

NĀ ALA HELE
Hawai'i Trail & Access System

NĀ ALA HELE ADVISORY COUNCIL
HAWAI'I ISLAND

MEETING AGENDA

Nā Ala Hele Advisory Council Members:

Riley Smith, Chairman
Terrence Noda, Vice Chairman
David Rietow, Secretary
Deborah Chang
Roger Kanealii Jr
Kawehi Ryder
Michael Varney
Jeffrey Yamauchi
Christopher Seymour
Jackson Bauer, ex-officio
Rick Gmirkin, ex-officio

DATE: November 18, 2020

PLACE: **via Zoom Video Conference:**
<https://us02web.zoom.us/j/84981831465?pwd=blh4YmFRZmxYMmNucTdzRkVHSDJhQT09>
Meeting ID: 849 8183 1465
Passcode: 193334
Call-in number option: (669) 900-9128

TIME: 6:00 P.M.

- I. Call to Order
- II. REVIEW and APPROVE MINUTES OF August 26, 2020
- III. PUBLIC TESTIMONY (Three minutes maximum)
- IV. UNFINISHED BUSINESS/COMMITTEE REPORTS

If you desire to attend the above meeting and require auxiliary aids (taped materials or sign language interpreter) please request assistance five working days prior to the meeting by writing to the Division of Forestry and Wildlife Branch at the address shown below or by calling/faxing 808-974-4221/808-974-4226.

- A. Nā Ala Hele Program update (Nā Ala Hele staff)
 - a. Program Trails updates
 - i. Kaulana Manu Nature Trail
 - ii. Upper Waiākea ATV & Dirt Bike Riding Area
 - iii. Pololū Trail
 - iv. BLNR approved NAH trails
 - 1. Kūlanihākoʻi Mountain Bike Park
 - 2. Puʻuwaʻawaʻa Cone Trail
 - 3. ʻŌhiʻa Trail
 - 4. Makāula-ʻOʻoma Trails
 - 5. Palila Forest Discovery Trail
 - v. Other program trail updates
 - b. Historic Trails updates
 - i. Makalawena-Akahipuʻu Trail
 - ii. Saddle Road Extension – Waikoloa ancient trails
 - c. Access updates
 - i. Waipiʻo Valley Road
 - d. Administrative Tasks update
 - e. Other NAH program updates
- B. Budget/Legislative Update (Nā Ala Hele staff)
- C. Ala Kahakai National Historic Trail Update (Ala Kahakai National Historic Trail staff)
- D. Information/Update: Tracking Tool (Deborah Chang)
- E. Recommendation to add existing Palila Forest Discovery Trail within the Kaʻohe Game Management Area as a Nā Ala Hele Program Trail for pedestrian uses.
- F. Recommendation to Division of Forestry and Wildlife, Wildlife Program to amend Game Management Area rules to require all users wear blaze orange.
- G. Council Member Concerns

V. NEW BUSINESS

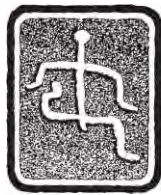
- A. New Advisory Council Member Applicants
 - a. Jeff McDevitt
 - b. Erin Stamos
- B. RTP Discussion (Terrence)
 - a. Council members roles and responsibilities; DOT Recreational Program Trail Requirements.
 - b. Budget for Trails; Recent Expenditures
 - c. Hawaii Island: OHV Expenditure (30% required)
- C. Set next meeting agenda
- D. Set next meeting date

VI. ADJOURNMENT

Enclosures:

Approved Minutes of Meeting, June 24, 2020

Chair Smith's Letter to DLNR Chair Case, DOCARE Chief Redulla, and Attorney General Connors
Advisory Council Member Application – Jeff McDevitt
Advisory Council Member Application – Erin Stamos
2019 Hawaii Island RTP Approved Budget Project List
2020 RTP Guidance Part 1
RTP Funding by state, Fiscal Years 1993 to 2018
RTP Funding by state, Fiscal Year 2018
Na Ala Hele Budget, Fiscal Year 2021; Pages 4 and 5
RTP Motorized Expenses Breakdown



NĀ ALA HELE
Hawai'i Trail & Access System

NĀ ALA HELE ADVISORY COUNCIL
HAWAI'I ISLAND

October 8, 2020

Ms. Suzanne Case, Chair
Mr. Jason Redulla, Enforcement Chief
Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawai'i 96813

Ms. Clare Connors, Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

**SUBJECT: Request for Clarification of Hunting Rules in Ka'ōhe Game Management Area,
Island of Hawai'i: TMK: (3)4-4-015:004**

Chair Case, Chief Redulla, and Attorney General Connors:

At our meeting of August 26, 2020, the Nā Ala Hele Hawai'i Island Advisory Council (NAH Council) unanimously voted to request clarification from your offices on an issue we are deliberating on, that could impact the Nā Ala Hele Trail System. This year the NAH Council has been asked to consider whether the Palila Forest Discovery Trail within the Ka'ōhe Game Management Area should be added to the Nā Ala Hele Trail Program. So far this year, the NAH Council has discussed this at our meetings of January 22, April 1, June 24 and August 26, without achieving majority consensus.

Question asked of the recipients of this letter:

One of the primary concerns raised in testimonies against this trail being included in the NAH Program, are safety and liability issues, if all users within the area are not appropriately dressed to ensure everyone's safety.

These concerns lead us to request your clarification of the following question:

- Can the Hunting Rules, including the wearing of blaze orange vests and hats, be applied to all users, including non-hunters (bird watchers, hikers, etc.) within Game Management Areas?

Background information:

Who we are:

The NAH Council provides advice and assistance in the implementation of the statewide trail and access system to the Department of Land and Natural Resources – Division of Forestry and Wildlife, per HRS §198D-9(2).

Conditions unique to the subject location:

Throughout the state, NAH Program Trails are located in areas that permit a mix of activities, including hiking, hunting, cultural practices, and much more. The Palila Forest Discovery Trail is a relatively new trail that offers outstanding opportunities for observation and photography of endemic Hawaiian birds, especially the endangered palila (*Loxioides bailleui*). The trail is located in the Ka'ōhe Game Management Area that has long been an established hunting area, and is particularly active during bird hunting season, which extends from November to the end of January. The unique conditions to bear in mind are:

- Birding is an activity that requires hidden and quiet observation. Bird hunting requires vigilance and quick response should movement be detected. Bird hunting (of appropriate “game” species) involves shooting at moving targets with little time to determine if it is safe to shoot. Bird watchers are typically hiding in dense vegetation to avoid detection by birds. These two activities are potentially conflicting.
- The bird hunter depends on the ability to identify the presence of other hunters and non-hunters through the wearing of “blaze orange hats and vests,” which is required in the hunting rules for those that are hunting and/or guiding, accompanying or assisting (HAR §13-122-12(f)(2)).
- Nā Ala Hele’s rules (HAR Title 13 Chapter 130) do not require the use of blaze orange (for all users) on Program Trails.
- There are no established statewide rules for Game Management Areas, for Nā Ala Hele to adopt.

Safety and liability concerns:

If the wearing of blaze orange cannot be legally required of trail users in the Palila Forest Discovery Trail, both hunters and birders will be exposed to high risks. Hunting accidents can result in serious injury or even death. If the State of Hawai'i fails to take necessary safety precautions and knowingly permits unsafe mixing of activities in its managed areas, liability

exposure to the State is a real consequence. Safety of the birding activity during bird hunting season must be considered as well as the hunters' liability.

Although inclusion of the Palila Forest Discovery Trail into the NAH Program could be very beneficial for the public and the environment, the inability to impose appropriate safety measures, for all users of the area, is preventing the NAH Council from recommending the addition of this trail to the System. These concerns need to be adequately clarified, before we can make a recommendation.

Your assistance in replying to this question, so that we are fully briefed on the consequences of our recommendation is greatly appreciated. At that time, we should have all the information we require in order to make a recommendation to Chair Case.

Sincerely,

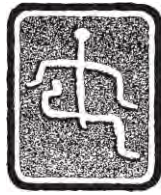
A handwritten signature in cursive script, appearing to read "Riley W. Smith".

Riley W. Smith, P.E.

Chair, Hawai'i Island Nā Ala Hele Advisory Council

Enclosures:

Minutes of 4/1/20 and 6/24/20 Council Meetings



NĀ ALA HELE
Hawai'i Trail & Access System

Nā Ala Hele Hawai'i Island Advisory Council Minutes

Approved: June 24, 2020

Revised: June 24, 2020

MEETING DATE: April 1st, 2020

PLACE: Remote Conference Call

Voting Members Present:

Riley Smith - Chairman, Terrence Noda – Vice Chairman, David Rietow – Secretary, Deborah Chang, Jeffrey Yamauchi, Christopher Seymour, Roger Kanealii Jr (Maha), Michael Varney

Voting Members Absent Excused:

Kawehi Ryder

Voting Members Absent Unexcused:

(none)

Invited Guest:

(none)

Public:

Erin Stamos, Dwayne Yoshina, Meredith Speicher, Steven Hurt, Claire Rossi de Leon

Ex-Officio:

Jackson Bauer of Nā Ala Hele, Keni Wallace of Nā Ala Hele, Rick Gmirkin of Ala Kahakai National Historic Trails

Ex-Officio Absent:

I. Call to Order 6:05PM

II. REVIEW and APPROVE MINUTES OF January 22, 2020

- A. Motion to approve by Terrence and seconded by Mike.
- B. Terrence corrected IV, A, g – it should read “November through January”. Also, he said that it’s missing the name of the individual from the bird hunting community that reviewed the trail before it was approved. Jackson did not know who that was but said that the trail went through an EA before approval back in 2016.

III. PUBLIC TESTIMONY (Three minutes maximum)

- A. Dwayne raised his concerns over the recommendation to add the Palila Forest Discovery Trail as a Nā Ala Hele trail. His concerns were over safety during the bird hunting season.
- B. Steven raised his concerns over the recommendation to add the Palila Forest Discovery Trail as a Nā Ala Hele trail. His concerns were over safety during the bird hunting season and that a

requirement be that hikers wear reflective orange vests similar to hunters. He also advised that the road be limited to 4x4 vehicles only.

IV. UNFINISHED BUSINESS/COMMITTEE REPORTS

- A. Nā Ala Hele Program update (Nā Ala Hele staff)
 - a. Program Trails updates by Jackson
 - i. Kaulana Manu Nature Trail. Construction on the parking and bathroom resumed this week and is anticipated to be completed this summer.
 - ii. Pu'u 'O'o Trail. Working on a plan to expand and flatten the trailhead parking to accommodate about 20 vehicles including an ADA compliant parking stall.
 - b. Other program trail updates by Keni
 - i. Muliwai Trail. The camping site is closed due to the covid-19.
 - ii. 'Āinapō Trail. The cabin is closed due to the covid-19.
 - iii. ATV Park and R1 off road vehicle permits have moved to an online format and those permits are good for one year.
 - iv. Kaheāwai Trail maintenance done.
 - v. Pu'u Huluhulu Trails maintenance done. Debbie asked if the "KAPU" signage was still there and Jackson replied, "no" DOCARE has them.
 - c. Historic Trails updates by Jackson
 - i. Trail to the Sea Coast (a.k.a. Kohanaiki Road). Jackson briefed the Council on the historical nature of the trail along with the current concerns of an affordable housing project slated to be built where the trail is located. He met with the archeologists, Rick with the N.P., and others. It was apparent that the trail was not being preserved in the planning of this development. The trail is owned by the State and is very much intact. The development is receiving Federal assistance so that comes with some leverage for historic and cultural protection of the trail. This is ongoing.
 - d. Access updates
 - i. Keauhou Trail. Jackson met with Perry Kealoha of KS on site. They have fulfilled all the requirements. There is just one portion of the trail that is blocked by an old crumbling rock wall. They are working with SHPD to resolve this issue before opening the trail to the public.
 - e. Administrative Tasks update by Jackson. Due to the covid-19 DLNR is urged to work as much from home as possible. We can work in the field but must drive separately. All trails remain open, as long as they accessible through an open State or County park. All State parks are closed. Portable toilets remain in place and are serviced through the contractor.
 - f. Other NAH program updates
 - i. Upper Waiākea ATV Park by Terrence. Two ATV certification courses were performed. The last wind storm did significant damage to the trails but have since been repaired. GPS of the trail; we hope to complete in this next quarter. We continue to issue day permits on site. However, yearly permits still need to be done online.
- B. Ala Kahakai National Historic Trail Update (Ala Kahakai National Historic Trail staff) by Rick. Due to the covid-19 the entire staff is working remotely. We hired two more people this week. However, they immediately went on health and safety status which means they are not able to work due to covid-19.
- C. Budget/Legislative Update by Jackson. No update
- D. Information/Update: Tracking Tool (Deborah Chang) Debbie moved to pass on the tracking tool so that we can focus on the Draft Trail Guidelines. David seconded.

