writing to the IDNR Office of Grant Management and Assistance.

All proposed grant projects are competitively scored and selected on the basis of merit. Under most circumstances grantees may not deviate from the scope of an approved project. The scope of an approved project is described in the Project Agreement and is based upon the original grant application. For these reasons, IDNR will avoid the approval of significant changes to approved projects in order to maintain the integrity of the selection process that is centered on the merit of the original proposal.

If a grantee finds it necessary to seek a change in project scope the following will be considered:

- What factors create a valid need for the proposed project change?
- Will the proposed project change solve the problem identified in the purpose and need section of the original project application to the same (or greater) extent as the original proposal?
- Is the proposed project change eligible for grant assistance under grant program guidelines/rules?
- Does the change involve a different location/site?
- Does the proposed change constitute a major or minor revision to the project as originally defined?
- Will additional environmental and State Historic Preservation Office review be required? (Additional review will usually be required when considering a new site or different type of development that was not a part of the project's original definition.)

IDNR policy also prohibits project sponsors from using unspent funds from an approved grant for another unrelated project. Unspent funds will be reallocated into future funding cycles for the respective programs so all potential applicants can compete for these funds.

Note: Grantees are strongly encouraged to discuss possible changes in project scope with the IDNR Office of Grant Management and Assistance Grant Manager prior to submitting a formal request.

SIGN REQUIREMENTS RECREATIONAL TRAILS PROGRAM

A Recreational Trail Program acknowledgement sign must be permanently placed within the project site, and should be located at a trailhead or other highly visible spot. If grant monies are used to fund the purchase of a single trail structure (for example a bridge or restroom) the sign should be placed adjacent to, or on, the structure. An acknowledgement sign is also required for acquisition, equipment, and maintenance projects. The sign may be posted at an acquisition project after the acquisition process is complete.

Recreational Trail Program acknowledgement signs are the responsibility of the project sponsor who agrees to post a grant acknowledgment sign which reads at the bare minimum:

**THIS TRAIL/FACILITY RECEIVED FUNDING ASSISTANCE
THROUGH THE FEDERALLY FUNDED RECREATIONAL TRAILS
PROGRAM ADMINISTERED BY THE ILLINOIS DEPARTMENT OF
NATURAL RESOURCES.**

APPENDIX

Certification for Development Projects	A-1
Donation with Appraisal	A-2
Buy America Guidance	A-3
Public Notice	A-4
IL Vehicle Code Definitions	A-5

Certification for Development Projects

This certification must be provided for development projects for which the land was acquired after September 2, 1971, if the acquisition procedures were not in accord with P.L. 91-646, the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act.

I, _____,
Signature of Authorized Certifying Official Applicant/Organization

hereby certify, under penalty for willful misstatement (18 U.S.C. 1001) that at the time of the acquisition and last known displacement on the project lands for which this Federal financial assistance is being sought, no planning had been initiated by this agency to obtain this financial assistance.

SIGNATURE _____

DATE _____

*"Whoever, in any matter within jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

**(Insert Local Public Agency Letterhead)
(Land Donation With Appraisal)**

RTP No. _____
Project No. _____ Parcel No. ____
Parcel Owner _____

As owner(s) of real estate for the above referenced parcel which is needed for the above referenced project and acknowledging the fact that (I) (We) have been offered \$ _____ based upon an approved appraisal of the fair market value, or market estimate, of the subject real estate as just compensation, nevertheless, desire to donate the right of way and will execute the necessary conveyance instruments to place title of said needed right of way in the City/County/Town of _____.

This offer to the (Project Sponsor Name) of _____, Illinois, is made without any coercive action of any nature.

Signature of Parcel Owner

Date

Signature of Parcel Owner

Date

Before me, a Notary Public in and for said County and State personally appeared _____,
who acknowledges the truth of the statements in the foregoing affidavit on this _____
day of, 20__.

Notary Public (Signature)

Notary Public (Printed)

My Commission expires _____

My County of Residence is _____

Recreational Trails Program Buy America Certification Guidance

FHWA's Buy America regulations, embodied in 23 CFR 635.410, "require a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The FHWA's Buy America regulations will also apply to Clan Illinois Trails Fund projects. The regulation also provides a waiver of the Buy America requirements when the application would be inconsistent with the public interest of when satisfactory quality domestic steel and iron products are not sufficiently available."

To determine the necessary certification under Buy America, please follow the steps below:

1. Does the product contain any steel or iron manufactured outside the United States? To be considered domestic, all steel and iron used and all products manufactured from steel and iron must be produced in the United States and all manufacturing processes, including application of a coating, for these materials must occur in the United States. If the product does not contain any foreign steel or iron then you may fill out a Buy America Certification form and submit it to IDNR before bidding your project or before making your equipment purchase. The Buy America process does not apply to your project. If there is ANY foreign steel or Iron in your product then you must move to step 2.
2. The buy America regulation does "not prevent a minimal use of foreign steel and iron materials, if the cost of such materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the steel and iron products as they are delivered to the project" If the minimal use clause applies to your project then please fill out the Buy America Certification form and submit it to IDNR. The Buy America process does not apply to your project. If the minimal use clause does not apply to your project then you must move to step 3.
3. FHWA policy provides for a Buy America waiver for certain manufactured products. To be eligible for the Manufactured Products waiver, the product must consist of less than 90% steel or iron content when it is delivered to the job site for installation. Please [click here](#) for the full guidance on manufactured products. If your product meets this manufactured products definition, please provide documentation of how the product is a manufactured product and submit to IDNR for approval.