- E. Recommendation to add existing Palila Forest Discovery Trail within the Ka'ōhe Game Management Area as a Nā Ala Hele Program Trail for hikers.
- a. Discussion –
- i. Jackson briefed the Council and public on the trail history and why the trail would benefit as a Nā Ala Hele Program Trail for hikers. He agreed with the 4x4 requirement (for R1). He pointed out that many of the Nā Ala Hele Program Trails are within existing hunting areas. He pointed out that the R1 road that leads to the Palila Forest Discovery Trail is already a Nā Ala Hele Program Trail. He agrees that brightly colored vests are a good recommendation but one that cannot be enforced due to the lack of rules requiring hikers to wear brightly colored clothing in hunting areas. He also briefed the Council and public on the process of bringing a trail into the Nā Ala Hele Trail Program.
 - ii. The Council members generated a list of concerns and recommendations.
 01. Can we require tour companies to wear blaze orange? Jackson said “yes”.
 02. Can we require the public to have a permit? Jackson said “no”.
 03. Can we take down the existing web site or edit it to reflect the status and rules of the Nā Ala Hele Program Trails? Jackson said “yes”.
 04. Is there a sign-in area that indicates the number of users? Jackson said there is a sign-in register at the Kilohana Check In Station, at the start of R1. Tour groups are permitted and their numbers are limited.
 05. Signage at the Palila Forest Discovery trail head should make it clear that the trail is in an active hunting area.
 06. Recommendation that we close the trail during the bird hunting season. Jackson said this would be atypical and difficult to justify. NAH Program Trails are usually open to both hunters and other user groups.
 07. Recommendation that we require only 4x4 vehicles on R1. Jackson said that the road is already a Nā Ala Hele Program Trail with the 4X4 requirement.
 08. Recommend that the public wear blaze orange like hunters are required to wear.
 09. How did the EA address safety concerns?
 - iii. Jackson reminded the Council that if the trail comes under the Nā Ala Hele Program Trail then the Council has the opportunity to make recommendations. If the trail is not a Nā Ala Hele Program Trail, then it remains relatively unmanaged.
 - iv. David made a motion to recommend addition of the existing Palila Forest Discovery Trail within the Ka'ōhe Game Management Area as a Nā Ala Hele Program Trail for hikers. After there was no “second” to the motion, he withdrew the motion.
 - v. Terrence moved to defer the vote until we can review the EA and consolidate our concerns. Debbie seconded the motion. All in favor. Jackson agreed to email the EA to the Council members prior to the next meeting.

V. NEW BUSINESS

- A. Request to approve “Revised Guidelines for the Treatment of Historical Trails” (Guidelines Revision Subcommittee, Deborah Chang) Jackson and Debbie briefed the Council on the draft.
- a. Discussion and Questions by the Council.
- i. Plant survey and plant guidelines were discussed. NAH does not have the authority to dictate specific plants but can advise in favor of and against certain plant choices. Terrence recommended including the scientific names (genus, species) of plants mentioned in the Guidelines to improve clarity.

- ii. Public access and buffers were discussed. NAH can only maintain program trails. Trail maintenance within resorts and other private properties is the responsibility of others, and we can only advise.
 - iii. Has there been any successful enforcement by State or County on violations by home owners or resorts? Debbie said that there has been some enforcement, and that it has not been that successful, with lengthy, inconsistent, and sometimes non-existent enforcement. Rick said that he has been involved in many violations where in the past the guidelines or violations were not clear. The purpose of this draft revision is to tighten up the guidelines in order to minimize misinterpretations.
 - iv. The Council discussed the 30 ft wide buffer guideline. Rick said that previous guidelines have not been successful. The 30 ft buffer was in part advised by SHPD. It's also the standard minimum buffer width around burial sites. Elsewhere in the nation some trails have buffers that are miles wide to preserve the trail experience, so 30 ft is not unreasonable.
 - v. The Council discussed both climate change and rising sea levels. Rick said that the County recognizes that coastal trails will need to migrate inward over time. It was suggested that the draft verbiage acknowledge climate change where appropriate.
 - vi. There was a mention that the photos used as examples within the guidelines seemed to favor the West side of the island and do not include East side of the island issues. More diversity in the examples would be helpful. Jeff volunteered to provide photos from the East side. Jackson said that photos can be revised without the need for a Council vote.
 - vii. In the past, builders have ignored or moved the trail without approval just to meet their wishes and in some cases the trail is now flanked with a wall on one side and steep grade on the other leaving a very narrow path to walk.
 - viii. It was suggested that in addition to the guidelines a simple checklist be added for quick review.
 - ix. It was asked who would get this document? Jackson said that the document is available on our web site. It should be used by anyone who has a historic trail on their property.
- b. Vote: Debbie moved that we approve the guidelines tonight knowing that we will continue to update it in the near future. Terrence seconded that motion. All were in favor. Motion carried.
- B. Council Member Concerns.
 - a. David. Mauna Lani 49 Black Sand Beach Access Sign Removal. Mike informed the Council that he had heard nothing back from the County on his complaint to the planning department. Riley will provide the Council members with the County link that can be used to register concerns with the County.
 - b. Debbie asked if bicycle permits are required to ride in the Bicycle Park in the Waiākea Forest Reserve. Jackson said no permit is required to ride bikes or horses in a forest reserve. He will double-check. (See Tracking Tool #34)
 - c. Mike mentioned the revision of the Ala Kahakai Trail on the website. Jackson said that all County parks are closed so access to the Ala Kahakai is restricted in certain locations right now. You can still access the trail through Puakō boat ramp, for example.
- C. Set next meeting agenda
- D. Set next meeting date. Next meeting will be Wednesday June 24th at 6:00PM in Waimea or by telecom.

VI. ADJOURNMENT. David motioned to adjourn. Terrence seconded. All were in favor. Meeting was adjourned at 8:05PM.

ADA	Americans with Disability Act.
BIISC	Big Island Invasive Species Committee
CIP	Capital Improvement Program
DHHL	Department of Hawai'ian Home Lands
DLNR	Department of Land and Natural Resources
DOCARE	Division of Conservation and Resources Enforcement
DOFAW	Department of Forestry and Wildlife
DOT	Department of Transportation
GPS	Global Positioning Satellite
HDOT	Hawaii Department of Transportation
KCRA	Kohala Coast Resort Association
KRDC	Keauhou Resort Development Corp
KSBE	Kamehameha School Bishop Estate
NAH	Na Ala Hele
NAHA	Na Ala Hele Advisory (committee)
NARS	Natural Area Reserve System
OGR	Old Government Road
PONC	Public Access, Open Space and Natural Resources Preservation Commission
ROD	Rapid Ohia Death
ROHVA	Recreational Off Highway Vehicle Association.
SHPD	State of Hawai'i Historic Preservation Division

**Na Ala Hele
Hawai'i Island Advisory Council**

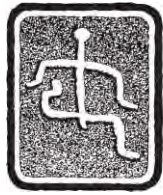
I. Public Testimony:

- a. Those providing testimony at our meetings are guests of our Council. They are not Council members. They are invited to provide testimony. However, they do not have the right to question us, participate in our meeting, nor dialogue as we discuss our agenda.
- b. Shall be limited to 3 minutes, for each person.
- c. Written copies of testimony should be provided and included in the Minutes of meeting.
- d. Oral testimony must be provided in person.
- e. Testimony for a person that is not present can be turned into the Secretary for inclusion within the Minutes. It cannot be read at the meetings, as we will not have the opportunity to question the author. Electronic submittal of testimony will be allowed if provided to DOFAW 12 calendar days prior to meeting date. Otherwise, hard copies may be distributed at meeting.
- f. If testimony is being provided on behalf of an organization, it is required that the Board of Directors of the organization or a majority of the members of the organization must have voted in favor of the testimony. If this has not occurred, then it must be considered as solely the opinion of the person providing the testimony.

II. Agendized presentations to the Council:

- a. Time allowed for presentations is 10 minutes.
- b. It is likely that the Council will ask questions after the presentation is made. This Q&A period may continue for 10 – 15 minutes, at the discretion of the Chair of the Council.

r5/22/13



NĀ ALA HELE
Hawai'i Trail & Access System

Nā Ala Hele Hawai'i Island Advisory Council Minutes

Approved: August 26th 2020

Revised: August 26th 2020

MEETING DATE: June 24th 2020

PLACE: Remote Telephone Conference Call

Voting Members Present:

Riley Smith - Chairman, Terrence Noda – Vice Chairman, David Rietow – Secretary, Deborah Chang, Jeffrey Yamauchi, Christopher Seymour, Michael Varney

Voting Members Absent Excused:

Kawehi Ryder, Roger Kanealii Jr (Maha)

Voting Members Absent Unexcused:

(none)

Invited Guest:

(none)

Public:

Beth Robinson, Brian Ley, Dwayne Yoshina, John Howerton, Nani Pogline, Nate Riedel, Stanley Mendes, Steven Hurt, Tom Lodge, Toni Whittington, Lino Kamakau of DOCARE

Ex-Officio:

Jackson of Na Ala Hele, Keni Wallace of Na Ala Hele, Rick Gmirkin of Ala Kahakai National Historic Trails

Ex-Officio Absent:

(none)

- I. Call to Order 6:07PM
- II. House rules and background by Jackson.
- III. REVIEW and APPROVE MINUTES; Terrence, Jeff.
 - A. Discussion by Terrence. Page 3, item E. Missing comment from Steve Hurt that he was consulted for this trail. Review of the meeting minutes by David suggest that Terrence is referring to public testimony (III-B).
- IV. PUBLIC TESTIMONY (Three minutes maximum)
 - A. Riley went through the written testimony (Dwayne Yoshina, Tom Lodge, Steven Hurt, Nate Riedel, and Terrence Noda).

B. Oral testimony

- a. Tony Wittington – Representing North Kohala Access Group, regarding the Pololū Valley area.
 - i. NKAG would like the opportunity to review the lookout proposals before sending it to the Land Board. Jackson agreed.
 - ii. North Kohala Community Development Plan, ordinance 151 of the County of Hawaii. The CDP recommendation to include the vehicle trail that runs Mauka to Makai alongside the 5-acre proposed parking area and the Kohala ditch trail as public trails.
 - iii. Of the 5-acre parcel proposed in the land swap for parking at the Pololū lookout only about 2 acres are usable due to the terrain.
- b. Steven Hurt – Representing the general public, regarding recommendation to add existing Palila Forest Discovery Trail within the Kaʻohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Steve read from his submitted written testimony dated June 21, 2020.
- c. Nani Pogline – Game Management Advisory Commission Chair, regarding the Recommendation to add existing Palila Forest Discovery Trail within the Kaʻohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Nani expressed concern that in the EA the Hawaii County Game Management Advisory Commission was not consulted even though the trail is in the Kaʻohe Game Management Area. It is unclear how the labeling of program trail could affect hunting in this area. Concerns are that such designation could give hiking more importance than hunting particularly when issues arise. We hope that in the planning that hunting be given a priority as we are the original stake holders in the area. We request that safety issues be addressed, safety practice and liability be imposed on hikers as they are imposed on hunters. If there is a hunting mishap, hunters should not be held liable and hunting be put in jeopardy. If the labeling as a program trail will allow for the imposition of a safety zone in further dwindling of public hunting area, we ask for fair compensation. Furthermore, if the program trail labeling allows for more funding the scale will continue to unjustly tip in favor of hiking. Access road improvements already as-is end at the Palila Discovery Trail and access for hunters beyond are left unimproved and difficult to traverse. We ask that equal attention be dedicated to the preservation of hunting opportunities in the Kaʻohe Game Management Area.
- d. Dwayne Yoshina – Regarding Recommendation to add existing Palila Forest Discovery Trail within the Kaʻohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Dwayne echoed the sentiments and opinions in testimony by Steven and Nani.
- e. Tom Lodge – Regarding Recommendation to add existing Palila Forest Discovery Trail within the Kaʻohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Blaze Orange is important. Concerns over parking in the area, mowing, and receptacles to keep it clean.

- f. Stanley Mendes – Regarding Recommendation to add existing Palila Forest Discovery Trail within the Ka’ohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Stan brought up the point that it is the hunters that pay for the management and upkeep of the area through the hunting license fee. Hikers are benefiting at the expense of hunters. He also said there are no more Palila.
 - g. Brian Ley – Regarding Recommendation to add existing Palila Forest Discovery Trail within the Ka’ohe Game Management Area as a Nā Ala Hele Program Trail for hikers. Concerns about uncontrolled weeds and fire hazard. What is the plan to deal with additional people who may be smoking? Hunters have brought up this concern for years. Since the reduction of Mouflon sheep, the invasive weeds are out of control.
- V. Riley asked for a motion to amend the meeting agenda to bring forward item IV-E (Recommendation to add existing Palila Forest Discovery Trail within the Ka’ohe Game Management Area as a Nā Ala Hele Program Trail for hikers). Terrence moved and Debbie seconded the motion. There was no opposition from the council.
- VI. Recommendation to add existing Palila Forest Discovery Trail within the Ka’ohe Game Management Area as a Nā Ala Hele Program Trail for hikers.
 - A. Discussion
 - a. Jackson briefed everyone on the trail and the reasoning for the proposal and touched on concerns.
 - i. The objective is to move the management of the existing trail from DOFAW’s Forestry Program to DOFAW’s Na Ala Hele Program (for trail management).
 - ii. The trail is in a Game Management Area (GMA) that does not reside within a Forest Reserve.
 - iii. There are no GMA rules that have ever been drafted. We can talk about this but it’s not something NAH can draft.
 - iv. The only rules that would apply would be The Game Bird Hunting and The Mammal Hunting rules as they apply to the respective activity. Hiking is not one of those activities so those rules do not apply to hiking.
 - v. The benefit of being a NAH Program Trail is that it will be actively managed, bringing better control over those using the trail.
 - vi. The EA was approved in 2016. The EA was not done by NAH. Jackson went on to better define sections of the EA that were brought up by public testimony both written and oral.
 - vii. Hunting money is not used to maintain R1. That is NAH money. Road repair and maintenance is typically done just prior to bird hunting season.
 - viii. Liability applies if there is lack of signage and warnings. NAH maintains these in the field and on our website.
 - ix. Blaze orange garment requirement is not a part of NAH rules. It is best addressed under GMA rules (which don’t exist). That said, NAH can advise it as a best practice.

- x. The trail will not be a safety zone. Many of our Program Trails are already in GMAs. None of our trails within GMAs are safety zones.
- xi. The cost of the trail is not anticipated to be a detriment to our budget. It is an already existing trail and will continue to be maintained by the existing Mauna Kea Forest Restoration Program due to their ongoing planting activity in the area.
- xii. There is quite a bit of Palila on that trail.
- b. Motion by Terrence to deny agenda item IV-E, Recommendation to add existing Palila Forest Discovery Trail within the Ka'ōhe Game Management Area as a Nā Ala Hele Program Trail for hikers. Riley seconded that motion.
 - i. Discussion by council members
 - 01. Terrence summarized his written testimony.
 - 02. David asked for clarification from Jackson on his statement that GMA do not have any rules. Jackson clarified that the area of land does not have set rules whereas the activity of hunting has rules.
 - 03. Debbie – no questions
 - 04. Mike – no questions
 - 05. Jeff – no questions
 - 06. Chris – no questions
 - 07. Terrence – The proposal is not consistent with the rules of the other activities in the area.
 - 08. Jackson responded to council members questions.
 - ii. Vote - 3 YES and 4 NO. There was not a majority in favor of the motion. Motion denied.
- c. Debbie motioned that we defer the decision on whether to recommend the existing Palila Discovery Trail for inclusion in the NAH Program Trails until we receive answers to these and other questions. Also, that if any of the council members have questions, please email questions to Jackson and cc Riley, within 2 weeks. Jeff seconded the motion. The following questions should be addressed by Jackson at our next meeting.
 - i. The blaze orange garment concern is loud and clear. It would be helpful to know how and if we could amend NAH rules to incorporate blaze orange requirement on trails that are in hunting areas.
 - ii. Is there currently and how much commercial activity is conducted on R1, R10, and the Palila Discovery Trail? Jackson said that in February there were 3 commercial tours of 7-10 people. Commercial tours using R1 are allowed to use the Palila Discovery Trail.
 - iii. Can we prohibit commercial activity in the Palila Discovery Trail? Jackson said the council can recommend anything it wants.
 - iv. Debbie questioned the validity of the data showing on average 3 sign-ins a day. She often sees more cars in the parking area than people signed in and on at least one occasion the sign in book was completely full. We need more accurate data. Jackson agreed that not everyone signs in and as Terrence pointed out it's

not in NAH's rules to require sign in. It's there in case of a brush fire, so they know who is in the area.

- v. At the Palila Discovery Trail there is no signage warning people that they are in an active hunting area. We need consistent signage. Jackson said that may be true but there is nothing he can do about that until the trail is incorporated into the NAH Program Trails.
- vi. Why is just one trail is listed when there are so many side trails? Who is making these side trails? Jackson said he agrees that it is confusing, but again there is nothing he can do about it until the trail is incorporated into the NAH Program Trails. If it were a Program Trail, he could block those side trails.
- vii. Discussion by council members. No discussion.
- viii. Vote – 7 YES, 0 NO. Motioned carried. Jackson to follow up with responses at next meeting.

VII. Riley proposed that we defer all agenda items under section IV until the next meeting due to time. There was no objection by council members. Jackson wanted to update the council on Pololū. Surety Kohala Corp is donating 5 acres for lookout parking. It's true that of that only 2 acres are usable for parking. They are also offering the valley floor. In exchange 10 parcels would be moved up to the valley rim which they would be able to sell. A portion of the CIP funds is designated for Kohala community meetings to review the plans. We acknowledge the North Kohala CDP recommends the Mauka to Makai road, and the ditch trail as public access. Surety is currently reviewing the Letter of Intent that DLNR drafted. Once we get their comments it will go to the Board for their letter of approval. That letter is important because that is needed by the County to proceed with Consolidation and Subdivision. Surety says that needs to happen by the end of the year to fall within their business model.

VIII. NEW BUSINESS

- A. Conducting future meetings by Video Conference.
 - a. Riley explained that we don't have the funding for video conferencing.
 - b. Jackson said that may change in July.
 - c. Jeff asked about Zoom. Riley had some concerns because his company does not allow Zoom on his computer. He would be able to call in but not video.
- B. Set next meeting agenda. Council is to email Jackson and Cc Riley on any agenda items. Jackson and Riley will work on the agenda.
- C. Set next meeting date. August 26th at 6:00PM. If the meeting is in person then it will be in Hilo for social distancing. Otherwise it will be teleconferenced.
- D. ADJOURNMENT. Terrence motioned to adjourn and Jeff Second. Meeting was adjourned at 8:23PM.

ADA	Americans with Disability Act.
BIISC	Big Island Invasive Species Committee
CIP	Capital Improvement Program
DHHL	Department of Hawai'ian Home Lands
DLNR	Department of Land and Natural Resources
DOCARE	Division of Conservation and Resources Enforcement
DOFAW	Department of Forestry and Wildlife
DOT	Department of Transportation
GPS	Global Positioning Satellite
GMA	Game Management Area
HDOT	Hawaii Department of Transportation
KCRA	Kohala Coast Resort Association
KRDC	Keauhou Resort Development Corp
KSBE	Kamehameha School Bishop Estate
NAH	Na Ala Hele
NAHA	Na Ala Hele Advisory (committee)
NARS	Natural Area Reserve System
OGR	Old Government Road
PONC	Public Access, Open Space and Natural Resources Preservation Commission
ROD	Rapid Ohia Death
ROHVA	Recreational Off Highway Vehicle Association.
SHPD	State of Hawai'i Historic Preservation Division

**Na Ala Hele
Hawai'i Island Advisory Council**

I. Public Testimony:

- a. Those providing testimony at our meetings are guests of our Council. They are not Council members. They are invited to provide testimony. However, they do not have the right to question us, participate in our meeting, nor dialogue as we discuss our agenda.
- b. Shall be limited to 3 minutes, for each person.
- c. Written copies of testimony should be provided and included in the Minutes of meeting.
- d. Oral testimony must be provided in person.
- e. Testimony for a person that is not present can be turned into the Secretary for inclusion within the Minutes. It cannot be read at the meetings, as we will not have the opportunity to question the author. Electronic submittal of testimony will be allowed if provided to DOFAW 12 calendar days prior to meeting date. Otherwise, hard copies may be distributed at meeting.
- f. If testimony is being provided on behalf of an organization, it is required that the Board of Directors of the organization or a majority of the members of the organization must have voted in favor of the testimony. If this has not occurred, then it must be considered as solely the opinion of the person providing the testimony.

II. Agendized presentations to the Council:

- a. Time allowed for presentations is 10 minutes.
- b. It is likely that the Council will ask questions after the presentation is made. This Q&A period may continue for 10 – 15 minutes, at the discretion of the Chair of the Council.



Department of Land and Natural Resources
Division of Forestry and Wildlife
Na Ala Hele Trail and Access Program

Date: 11/4/20

Application For Advisory Council Membership

Island: Kauai Oahu Molokai Lanai Maui Hawaii
Name: JEFF McDEVITT
Address: 75-6199 NAKUKU DR. K.K. HI 96740
Phone: Business _____ Home _____ Cellular 808-345-0935
E-mail: jeffmed65@gmail.com Fax 808-329-0031
Occupation: M.D.
Trail User Group: PATH

Why are you interested in serving as a member of the Advisory Council?

PATH's mission statement does not include development or maintenance of forest trails only roadways on Big Island. I need the support of a trails oriented entity.

What skills and/or knowledge would you contribute to the Na Ala Hele Program?

Active trail builder/maintenance crew w/ many yrs. of experience on the Kalohi Trail System in Honua Ula Forest Reserve. Since 1993.

What would you like to see the Na Ala Hele Program Accomplish?

Professional grade trail signage for above reserve, assistance in adding new trails, maintenance of MOA between DLNR & PATH designating PATH as official trail crew,



Department of Land and Natural Resources
Division of Forestry and Wildlife
Na Ala Hele Trail and Access Program

Date: 11/5/20

Application For Advisory Council Membership

Island: Kauai Oahu Molokai Lanai Maui Hawaii

Name: Erin Melina Stamos

Address: PO Box 184, Pahoa HI 96778

Phone: Business _____ Home _____ Cellular 415/902-8039

E-mail erinmelina@gmail.com Fax _____

Occupation: * please see attached *

Trail User Group: _____

Why are you interested in serving as a member of the Advisory Council?

What skills and/or knowledge would you contribute to the Na Ala Hele Program?

What would you like to see the Na Ala Hele Program Accomplish?

E. Stamos p.2

11/5/20

Application for Na Ala Hele Advisory Council Membership

Occupation: Current as of this year: stay-at-home mom; Previous: Costume Department Supervisor in the film & TV industry. I plan to return to my career in mid-2021 or once Covid restrictions allow the industry to come back to regular capacity.

Why are you interested in serving as a member of the Advisory Council?

I am a lifelong long-distance walker and care deeply about trails and access. I've spent many years working on an ongoing research and writing project about circumambulating Hawai'i Island. By seeking to discover *why* the current trails, roads, and rights-of-way encircling our island are the way they are, I've delved deeply into the history, cultural significance, geological and botanical features of these routes in order to understand the state of our modern land use. The Na Ala Hele Trails have been one of my gateways to this information, and it's been incredibly meaningful to me. I would like to give back by serving as a strong advocate for Na Ala Hele's preservation, access, acquisition and improvement efforts.

What skills and/or knowledge would you contribute to the Na Ala Hele Program?

Though I'm not an academic, I pride myself on my research abilities and know they can be put to good use on the Advisory Committee. I'm familiar with Na Ala Hele's vision documents and major trail inventory, and with some of the larger issues and conflicts that fall under its purview. The kind of soft skills I believe I can bring to this Council come from working professionally in a highly collaborative field where diplomacy and tact are crucial to creating practical workplans that satisfy colleagues in very specialized departments. I'm also interested in the kind of detail-oriented follow-up work that goes into maintaining the tracking tool for Na Ala Hele projects, and in volunteer trail maintenance and construction.

What would you like to see the Na Ala Hele Program accomplish?

It is a lifelong dream of mine to see a connected trail encircling the entire island, which I know is something of a fantasy, but has also seen some incremental progress over the last few decades. In the meantime, I'd like to see current trail maintenance and stewardship programs strengthened, as well as continued acquisition of historic trails.