If your product meets the manufactured products waiver criteria above please provide documentation of how the product is a manufactured product and submit to IDNR for approval. Information included in your documentation should include, at a minimum:

- Materials Composition of Product
- Percentage of Steel and Iron in Product by Cost
- Percentage of Steel and Iron in Product by Weight
- Manufacture Location
- National Origin of Steel and Iron Contained in Product

If your product does not meet the above criteria for the manufactured products waiver then you must move to step 4.

4. Products that have foreign steel and are not manufactured products must go through the Buy America Waiver Process. IDNR will initiate the process of obtaining a waiver from FHWA or ODOT. IDNR will request information from the project sponsor to use as part of the submission. The waiver process can take time and the project may not move forward until a waiver is completed.

Buy America Certification

Grant #: _____ Project Name: _____

Project Description: _____

The undersigned Proposer hereby certifies on behalf of itself and all contractors (at all tiers) that it will meet Buy America requirements in 23 CFR 635.410, using one of the following provisions:

 The product contains no steel or iron products manufactured outside the United States. To be considered domestic, all steel and iron used and all products manufactured from steel and iron must be produced in the United States and all manufacturing processes, including application of a coating, for these materials must occur in the United States. Coating includes all processes that protect or enhance the value of the material to which the coating is applied. The Buy America process does not apply to this project. If there is ANY foreign steel or iron in your product you may not check this box.

 The product has minimal use of steel or iron products manufactured outside the United States. The Buy America regulation does “not prevent a minimal use of foreign steel and iron materials, if the cost of such materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or \$2,500, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the steel and iron products as they are delivered to the project. If this minimal use clause applies to your project, then please provide documentation indicating that this requirement is being met. The Buy America process does not apply to your project.

 The product meets the standards for the FHWA Manufactured Products waiver. FHWA policy provides for a Buy America waiver for certain manufactured products. To be eligible for the Manufactured Products waiver, the product must consist of less than 90% steel or iron content when it is delivered to the job site for installation. Please [click here](#) for the full guidance on manufactured products. If your product meets this manufactured products definition, please provide documentation of how the product is a manufactured product and submit to IDNR for approval.

 The product has foreign steel or iron; a Buy America waiver is required. IDNR may, but is not obligated to, seek a waiver of Buy America requirements if grounds for the waiver exist. However, Proposer certifies that it will comply with the applicable Buy America requirements if a waiver of those requirements is not available or not pursued by the Department. The waiver process can take time and the project may not move forward until a waiver is completed.

A false certification is a criminal act in violation of 18 USC 1001. Should this Agreement be investigated, Proposer has the burden of proof to establish that it is in compliance.

Proposer: _____

Signature of Authorized Official: _____

Name of Authorized Official: _____

Title: _____

Date: _____

PUBLIC NOTICE

of intent to develop a Recreational Trails Program Area

COUNTY LOCATION: _____

Site Location Legal Description (see attached map also): _____

Proposed Project Description:

Name & Address of Project Sponsor:

_____, IL
(City) (State) (Zip Code)

Notice is hereby given that the above indicated individual / business / partnership / club or organization is seeking state and/or federal grant funding from the agency listed below to develop a public, off-highway motorized vehicle recreation area/trail at the above indicated location. Anyone having comments on this proposal may contact either the Project Sponsor or government agency listed below which will be considering the proposal for possible financial grant assistance.

ILLINOIS DEPT. OF NATURAL RESOURCES
Office of Grant Management and Assistance
One Natural Resources Way
Springfield, IL 62702-1271

tele: 217/782-7481
FAX: 217/782-9599
email: dnr.grants@illinois.gov

Illinois Vehicle Code Definitions

Projects allowing the use of any type of trucks or vehicles outside of the definitions of recreational vehicles according to the Illinois vehicle code on the premises continue to be excluded from eligibility for project consideration and grant funding (OHV and RTP). The use of trucks and vehicles not classified by the code often impedes OHV riding, in direct conflict with the purposes and intent of statutes and policies pertaining to OHV. This is also consistent with the statutory definition of OHV.

The IL Vehicle Code defines an **all-terrain vehicle** as any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less, traveling on 3 or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.

The IL Vehicle Code defines a **recreational off-highway vehicle** as any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers. (Source: P.A. 96-428, eff. 8-13-09.) Illinois 625ILCS 5/1-101.8, 625 ILCS 5/1-168.8

The Illinois Greenways & Trails Council approves and adopts this language, and further supports the Illinois Department of Natural Resources in all regulatory actions pertaining to all state laws and IDNR policies as they relate to the administration of the Recreational Trails Program.