Hawaii Trail and Access Road Project Description	FMIS Code/State Code	Distance
Ainapo Trail: Brushing, tree branch removal, sign installation and maintenance, helicopter support, rebuild ahus.	Non-motorized	10.2 mi.
Ala Kahakai Trail: Grading, re-construction, brushing, water diversion, sign installation and maintenance, tree branch removal, helicopter support.	Non-motorized	7.7 mi.
Doctor's Pit Trail: Grading, re-construction brushing, water diversion, sign installation and maintenance, tree branch removal.	Non-motorized	0.4 mi.
Kaulana Manu Native Bird & Plant Sanctuary: Brushing, tree removal, water diversion, hardscaping, sign installation and maintenance, reconstruction & re-route, rubbish disposal.	Non-motorized Y053:AC558	0.7 mi.
Kaumana Trail: Brushing, tree branch removal, sign installation and maintenance, rebuild ahus.	Non-motorized	3.0 mi.
Keauhou-Napoopoo Trail: sign installation and maintenance, brushing, herbicide (currently closed to public access, pending negotiations).	Non-motorized	4.0 mi.
Onomea Trails: Grading, re-construction, brushing, water diversion, sign installation and maintenance	Non-motorized	1.2 mi.
Puakea Bay Trail: Brushing, re-construction, water diversion, sign installation, helicopter support.	Non-motorized	0.5 mi.
Puna Trail: Grading, re-construction brushing, water diversion, sign installation and maintenance, tree branch removal,		



herbicide.	Non-motorized	2.5 mi.
Puu Huluhulu Trail: Grading, re-construction, brushing, water diversion, sign installation and maintenance.	Non-motorized	0.6 mi.
Humuula Trail: Grading, re-construction, brushing, water diversion, sign installation and maintenance, tree branch removal, herbicide.	Diversified nonmotorized	10.5 mi.
Muliwai Trail: Grading, re-construction, brushing, water diversion, sign installation and maintenance, herbicide, helicopter support.	Diversified nonmotorized	18.0 mi.
Pololu Trail: Grading, re-construction, brushing, water diversion, sign installation and maintenance, herbicide.	Diversified nonmotorized	1.0 mi.
Puu Oo Horse Trail: Grading, re-construction, brushing, sign installation and maintenance, rebuild ahus, helicopter support.	Diversified nonmotorized	7.4 mi.
Upper Waiakea Bike Park: Bulldozing, brushing, tree removal, water diversion, hardscaping, sign installation & maintenance, reconstruction & re-route, rubbish disposal.	Diversified nonmotorized	2,000 acres
Mauna Kea Access Road: Grading, water diversion, sign installation and maintenance.	Diversified motor/nonmotor	32.0 mi.
Mauna Loa Observatory Access Road: Grading, water diversion, brushing, sign installation and maintenance	Diversified motor/nonmotor	35.0 mi.
Puu Laau Access Road: Grading, water diversion, sign installation and maintenance.	Diversified motor/nonmotor	8.4 mi.
Mauna Kea ATV Dirt Bike Riding Area: Bulldozing, brushing, tree removal, water diversion, sign installation & maintenance, rubbish disposal.	Motorized	56 miles
Upper Waiakea ATV/Dirtbike Park: Bulldozing, brushing, tree removal, water diversion, hardscaping, sign installation & maintenance, reconstruction & re-route, rubbish disposal. <i>(\$13,259 from Maui Motor)</i>	Motorized	2,000 acres
Kaheawai Trail: Grading, re-construction, brushing, water diversion, sign installation and maintenance, herbicide.	YO54-AC586	6
Kulanihakoi Bike Park: Grading, re-construction, brushing, water diversion, sign installation and maintenance, herbicide.	YO54-AC586	9
Makaula-Ooma Trails: Grading, re-construction, brushing,		



Recreational Trails Program

Overview

Legislation

Guidance & Information

Accessibility Guidance

Financial Management

State Practices

Funding

Publications

Meetings & Events

Resources

RTP & TE Update

State RTP Contacts

Contact your [State RTP Administrator](#) to ask about policies and funding in your State.

See also: [Federal Agency Contacts](#)

FHWA RTP Contact

Christopher Douwes
Community Planner
Recreational Trails Program
Transportation Alternatives
Federal Highway Administration
FHWA HEPH-10 Rm
E74-474
1200 New Jersey Ave
SE
Washington DC 20590-0001
Phone: 202-366-5013

Recreational Trails Program Guidance (1999)

Part 1

Recreational Trails Program Purpose

The Recreational Trails Program (RTP) was authorized in the Transportation Equity Act for the 21st Century (TEA-21) in 1998. The RTP is a Federal-aid assistance program to help the States provide and maintain recreational trails for both motorized and nonmotorized recreational trail use. The program provides funds for all kinds of recreational trail uses, such as pedestrian uses (hiking, running, wheelchair use), bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. Each State develops its own procedures to solicit projects from project sponsors, and to select projects for funding, in response to recreational trail needs within the State. The RTP encourages all kinds of trail enthusiasts to work together to provide a wide variety of recreational trail opportunities.



TOP

Recreational Trails Program Major Changes Under TEA-21

- The Recreational Trails Program (RTP) replaced the National Recreational Trails Funding Program.
- The Recreational Trails Program has a total of \$270 million in contract authority funding as a Federal-aid program for the six years of TEA-21:
 - FY 1998: \$30 million;
 - FY 1999: \$40 million;
 - FY 2000 - 2003: \$50 million annually.
- The Federal administrative takedown was reduced from 3 percent to 1 1/2 percent.
- The program is subject to the overall Federal-aid highway obligation limitation.
- The Uniform Transferability provision may affect the RTP, however, in most States, the program is administered by an agency other than the DOT. The DOT may not unilaterally transfer RTP funds to highway funding categories.
- States must establish, or have established, a State Recreational Trails Advisory Committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year.
- The Federal share from the RTP is raised to 80 percent. Federal agencies may sponsor projects and provide additional Federal funds up to 95 percent, other Federal program funds may be used to provide the non-Federal share, and States may allow programmatic matching shares.
- Donations of materials, services, or new right-of-way may be provided by any project sponsor, including public agencies (except Federal agencies may not claim the value of right-of-way).
- The program is legislatively exempt from the Section 4(f) requirement.
- States are encouraged to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails.



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Recreational Trails Program Guidance - Introduction and Background

The Recreational Trails Program (RTP) is a Federal-aid assistance program to help the States provide and maintain recreational trails for both motorized and nonmotorized recreational trail use. The program provides funds for all kinds of recreational trail uses, such as pedestrian uses (hiking, running, wheelchair use), bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. Each State develops its own procedures to solicit projects from project sponsors, and to select projects for funding, in response to recreational trail needs within the State. The RTP encourages all kinds of trail enthusiasts to work together to provide a wide variety of recreational trail opportunities.

The Transportation Equity Act for the 21st Century (TEA-21) authorized the Recreational Trails Program as a Federal-aid program, and codified it in Federal statutes under section 206 of title 23, United States Code (23 U.S.C. 206). The RTP replaced the original National Recreational Trails Funding Program (also known as the Symms Act), which was authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and amended by the National Highway System (NHS) Designation Act of 1995. TEA-21 eliminated the original program from 16 U.S.C. 1261.

RTP Legislation:

§ 206. Recreational trails program

(b) Program. In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails.

The U.S. Department of Transportation, Federal Highway Administration (USDOT/FHWA) administers the RTP in consultation with staff from the Department of the Interior ([National Park Service](#) and [Bureau of Land Management](#)) and the Department of Agriculture ([U.S. Forest Service](#)). Federal land management agencies are eligible to apply to the States for RTP funds.

This program guidance incorporates legislative citations. Some legislative provisions or requirements do not need additional program guidance. Except as noted, citations refer to section 206 of title 23 United States Code (23 U.S.C. §206). Where used, the symbol § means section.

The previous program guidance dated May 7, 1996, and supplemental guidance dated January 15, 1997, remain in effect for funds allocated under ISTEA and the NHS Designation Act. This new guidance supersedes all previous program guidance for funds made available under TEA-21, including FY 1998 funds allocated prior to the enactment of TEA-21. However, see [How to Treat Funds Allocated Prior to TEA-21](#) for options to administer funds obligated prior to the enactment of TEA-21.

Many trails provide both a recreational and transportation purpose. RTP funds may be used on any trail which provides recreation. Using RTP funds on a trail project does not make the trail ineligible for other Federal highway funds if the trail also provides a transportation purpose.



TOP

Administrative and Financial Procedures

State Responsibilities

Legislation: Transportation Equity Act for the 21st Century (Pub. L. 105-178, June 9, 1998, as amended by Pub. L. 105-206).

SEC. 1103. APPORTIONMENTS.

- f. Recreational Trails Program. Section 104(h) of such title [title 23 U.S.C.] is amended to read as follows:
- g. Recreational Trails Program.
 - 3. Eligible state defined. In this section, the term eligible State means a State that meets the requirements of section 206(c).
- n. State Defined. For the purposes of apportioning funds under sections 104, 105, 144, and 206 of title 23, United States Code, the term "State" means any of the 50 States and the District of Columbia.^[1]

RTP Legislation as codified in 23 U.S.C. 206:

- c. State Responsibilities. To be eligible for apportionments under this section
 - 1. the Governor of the State shall designate the State agency or agencies that will be responsible for administering apportionments made to the State under this section; and
 - 2. the State shall establish a State recreational trail advisory committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year.

Section 206(c) lists the two major requirements for a State to be eligible to receive apportionments under the RTP. The State also must use its apportionment in accordance with the RTP and other applicable Federal legislation and regulations. If a State does not meet these requirements, it will lose eligibility and not receive an apportionment. If a State becomes ineligible but would like to regain eligibility, it must comply with the requirements listed under [State Certification to Regain Eligibility](#). Certification is required only for a State which loses eligibility.

State Agency Designation

Each State Governor designated a State agency or agencies to administer the Recreational Trails Program (RTP) under the original National Recreational Trails Fund Act. FHWA recognizes the agency previously designated by the Governor unless the Governor or the Governor's designee informs the

FHWA division office in writing that another agency has been designated. This letter should be forwarded to the FHWA Washington Headquarters program office. An Appendix lists the State agencies and contact information.

In most States, the Governor designated a State resource agency to administer this program, rather than the State Department of Transportation (DOT) which is usually responsible for FHWA programs. Therefore, decisions regarding the use of RTP funds must be made by the designated agency, and not by the State DOT (except in those States where the DOT administers the program).

The State agency responsible for the RTP must keep the State DOT informed and involved to coordinate this program with transportation programs for planning purposes, including incorporation into State and metropolitan transportation improvement programs, and to coordinate similar programs such as bicycle and pedestrian activities, transportation enhancement activities, and the scenic byways program. Likewise, if the State DOT administers the program, it should keep appropriate State resource agencies informed and involved.

In States where an agency other than the State DOT administers the RTP, the FHWA division office should work directly with the State's administering agency in the project approval process, and should have direct financial transactions with that State agency. There is no Federal requirement to include the DOT within the project approval or financial transaction processes, except for an agreement on obligation limitation available for the RTP and incorporation of RTP projects within State and metropolitan transportation improvement programs.

State Recreational Trail Advisory Committee

Establishment and Representation

Each State must have established a State Recreational Trail Advisory Committee that represents both motorized and nonmotorized recreational trail users. FHWA will continue to recognize the advisory committee (board) established by a State under the original National Recreational Trails Fund Act as long as the committee continues to meet the RTP's legislative requirements (see below). The State may determine committee membership (including voting and nonvoting members), roles, protocols and procedures, and authorities.

The committee membership must include trail users. There must be representation of off-road motorized recreational trail users, and representation of nonmotorized recreational trail users. An advisory committee consisting only of State officials, natural resource organizations, and recreational business interests would not qualify under this program.

Committee membership should represent trail uses which take place within the State. For example, snowmobile or cross-country ski representation is irrelevant in States where snow trail use is insignificant. But, if a type of trail use is significant, the State should consider representation from that user group. For example, if there is an organized user group for a type of trail use within the State, the State should consider representation from that type of trail use.

The committee membership may include representation from any kind of recreational trail uses or multiple representation from particular trail uses. There may be representation of local, State, or Federal agencies, land use or natural resource organizations, trail advocacy organizations, recreational businesses, etc.

- States are encouraged to include representation of people with disabilities.
- States with significant trail use on Federal lands are encouraged to include representation or participation from appropriate Federal agencies.
- States are encouraged to include representation or participation by youth conservation or service corps interests.
- States may wish to include representation from recognized Indian tribal governments.

Advisory committee meetings should be held in accordance with State laws and policies regarding public involvement.

Duties of the Advisory Committee

The Federal legislation lists duties for the State Recreational Trail Advisory Committee:

§206(c)(2)	Represent both motorized and nonmotorized recreational trail users. ^[2] Meet not less often than once per fiscal year.
§206(d)(3)(C) *	May waive, in whole or in part, the requirements that the State use 30 percent of its RTP funds for motorized recreation and 30 percent for nonmotorized recreation, if the committee determines and notifies the Secretary [of Transportation] that the State does not have sufficient projects to meet these requirements. ^[3]
§206(d)(4)	A State may use funds apportioned to the State to carry out this section to make grants to private organizations, municipal, county, State, and Federal government entities, and other government entities as approved by the State after considering guidance from the State recreational trail advisory committee established under subsection (c)(2), for uses consistent with this section [206].

* [This provision (§206(d)(3)(C)) was rescinded in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) effective August 10, 2005.]

Under §206(d)(4), appropriate guidance would include:

- Developing project sponsor criteria (which kinds of project sponsors may receive grants).
- Developing project eligibility criteria (which kinds of projects the State would consider for funding).
- Developing project evaluation and selection criteria.
- Providing guidance to determine compliance with the diverse trail use requirement.
- Determining appropriate State policy to determine matching share criteria.

States may assign other duties to their advisory committees, such as:

- Issue guidance to the State to meet the [environmental mitigation or benefit requirement](#) in §206(e). The committee should have performed this duty under the National Highway System Designation Act of 1995. Since the environmental mitigation or benefit requirement remains in effect, the advisory committee should be involved in assisting the State as it considers how to continue meeting this requirement.
- Recommend projects or select projects for funding.
- Discuss statewide trail management issues and offer recommendations for improvements.
- Provide a forum to discuss statewide trail user issues.
- Assist in statewide recreational trail outreach and public involvement programs.
- Assist the State in other trail policy issues.

Although the RTP legislation does not require a State to use its advisory committee to approve projects for funding, the legislation requires the State to receive guidance from the committee on how it solicits and selects trail projects for funding. This guidance would include procedures for on-the-ground trail projects and for trail education projects.

State Certification to Regain Eligibility

The following certification procedures only apply to States that lose eligibility to receive apportionments under the Recreational Trails Program (RTP).

The RTP has two major requirements for States to be eligible to receive an apportionment:

§206(c)(1)	the Governor of the State shall designate the State agency or agencies that will be responsible for administering apportionments made to the State under this section; and
§206(c)(2)	the State shall establish a State recreational trail advisory committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year.

FHWA cannot make apportionments to ineligible States. If a State is ineligible at the time apportionments are made, an apportionment will not be made to that State, and the funds will be distributed to the eligible States. If a State is ineligible to receive an apportionment in one fiscal year, it may become eligible to receive an apportionment in the next fiscal year if it certifies to FHWA that it meets the legislative requirements before the start of the next fiscal year, and FHWA finds that the State meets the requirements. FHWA established this procedure to ensure that funds go to those States which are eligible consistent with the legislation.

To regain eligibility under the RTP, a State must certify in writing to the FHWA division office that it meets certain requirements of the program as outlined below. The FHWA division office should forward the certification letter to the FHWA Headquarters program office. The deadline for a State's certification letter to be received by FHWA Headquarters to receive an apportionment in the following fiscal year is July 1 of the prior fiscal year.

The certification letter must include the following:

- Name the agency or agencies designated by the Governor to administer the Recreational Trails Program within the State.
- Certify that the State has established a State Recreational Trail Advisory Committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year. (See [State Recreational Trail Advisory Committees](#)).
- Certify that the State will conform with the 30 percent minimum requirements for motorized recreation use and nonmotorized recreation use. Exceptions:
 - DC, RI, DE, and CT are exempt from this requirement (§206(d)(3)(B)).
 - The State's Recreational Trail Advisory Committee may exempt the State from this requirement (§206(d)(3)(C)).^[4]
- Certify that the State will conform with the 40 percent minimum requirement for diverse trail use. There are no exceptions to this requirement.

- Be signed by the Governor or the official designated by the Governor to administer this program.

The State agency responsible for the RTP should provide a copy of this letter to the State DOT and other appropriate State agencies. If the State DOT manages the RTP, it should provide a copy to the State resource agency and other appropriate State agencies.

If the FHWA division finds that the State has become eligible for an apportionment, it will inform the FHWA Headquarters program office, and the State will receive an apportionment in the next fiscal year.



Funding Apportionments

Legislation from TEA-21:

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

(a) In General. The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(7) Recreational trails program. For the recreational trails program under section 206 of such title \$30,000,000 for fiscal year 1998, \$40,000,000 for fiscal year 1999, and \$50,000,000 for each of fiscal years 2000 through 2003.

RTP Legislation: 23 U.S.C. 206:

(i) Contract Authority. Funds authorized to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.

USDOT Administrative Costs

Legislation, 23 U.S.C. 104(h)

(h) Recreational Trails Program.

(1) Administrative costs. Whenever an apportionment is made of the sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct an amount, not to exceed 1 1/2 percent of the sums authorized, to cover the cost to the Secretary for administration of and research and technical assistance under the recreational trails program and for administration of the National Recreational Trails Advisory Committee. The Secretary may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

Apportionment to the States

Legislation, 23 U.S.C. 104(h)

(h) (2) Apportionment to the states. After making the deduction authorized by paragraph (1) of this subsection, the Secretary shall apportion the remainder of the sums authorized to be appropriated for expenditure on the recreational trails program for each fiscal year, among the States in the following manner:

(A) 50 percent of that amount shall be apportioned equally among eligible States.

(B) 50 percent of that amount shall be apportioned among eligible States in amounts proportionate to the degree of non-highway recreational fuel use in each of those States during the preceding year.

(3) Eligible state defined. In this section, the term eligible State means a State that meets the requirements of section 206(c).

Legislation, TEA-21 §1103(n)

(n) State Defined. For the purposes of apportioning funds under sections 104, 105, 144, and 206 of title 23, United States Code, the term State means any of the 50 States and the District of Columbia.

Apportionments and notification to the States are made on October 1 of each fiscal year (23 U.S.C. 104(e); 118(a)). If a State does not receive notification of its apportionment on October 1, it should contact its FHWA division office. Apportioned funds are available for obligation on the effective date of apportionment.

Calculation of Nonhighway Recreational Fuel Use

Part of the apportionment to each State is based on an estimate of nonhighway recreational fuel use within each State.

Only a few States collect data on non-highway recreational fuel use, and they use various methods to collect their data. FHWA contracted with the Oak Ridge National Laboratory (ORNL) to estimate the amount of nonhighway recreational fuel use in 1992. ORNL provided a report to FHWA in July 1994. However, some States raised concerns about the results of the study.

In September 1998, FHWA reopened the contract with ORNL to review the original model and consider corrections and other factors which influence nonhighway recreational fuel use. This report was completed July 1999. The results will be incorporated into future year apportionments.

This report is available on the World Wide Web at: [The Center for Transportation Analysis \(CTA\)](#) .

Obligation Limitation

The Recreational Trails Program is subject to the same annual obligation limitation as the Federal-aid highway program. The Congress determines the annual obligation limitation through authorization legislation (as in TEA-21 §1102(a)) or through annual appropriations acts.

As specified in law, the FHWA allocates obligation limitation to each State Department of Transportation as one sum. This means the State agency responsible for the RTP must negotiate with the State DOT to provide obligation authority for the RTP.

There are several options that the State DOTs may offer the State resource agencies:

- The State DOT may determine that the RTP may receive an amount of obligation limitation equal to 100 percent of its apportionment in years when the obligation limitation is less than the apportioned amounts, but limit the obligation limitation not to exceed 100 percent of the apportionment in years when the obligation limitation is greater than the apportioned amounts.
- The State DOT may determine that the RTP may receive the same pro rata amount of obligation limitation that the DOT receives for its overall Federal-aid obligation limitation.
- The State DOT may arrive at some other share of obligation limitation, depending on the ability of both the State resource agency and the DOT to use the State's full obligation limitation.

Obligation and Spending Deadlines

Under 23 U.S.C. 118(b)(2), apportioned funds are available for obligation for four fiscal years: the current fiscal year plus 3 years. For example, the deadline to obligate funds apportioned in FY 1998 is September 30, 2001. The funds are treated in a first in, first out manner; older year funds are considered obligated before newer year funds. The unobligated balance of funds will be withdrawn if the unobligated balance exceeds the sum of the apportionments issued for the current fiscal year and the three prior fiscal years. For example, on October 1, 2002, no funds will lapse as long as the unobligated balance is less than the sum of apportionments for FY 1999, 2000, 2001, and 2002; any unobligated balance in excess of that sum will lapse.

Under TEA-21, RTP funds are apportioned to the States. Unobligated apportioned funds do not need to be returned as did unobligated allocated funds prior to TEA-21. Apportioned funds are carried over by the States.

The deadline to expend funds and to receive payment of funds is September 30th of the fifth fiscal year after the period of availability for obligation (31 U.S.C. 1552). ^[5] For example, the deadline for the State to receive payment of funds apportioned in FY 1998 is September 30, 2006.

A State may establish a shorter deadline for a project sponsor to expend funds after obligation. If a project does not go forward within a reasonable amount of time, the State should deobligate the project, and reobligate the funds for a project which is ready to move forward.

Uniform Transferability

Legislation from TEA-21:

SEC. 1310. UNIFORM TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

(a) In General. Chapter 1 of title 23, United States Code, is amended by inserting after section 109 the following:

Sec. 110. Uniform transferability of Federal-aid highway funds [Note: this section is now codified as Sec. 126.]

(a) General Rule. Notwithstanding any other provision of law but subject to subsections (b) and (c), if at least 50 percent of a State's apportionment under section 104 or 144 for a fiscal year or at least 50 percent of the funds set-aside under section 133(d) from the State's apportionment section 104(b)(3) may not be transferred to any other apportionment of the State under section 104 or 144 for such fiscal year, then the State may transfer not to exceed 50 percent of such apportionment or set aside to any other apportionment of such State under section 104 or 144 for such fiscal year.

(b) Application to Certain Set-Asides. No funds may be transferred under this section that are subject to the last sentence of section 133(d)(1) or to section 104(f) or to section 133(d)(3). The maximum amount that a State may transfer under this section of the State's set-aside under section 133(d)(1) or 133(d)(2) for a fiscal year may not exceed 25 percent of (1) the amount of such set-aside, less (2) the amount of the State's set-aside under such section for fiscal year 1997.

(c) Application to Certain CMAQ Funds. The maximum amount that a State may transfer under this section of the State's apportionment under section 104(b)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such apportionment, less (2) the amount that the

State's apportionment under section 104(b)(2) for such fiscal year would have been had the program been funded at \$1,350,000,000. Any such funds apportioned under section 104(b)(2) and transferred under this section may only be obligated in geographic areas eligible for the obligation of funds apportioned under section 104(b)(2).

(b) Conforming Amendment.

The analysis for chapter 1 of such title is amended by inserting after the item relating to section 109 the following:

"110. Uniform transferability of Federal-aid highway funds".

This section allows States to transfer up to 50 percent of the apportionments in Federal-aid highway program funding categories to other Federal-aid highway program categories, with limitations on transfers from the Surface Transportation Program Safety Program, the Transportation Enhancement Activities, and the Congestion Mitigation and Air Quality Improvement Program. This provision could affect the RTP, either with transfers out, or transfers in. However, in most States, the RTP is administered by an agency other than the State DOT; therefore a DOT may not unilaterally transfer the funds to other highway programs, unless it is the sole State agency responsible for administration of the program. A transfer of funds into or out of the RTP would require concurrence of the other State agency and/or the Governor.



TOP

State Suballocations

Diverse, Motorized, and Nonmotorized Minimum Requirements

RTP Legislation: 23 U.S.C. 206:

(d) (3) Use of apportionments.

- A. In general. Except as provided in subparagraphs (B), (C), and (D), of the apportionments made to a State for a fiscal year to carry out this section
 - i. 40 percent shall be used for recreational trail or related projects that facilitate diverse recreational trail use within a recreational trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;
 2. (ii) 30 percent shall be used for uses relating to motorized recreation; and
 3. (iii) 30 percent shall be used for uses relating to nonmotorized recreation.

Requirement

The RTP legislation requires that States use 40 percent of their funds apportioned in a fiscal year for diverse recreational trail use, 30 percent for motorized recreation, and 30 percent for nonmotorized recreation. The [40-30-30 requirement](#) applies to the on-the-ground trail projects and to the educational projects, but does not apply to the State administrative costs.^[6] The [40-30-30 requirement](#) only applies to Federal funds apportioned through the RTP, not to funds from other sources.

The [40-30-30 requirement](#) affects each State's annual **apportionment**. A State does not need to meet the 40-30-30 minimums in each fiscal year's **obligations**, if some funds remain unobligated.^[7]

Overlap / Category Definitions

The diverse, motorized, and nonmotorized percentages in §206(d)(3)(A) are minimum requirements which must be met, and may be exceeded. States should not select projects in three mutually exclusive categories. A project for diverse motorized use (such as snowmobile and off-road motorcycle use) may satisfy the 40 percent diverse use requirement and the 30 percent motorized use requirement simultaneously. A project for diverse nonmotorized use (such as pedestrian and bicycle use) may satisfy the 40 percent diverse use requirement and the 30 percent nonmotorized use requirement simultaneously. States should consider diverse motorized use projects, diverse nonmotorized use projects, and projects which benefit both motorized and nonmotorized use simultaneously.

To provide more flexibility in project selection, FHWA established five categories to account for the [40-30-30 requirements](#):

1. **Nonmotorized project for a single use:** A project primarily intended to benefit only one mode of nonmotorized recreational trail use, such as pedestrian only, or equestrian only. Projects serving various pedestrian uses (such as walking, hiking, wheelchair use, running, bird-watching, nature interpretation, backpacking, etc.) constitute a single use for the purposes of this category. *Note: wheelchair use by mobility-impaired people, whether operated manually or powered, constitutes pedestrian use, not motorized trail use.* Projects serving various nonmotorized human-powered snow uses (such as skiing, snowshoeing, etc.) constitute a single use for this category.
2. **Nonmotorized diverse use project:** A project primarily intended to benefit more than one mode of nonmotorized recreational trail use such as: walking, bicycling, and skating; both pedestrian and equestrian use; or pedestrian use in summer and cross-country ski use in winter.

3. **Diverse use project including both motorized and nonmotorized uses:** A project intended to benefit both nonmotorized recreational trail use and motorized recreational trail use. This category includes projects where motorized use is permitted, but is not the predominant beneficiary. This category includes projects where motorized and nonmotorized uses are separated by season, such as equestrian use in summer and snowmobile use in winter. Other examples: a common trailhead project serving separate ATV and bicycle trails; purchasing a machine to groom both snowmobile and cross-country ski trails.
4. **Motorized single use project:** A project primarily intended to benefit only one mode of motorized recreational use, such as snowmobile trail grooming. A project may be classified in this category if the project also benefits some nonmotorized uses (it is not necessary to exclude nonmotorized uses), but the primary intent must be for the benefit of motorized use.
5. **Motorized diverse use project:** A project primarily intended to benefit more than one mode of motorized recreational use, such as: motorcycle and ATV use; or ATV use in summer and snowmobile use in winter. A project may be classified in this category if the project also benefits some nonmotorized uses (it is not necessary to exclude nonmotorized uses), but the primary intent must be for the benefit of motorized use.

Projects in categories 1 and 2 count toward the 30 percent nonmotorized use requirement. Projects in categories 2, 3, and 5 count toward the 40 percent diverse trail use requirement. Projects in categories 4 and 5 count toward the 30 percent motorized use requirement.

States can meet the [40-30-30 requirements](#) easily by selecting projects which qualify under both the motorized and diverse categories, or the nonmotorized and diverse categories, simultaneously.^[8]

Maintenance and Official Use

Use of motorized vehicles for official purposes only (emergency, enforcement, maintenance) may be permitted on otherwise nonmotorized trails at the discretion of the appropriate Federal, State, or local officials or land managers. Use of motorized vehicles on a trail for official purposes only on an otherwise nonmotorized trail does not constitute diverse recreational trail use for motorized and nonmotorized trail users. For example, a trail open only for cross-country ski or snowshoe use is still an exclusively nonmotorized trail even if it is maintained with a motorized grooming machine.

Waivers

Small State Exclusion

RTP Legislation: 23 U.S.C. 206:

(d) (3) (B) Small state exclusion. Any State with a total land area of less than 3,500,000 acres shall be exempt from the requirements of clauses (ii) and (iii) of subparagraph (A).

This provision exempts Connecticut, Delaware, the District of Columbia, and Rhode Island from the requirements that they use 30 percent of their funds for motorized use and 30 percent of their funds for nonmotorized use. It does not exempt these States from the 40 percent diverse trail use requirement or from the requirement for both motorized and nonmotorized representation on the State Recreational Trail Advisory Committees.

Advisory Committee Waiver Authority

The Advisory Committee Waiver Authority was rescinded in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) effective August 10, 2005.

No State may waive the 40 percent diverse trail use requirement. Past experience indicates that States can meet this requirement with no difficulty.

State Administrative Costs

RTP Legislation: 23 U.S.C. 206:

(d) (3) (D) State administrative costs. State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

The Diverse, Motorized, and Nonmotorized requirements do not apply to State administrative costs. See [State Administrative Costs](#).



Federal Share and Matching Share

The content on this page is the original Guidance issued in 1999, and does not incorporate changes authorized under SAFETEA-LU or MAP-21.

Updates to this section are available at:

www.fhwa.dot.gov/environment/recreational_trails/guidance/matchingfunds.cfm.

The following section applies only to RTP funds apportioned under TEA-21. For funds allocated in FY 1993, 1996, and 1997, use the Program Guidance from May 7, 1996, and the supplemental program guidance of January 15, 1997.

RTP Legislation: 23 U.S.C. 206:

(f) Federal Share.

1. In general. Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.
2. 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; and
 - 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.
3. 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; and
 - B. expended on a project that is eligible for assistance under this section.
4. Programmatic non-federal share. A State may allow adjustments to the non-Federal share of an individual project for a fiscal year under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for the fiscal year does not exceed 80 percent.
5. State administrative costs. The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).^[9]

General Federal/Matching Share

The Federal share under the Recreational Trails Program is a maximum. States may require a larger matching share, and States or project sponsors may provide a greater non-Federal share resulting in a lower Federal share.

1. Federal Share under the RTP: The Federal share through the RTP for trail projects and trail-related educational programs is limited to 80 percent. The sliding scale provision of 23 U.S.C. 120(b) does not apply to RTP projects; it only applies to the State administrative costs.
2. Federal Agency Project Sponsor: A Federal agency project sponsor may provide its own funds toward RTP projects as additional Federal share up to 95 percent of the project cost. The limitation is intended to ensure commitment to the project from State, local, or private co-sponsors.
Under this provision, a Federal agency project sponsor may provide any amount of funds, provided the total Federal share does not exceed 95 percent.^[10]
3. Funds from Federal Programs: RTP funds may be matched with funds available under other Federal funding programs, if the project also is eligible for funding under the other Federal program. Federal funds received by any project sponsor from another Federal program may be credited as if they were the non-Federal share, and may be used to match RTP project funds up to 100 percent of the project cost. However:
 - Funds from Federal agency project sponsors must be credited as additional Federal share (paragraph 2 above), not as part of the non-Federal share.
 - Other Federal program funds may require a non-Federal share. For example, a \$10,000 RTP project may use \$8,000 in RTP funds and be matched by \$2,000 in Federal Transportation Enhancement (TE) funds, but the TE funds are limited to an 80 percent Federal share, or \$1,600. The sponsor would have to provide a \$400 match from non-Federal sources.
 - Although other Federal program funds may be used to match RTP funds, this does not mean that RTP funds may be used to match other Federal program funds. For example, although Federal Transportation Enhancement (TE) funds may be used to match RTP funds, RTP funds may not be used to match TE funds.

Examples of other Federal programs which may be used to match RTP funds include:

- State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512).
- HUD Community Development Block Grants (42 U.S.C. 5301 et seq.).
- Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.).
- Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 (Pub. L. 100-692; 16 U.S.C. 461).^[11]
- Job Training Partnership Act of 1982 (29 U.S.C. 1501 et seq.).
- National and Community Service State Grant Program (42 U.S.C. 12501 et seq.).
- Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193; 42 U.S.C. 401 et seq.).
- [Land and Water Conservation Fund](#) Act of 1965 (16 U.S.C. 460 I-8).

- Federal-aid highway program funds, such as the Federal Lands Highway Program, National Scenic Byways Program, and Transportation Enhancement Activities (23 U.S.C. 101 et seq.).
- Funds made available under the Federal Emergency Management Administration.
- Federal funds made available to Indian tribes.
- Challenge Cost-Share programs of Federal land management agencies.

Federal program funds for youth conservation or service corps provide an opportunity to use qualified youth conservation or service corps for construction and maintenance of recreational trails under the RTP.

Indian tribal funds may be used as non-Federal match for the purposes of this program regardless of the source of the funds. This may include Federal lands highway funds.

4. **Programmatic Non-Federal Share:** The programmatic non-Federal share provides States with more flexibility to select projects. For example, Sponsor A and Sponsor B may each propose \$10,000 projects. Sponsor A may offer to provide \$2,500 (25 percent) of the project cost while Sponsor B may have only \$1,500 (15 percent) available. The State, at its option, may determine that the excess match from Sponsor A may account for the insufficient match from Sponsor B, and fund both projects as if both met the 20 percent match requirement. Projects using either the Federal Agency Project Sponsor provision, or the Funds from Federal Programs provision, or both, may not be included in a State's calculation of the programmatic non-Federal share.
5. **State Administrative Costs:** State administrative costs under the RTP require a State match. The State match may use the sliding scale provisions of 23 U.S.C. 120(b), which provides for a higher Federal share in States with larger shares of Federal lands.

Non-Federal Matching Share

- See [Matching Share Provisions](#) for information on allowable matching shares.
- See [Donations of Funds, Materials, Services, or New Right-of-Way](#) and [Value of Private Donations](#) for information on using donations toward the non-Federal matching share.

The non-Federal matching share is a minimum requirement.^[12] Any project sponsor may provide a larger non-Federal share.^[13] A State may choose to require a larger non-Federal matching share from project sponsors.

States may choose to provide the non-Federal share of projects from State funds, such as providing matching funds for motorized projects from a State motorized trail fund, or providing matching funds from another State trail program fund.

Each State should work with its State Recreational Trail Advisory Committee to establish policies for providing matching shares.

The content on this page is the original Guidance issued in 1999, and does not incorporate changes authorized under SAFETEA-LU.

Updates to this section are available at:

www.fhwa.dot.gov/environment/recreational_trails/guidance/matchingfunds.cfm.

Donations of Funds, Materials, Services, or New Right-of-Way

RTP Legislation: 23 U.S.C. 206: ^[14]

(h) Project Administration.

1. Credit for donations of funds, materials, services, or new right-of-way.
 - A. In general. Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).
 - B. Federal project sponsors. Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

This section provides that any project sponsor (except for Federal agencies), whether a private individual or organization, or a public agency, may donate funds, materials, services (including volunteer labor), or new right-of-way to be credited to the non-Federal share of an RTP project.

Federal project sponsors may provide funds, materials, or services as part of the Federal share, but may not provide new right-of-way.

New right-of-way means the value of land lawfully acquired for the purpose of the recreational trail project. It does not include the value of land already under owned or managed by an agency or organization. For example:

- If a town government (land trust, State park, etc.) lawfully purchases new land for the purpose of constructing a trail or trail facility or to protect a trail corridor, the value of the purchase may be credited to the non-Federal share.

However:

- The town (land trust, State park, etc.) may not use the value of land within a previously established town park (land trust, State park, etc.) as credit to the non-Federal share.
- The town may not use the value of land transferred from the control of one town agency to another as credit to the non-Federal share (such as a transfer from a town development authority to a town park authority); a transfer of control from one municipal authority to another does not constitute purchase of new right-of-way.

See also: [FHWA Order 6640.1A: FHWA Policy on Permissible Project Related Activities During the NEPA Process](#). This Order clarifies the Federal Highway Administration's (FHWA) policy regarding the permissible project-related activities that may be advanced prior to the conclusion of the National Environmental Policy Act (NEPA) process. [Added October 8, 2010]

How to Treat Funds Allocated Prior to TEA-21

Several States still have unobligated funds remaining from funds allocated in FY 1993, 1996, or 1997, prior to TEA-21.

- If a State returns unobligated Program Code 384/38B/38C funds^[15] for the annual August redistribution, it will receive them back when funds are reallocated in the next fiscal year.
- If a State has projects originally obligated in FY 1993, 1996, or 1997 which were completed under budget, retracted, or otherwise were closed out and have funds deobligated, the funds may be obligated for other projects.

However, funds **allocated** under the National Recreational Trails Funding Program in FY 1993, 1996, and 1997 still use program codes 384, 38B, and 38C. The Federal share is still 50 percent (except 38B is 100 percent). The 50 percent matching share also applies to old FY 1993 funds which originally were 100 percent (since they are 384/38B/38C funds).

If a State has funds left over from FY 93/96/97 projects, it may deobligate the leftover funds and reobligate the remaining funds for other projects. However, the Federal share remains at 50 percent.

States should try to obligate and spend all remaining 384/38B/38C funds and close those accounts.

Under TEA-21, all FY 1998 RTP funds were converted to apportioned Q94 funds, but the obligation date determined the Federal share. The new legal requirements (including allowing Federal agency sponsors to provide additional Federal share, allowing Federal program match, and programmatic match) are in effect for all FY 1998-2003 funds obligated after June 9, 1998.

For FY 1998 funds allocated under the Surface Transportation Extension Act of 1997, that were obligated prior to signing TEA-21 on June 9, 1998:

- If a project was obligated at 50 percent Federal share and has no project amendments, it stays at 50 percent.
- If a project was obligated at 50 percent Federal share and it needs more funds, use the TEA-21 provisions for the additional funds.
- If a project was obligated at 50 percent Federal share and it runs under budget or otherwise has funds deobligated: Since all FY 1998 funds are Q94 funds, the fund should be reobligated for new projects using the TEA-21 provisions.
- If a project was obligated at 50 percent Federal share, but it has not moved forward yet, a State has the option of deobligating the project and reobligating using the new rules. But, if the project already has had significant work take place, do not use this method, since the project would lose the eligibility to pay for work taking place before the new date of obligation.



TOP

Project Administration

The State agency responsible for administering the Recreational Trails Program will develop its own procedures and criteria for selecting projects. The State agency may solicit and receive applications from subgrantees, as defined in §206(d)(4), and review, rank, and select projects. The State must submit an annual program with a list of selected projects to the FHWA division office for authorization after the funds have been apportioned and obligation authority has been provided.

The program must include an estimated cost of program administration and a list of selected projects. At a minimum, the State must provide sufficient information about each project selected to allow FHWA to enter each trail project into the Fiscal Management Information System (FMIS).

Some States may wish to include all selected projects in their annual program as one Federal project for the purpose of authorization and reporting in FMIS, although sufficient detail information still is needed for individual trail projects. Other States may wish to submit groups of similar projects or individual projects for Federal authorization. The FHWA division may authorize the program and authorize the State to proceed with the selected projects. ([See the FHWA approval process](#)). If necessary, FHWA may provide partial authorizations. FHWA form 1240 may be used for project authorization. Funds will be obligated when the trails project is authorized. The authorization shall be deemed a contractual obligation of the Federal Government to reimburse the State for allowable project costs incurred. Projects may be modified by request of the State agency and authorization of the FHWA division. The FHWA division and the State may agree on procedures whereby minor modifications do not require FHWA authorization.

NOTE: Please refer to [23 CFR Part 630](#) for updated Project Agreements procedures.

All recipients and subrecipients of funds through the RTP must comply with applicable Federal laws, regulations, and Executive Orders. States will document compliance for all projects under the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and other applicable laws (such as laws regarding threatened and endangered species, hazardous wastes and contaminated properties, historic and archaeological resources, etc.). Monitoring and reporting for RTP grants shall be in accordance with USDOT grant regulations found in [49 CFR 18.40](#).

Once funds have been obligated, States should ensure that project sponsors proceed with project implementation and expend the funds within a reasonable time frame. The deadline to expend funds and to receive payment of funds is September 30th of the fifth fiscal year after the period of availability for obligation (31 U.S.C. 1552, [see Obligation Limitation](#)). For example, the deadline for payment of funds apportioned in FY 1998 is September 30, 2006.

A State may establish a shorter deadline for a project sponsor to expend funds after obligation. Good cash management procedures generally result in minimal time between obligation and proceeding with the project. If a project sponsor is unable to proceed with an authorized project within a reasonable amount of time, the State should deobligate those funds and submit another eligible project for authorization which is ready to move forward.

Grant Management

The FHWA has determined that the Recreational Trails Program apportionments to States will be awarded and administered in accordance with the provisions in [49 CFR part 18](#), the USDOT's regulation that implements the government-wide Common Rule for grants and cooperative agreements to State and local governments. The highway regulations in 23 CFR are not appropriate for the RTP because:

- RTP projects do not involve highway construction ([23 CFR 1.1](#)).
- In most States, the State DOT is not the agency responsible for RTP administration.
- Most RTP projects involve relatively small amounts of funds; procedures reasonable for highway construction projects are too burdensome on small project sponsors.

States are to follow State law and procedures when awarding and administering RTP subgrants to local and Indian tribal governments in accordance with [49 CFR 18.37](#). Subawards by a State to institutions of higher education, hospitals, and nonprofit organizations are to be awarded and administered by the State in accordance with [49 CFR part 19](#), the USDOT's regulation that implements the government-wide common rule for grants and cooperative agreements to institutions of higher education, hospitals, and nonprofit organizations. The USDOT regulations are available on the World Wide Web at: <https://www.fhwa.dot.gov/resources/legisregs/index.cfm>.

Eligible Subgrantees

The RTP is intended to be a program through which States provide grants to trail project sponsors through an open competition process based on the merit of project proposals.

States may make subgrants and direct payments to any project sponsor, whether a public agency or a private organization. (See [Who May Sponsor a Project](#).) However, States may have more restrictive qualifications:

- Some States, by their own State policy or regulation, restrict subgrants to public agencies and do not provide grants to private organizations.
- Some States restrict grants to public agencies and private nonprofit organizations.

OMB Circulars

The U.S. Office of Management and Budget (OMB) establishes the regulations which must be used to administer Federal grants. The USDOT's regulation in [49 CFR 18.22](#) refers to applicable OMB circulars to determine allowable costs.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for the RTP is 20.219. See www.cfda.gov.

Allowable Costs

Note: Revised April 28, 2011, to replace references to OMB Circulars that have been codified in Chapter 2 of the Code of Federal Regulations ([2 CFR](#)).

The U.S. Office of Management and Budget (OMB) establishes the regulations which must be used to administer Federal grants. The USDOT's regulation in [49 CFR 18.22](#) refers to applicable OMB circulars to determine allowable costs. The OMB circulars have been codified in [Title 2 Grants and Agreements](#).

For the costs of a	Use the principles in
State, Local or Indian Tribal Governments	2 CFR 225
Private, nonprofit organization other than an (1) institution of higher education, (2) hospital, or (3) organization named in 2 CFR 230 as not subject to that circular.	2 CFR 230
Educational institutions.	2 CFR 220
For-profit organization other than a hospital and an organization named in 2 CFR 230 as not subject to that circular.	48 CFR Part 31 . Contract Cost Principles and Procedures, or uniform cost accounting standards that comply with cost principles acceptable to the Federal agency.

Audit requirements for grants and subgrants are found in [49 CFR 18.26](#) and [49 CFR 19.26](#), which refer to OMB Circular A-133: *Audits of States, Local Governments, and Non-Profit Organizations*.

In general, costs are allowable, as specified in the appropriate cost principles, if the costs are necessary, reasonable, and benefit this grant program. Examples of unallowable costs are those for purposes not related to this program.

[2 CFR 225](#) has the Cost Principles for State, Local, and Indian Tribal Governments.

- [Appendix A](#) covers *General Principles for Determining Allowable Costs*.
- [Appendix B](#) covers *Selected Items of Cost*. Among the selected items is Compensation for personnel services. Generally, reasonable personnel services related to a project are allowable.
- [Appendix C](#) covers *State/Local-Wide Central Service Cost Allocation Plans*.
- [Appendix D](#) covers *Public Assistance Cost Allocation Plans*.
- [Appendix E](#) covers *State and Local Indirect Cost Rate Proposals*.

See also [FHWA's Policy on Indirect Costs](#).

NOTE: The USDOT regulation at [49 CFR 18.22](#) refers to OMB Circulars for cost principles. These circulars have been codified in [2 CFR](#).

- [2 CFR 220](#) replaced OMB Circular A-21.
- [2 CFR 225](#) replaced OMB Circular A-87.
- [2 CFR 230](#) replaced OMB Circular A-122.

Audit Requirements

Audit requirements for RTP grants and subgrants are found in [49 CFR 18.26](#), which refers to OMB Circular A-133: *Audits of States, Local Governments, and Non-Profit Organizations*.

Public Employee Costs

To verify allowable costs for State and local government employees, see OMB Circular A-87, Attachment B, item 11. Public labor is not volunteer or a donation. If a public employee is paid for time on a project, then the labor would be counted as part of the project cost (provided the labor is an appropriate allowable cost under OMB Circular A-87). It is not an in-kind donation since money is paid to the employee. ^[16] However, the dollar value of the employee's time may be counted toward the project sponsor's matching funds. For Federal agency sponsors, the value of a Federal employee's time may be counted toward the Federal agency's share.

Value of Private Donations

To verify how to value donated services by private people to a governmental unit, see OMB Circular A-87, Attachment B, item 11(i). To verify how to value donated services by private people to a private project sponsor, see OMB Circular A-122, Attachment B, item 12.

Payment

Several methods of payment are permissible under [49 CFR 18.21](#). Section 18.21(b) specifies that, *Methods and procedures for payment shall minimize the time elapsing between the transfer of funds and disbursement by the grantee or subgrantee.* . . . Because most trail projects will consist of some form of construction, and may have substantial delay between project obligation and actual disbursement, the

preferred method of payment for the RTP will be reimbursement as provided in §18.21(d). However, since many of the project sponsors may not have sufficient working capital, the FHWA, at a State's request, may authorize working capital advances as provided in §18.21(e). There also may be situations where full advances may be authorized as provided in §18.21(c).

Reimbursement to the State will be for the Federal share of allowable costs incurred on project-related activities. Applicable cost principles are listed in [49 CFR 18.22](#). After FHWA authorizes the State's project(s) and the funds have been obligated, the State agency may submit reimbursement vouchers to FHWA as costs are incurred for portions of project work completed under the RTP. States should bill for reimbursement using the PR-20 Current Billing System. Construction engineering costs (including allowable costs for environmental evaluation and documentation, permits, or approvals) may be reimbursed. However, reimbursement will not be permitted for costs incurred prior to the date of program authorization by FHWA.

Advances and Working Capital Advances

Advances and Working Capital Advances are permitted under the RTP on a case-by-case basis when the reimbursement method would be too burdensome on a project sponsor.

Under the Cash Management Improvement Act (31 U.S.C. 205), an advance made to a State before the State actually disburses the funds requires the State to pay interest on the advanced funds. This process is governed by an agreement between the State and the U.S. Treasury. However, a State may advance funds to a non-State project sponsor, then submit a voucher to FHWA for reimbursement, and not incur interest payments.

The Working Capital Advance method may be used if a project sponsor needs sufficient working capital to initiate a project. For example, a project sponsor may need initial funds to purchase materials. The State may advance a portion of the funds to the project sponsor. The sponsor must submit vouchers to the State for payment as the project progresses.

The full Advance method may be used if a project sponsor needs the full advance to complete the project. For example, a project may consist of purchasing trail construction or maintenance equipment (such as a snow trail grooming machine). The State may provide the full advance to the project sponsor. Then the project sponsor will be able to purchase the equipment. After the State provides the advance to the project sponsor, the State may submit a voucher to FHWA for reimbursement.

Matching Share Provisions

See [RTP Federal Share and Matching Requirements](#) Updated December 21, 2005.

User Fees

Nothing in the RTP legislation prohibits project sponsors from charging fees for use. States and project sponsors may negotiate appropriate fees that a project sponsor may charge for use within a recreation area. [49 CFR 18.25](#) states:

- (a) General. Grantees are encouraged to earn income to defray program costs. Program income includes income from fees for services performed, from the use or rental of real or personal property acquired with grant funds.
- (g)(3) allows program income to count toward the match.
- (h) Income after the award period. There are no Federal requirements governing the disposition of program income earned after the end of the award period.
- The basis for charging user fees should be determined and specified in the project agreement between the State and the subgrantee. The income should be used to support the project or other projects eligible for assistance under the RTP.

States and project sponsors should consider:

- The facility must be open to the public, not only club members or municipal residents.
- The fee must be reasonable which would be determined in negotiation between the State and the project sponsor. The State Recreational Trail Advisory Committee would be a useful forum to discuss this issue. The fee should not be set so high as to restrict general public access.
- It may be appropriate for club members to receive a discount, since a portion of their membership may be counted toward use of the area, but the price differential should not be set so high as to restrict general public access.
- Charging a fee to use a recreation area may eliminate landowner liability protection offered under State Recreational Use Statutes.

Real Property and Equipment

Management of real property is regulated under [49 CFR 18.31](#) and [49 CFR 19.32](#), and management of equipment is regulated under [49 CFR 18.32](#) and [49 CFR 19.34](#).

The Federal Emergency Management Agency (FEMA) publishes a [Schedule of Equipment Rates](#) for many types of equipment. States may consider these costs to be reasonable costs. [Paragraph added

January 6, 2010.]

Section 1303 of TEA-21 modified 23 U.S.C. 156 regarding proceeds from the sale or lease of real property: *A State shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewal... of real property acquired...* If a State purchases property with RTP funds and sells or leases the property to a private organization, it must charge fair market value. Likewise, if a private organization purchases property with RTP funds and then sells or leases the property to a unit of government or another private party, it must charge fair market value. The basis for selling or leasing the property should be determined and specified in the project agreement.

Disposition of real property is regulated under [49 CFR 18.31\(c\)](#) and [49 CFR 19.32\(c\)](#). States should ensure that each project agreement establishes a minimum timeframe for property to remain open for public access for the use for which the funds were intended. [See Minimum Timeframe for Public Use.](#)

Disposition of equipment is regulated under [49 CFR 18.32\(e\)](#) and [49 CFR 19.34](#). States should ensure that each project agreement for equipment purchase or lease establishes sufficient controls for the equipment to be used for the purpose for which it was intended.

Procurement

See FHWA's Guidance: [Procurement of Federal-aid Construction Projects](#) (June 26, 2008).

Procurement is regulated under [49 CFR 18.36\(a\)](#): *States. When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations.*

Local government subgrantees of States will follow procurement procedures specified by the State. The provisions of [49 CFR 18.36\(b\)](#) through (i) are not applicable to States or subgrantees of States. The requirement of [49 CFR 18.36\(j\)](#) regarding competitive bids does not apply to RTP projects because they are not highway construction. States will follow [49 CFR 18.37](#), which governs subgrants by a State to local and Indian tribal governments. Subgrantees of States that are institutions of higher education, hospitals, or nonprofit organizations are to follow the procurement procedures in [49 CFR 19.40](#) et seq.

Compliance

Legislation, 23 U.S.C. 206(d)(4)

(d) (4) Grants.

(A) In general. A State may use funds apportioned to the State to carry out this section to make grants to private organizations, municipal, county, State, and Federal government entities, and other government entities as approved by the State after considering guidance from the State recreational trail advisory committee established under subsection (c)(2), for uses consistent with this section.

(B) Compliance. A State that makes grants under subparagraph (A) shall establish measures to verify that recipients of the grants comply with the conditions of the program for the use of grant funds.



TOP

Projects Completed Under Budget

If a project sponsor completes a project under budget, the remaining unspent funds must be deobligated. The deobligated funds may be reobligated for another RTP project, provided the State continues to meet the [40-30-30 requirements](#). If several projects are completed under budget, the remaining funds may be combined and reobligated for other eligible RTP projects, provided the State continues to meet the [40-30-30 requirements](#).



TOP

Minimum and Maximum Grant Amounts

The RTP legislation does not establish minimum or maximum grant amounts. A State may establish its own minimum or maximum grant amounts.

- Some States established minimum grant amounts to reduce the per-project administrative burden. However, the State should consider provisions to waive this requirement for projects with a final cost less than the minimum grant amount.
- Some States established maximum grant amounts to allow various project sponsors around the State to obtain funds. However, the State should consider provisions to waive this requirement for special circumstances. For example, a project to acquire land may require an amount greater than the maximum, otherwise the land may be lost to some other kind of development.



TOP

Grant Management Questions and Answers

Q: A question has arisen first whether mileage to the project site is reimbursable for volunteers donating their time. This has led to a larger question whether donated or volunteer services are reimbursable for other than the non-Federal match.

A: The legislation states that the value of *donated* funds, materials, and services may be used as part of the match. If there is reimbursement, there is no donation. OMB Circular A-87 Attachment (B)11(i)(1) prohibits reimbursement for donated services. This would apply to mileage incurred by a volunteer traveling from home or office to a project site, or mileage incurred by a volunteer traveling between individual sites which are part of an overall project. Once there is reimbursement, there is no donation; it becomes a project cost. The value of mileage may be counted toward the donation. However, this must be included in the project work plan, and there must be sufficient record-keeping.

Q: If the State makes a grant to another State agency, may the State deduct a percentage share for State administrative overhead?

A: A State making a grant to another State agency (such as to a State university) may not deduct a percentage share for general State administration unrelated to the administration of the RTP.



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FHWA Approval (Revised May 2, 2014, to remove obsolete waiver and program code information.)

The FHWA division office may approve a State's projects for a fiscal year only if:

- The State's Recreational Trails Advisory Committee has met at least once within the Federal fiscal year.
- The State agency responsible for the RTP has submitted the list of selected projects to the State DOT for incorporation within the State Transportation Improvement Program (STIP), and to applicable Metropolitan Planning Organizations (MPOs) for incorporation within the metropolitan TIPs. See [Planning Requirements](#).
- The State's projects either:
 1. satisfy the [40-30-30 requirements](#), or
 2. the State has set aside, for future obligation, the amount of funds necessary to meet the 40-30-30 requirements.
- If the State is using funds for administrative costs, the State's administrative costs are related to the administration of the RTP. The funds must be obligated under the correct Program Code in FHWA's Fiscal Management Information System (FMIS).
- If the State is using funds for educational projects, the funds must be obligated under the correct Program Code in FMIS.

Upon FHWA approval of the RTP projects, the State may advance the RTP projects for implementation, subject to subsequent incorporation into the STIP.^[18] Costs incurred prior to FHWA approval are not eligible for reimbursement.

In States where an agency other than the State DOT administers the RTP, the FHWA division office will have a direct approval relationship with that State agency. There is no requirement to include the State DOT within the project approval process, except for submittal of the list of projects for incorporation within the STIP and applicable TIPs, and for coordination purposes.

FHWA division offices should forward a list of approved projects to the FHWA Headquarters program office for information purposes. This information should include each project location, including the Congressional district(s), project amount, and trail uses.

Fiscal Management Information System (FMIS) Coding

The following program codes have been assigned for the Recreational Trails Program in FHWA's Fiscal Management Information System (FMIS):

- Q94 General trail related projects (permissible uses A, B, C, D, or E).
- QR1 State administrative costs (permissible use F).
- QR2 Educational projects (permissible use G).

For further details, see the [Memorandum from the Office of Fiscal Services](#).

FHWA enters initial apportionments into FMIS under Program Code Q94. However, there is no need to transfer funds among codes. Obligations under QR1 and QR2 automatically draw down from Q94, and are capped at their maximum amounts (7 percent and 5 percent, respectively).

FMIS Work Type Codes

The Work Type Codes in FMIS allow States to account for the overlap between the diverse recreational trail use, motorized use, and nonmotorized use categories. The codes below are the only work type codes which may be used for the Recreational Trails Program. Each trail project must be coded with the correct Work Type Code. Coding accuracy is necessary to monitor the program.

Code Type of Project

- Y210 State Administrative funds (*Program Code QR1 only*).

For projects using Program Codes Q94 (project funds) or QR2 (educational funds):

- Y047 Independent bicycle and pedestrian project (may also include in-line skate use).
- Y051 Independent pedestrian project.
- Y052 Independent bicycle project.
- Y053* Nonmotorized project for a single use.
- Y054* Nonmotorized diverse use trail project (such as both pedestrian and equestrian use).
- Y055* Diverse trail use project for both motorized and nonmotorized use (such as equestrian use in summer and snowmobile use in winter, or a common trailhead project serving separate ATV and bicycle trails).
- Y056* Motorized single use project (such as snowmobile trail grooming).
- Y057* Motorized diverse use project (such as light truck, motorcycle, and ATV use).

** These codes are exclusive to the Recreational Trails Program.*

- Projects coded as Y047, Y051, Y052, Y053, and Y054 count toward the 30 percent nonmotorized minimum. Use of wheelchairs by mobility-impaired people, whether operated manually or powered, constitutes pedestrian use, not motorized trail use.
- Projects in Y056 and Y057 count toward the 30 percent motorized minimum.
- Projects in categories Y047, Y054, Y055, and Y057 count toward the 40 percent diverse trail use minimum.



Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject: Recreational Trails Program Guidance (1999)

From:
Chief, Finance Division
Attn. of: HFS-22



Date: October 1, 1998

[Go to
Part 2](#)

Reply to: HEPH-30

To:
Associate Administrators
Staff Office Directors
Director, ITS Joint Program Office
Federal Lands Highway Program
Administrator
Regional Administrators
Division Administrators

This memorandum supersedes my September 30, 1998 memorandum on this subject. The program descriptions are amended and Program Code R94's use has been clarified.

The following FHWA Program Codes have been assigned to identify and account for funds for the Recreational Trails Program in Section 1112 of the Transportation Equity Act for the 21st Century (TEA-21) (P.L. 105-178). The funds are available for Fiscal Year plus 3. The following Program Codes are assigned to identify and account for these allocations:

Program Code	Treasury Symbol	Description	DAFIS Accounting Classification String
QR1	69X8083 HTF	Recreational Trails Program	XR94 -050-60-0-QR1050

		State Administrative Expenses, (up to 7%), (FMIS Only) Sec. 1112(c), P.L. 105-178. Available FY + 3 Years.	
QR2	69X8083 HTF	Recreational Trails Program Environmental Protection and Safety Education (FMIS Only) Limited Amount - up to 5%. Sec. 1112(e), P.L. 105-178. Available FY + 3 Years.	XR94-050-60-0-QR2050
Q94	69X8083 HTF	Recreational Trails Program Sec. 1112, Subject to Limitation, P.L. 105-178. Available FY + 3 Years.	XR94-050-60-0-Q94050

Obligations for Program Codes QR1, QR2, and Q94 shall be entered through the Fiscal Management Information System (FMIS).

Program Treasury DAFIS Accounting

Program Code	Treasury Symbol	Description	DAFIS Accounting Classification String
R94	69X8083 HTF	Recreational Trails Program 1-1/2% Administrative Takedown. Sec. 1103(f), P.L. 105-178. Available FY + 3 Years.	XR94-010-60-0-R94010

Obligations for Program Code R94 shall be entered through the Departmental Accounting and Information System (DAFIS). This is an administrative takedown code that is only for FHWA headquarters use.

The Accounting Policy and Procedures Handbook, FHWA Order H 2700.2 will be revised to include the new codes. Questions regarding these codes may be directed to Denise Rafati at 202-366-2867.

/s/ original signed by
A. Thomas Park

- General Funds = \$1,871,488 Salaries Total = \$1,698,174 Unfortunately State declared a 10% restriction of General Funds leaving the program in the red
- Special Funds (Liquid Fuels Tax) = Up to \$250,000. This money in the past was thought to be operation funds, but it has always been allocated to statewide NAH positions. MOF Changes freed up a majority of this fund for program operations. Two positions remain on this funding source.
- CTTA Revenues = Approximately \$35,000/year. This revenue will go directly back into the program and respected island that the commercial activity took place on. CTTA has been restricted since the COVID crisis.
- FY21 RTP Fund = \$848,450
- De-obligating and Re-obligating older RTP project funds = \$1,117,969 “rollover funds”
- HTA Funds = \$530,000
- Possible KUPU Interns (sizeable crews similar to the CCC's)

FY21 Operation Total After Salaries and Re-class

S-262 FY 2021 Federal Breakdown By Counties									FY 2021 Grant Total:
									\$ 848,450.00
				QR2 AC:563	YO56 AC:587	YO53 AC:558	YO54,55,57 AC:586		
				5% Ed (Has to be 30/30/40 Breakdown)	30% Motor	30% NonMotor	40% Diversified		
Cost Centers		RTP Totals						2021 Total - \$250,000 - \$75,000 reclass = \$523,450	
Admin. (0410)	4.00%	20,938		1,047	6,281	6,281	8,375		
Hawaii (0430)	24.00%	125,628		6,281	37,688	37,688	50,251		
Oahu (0420)	24.00%	125,628		6,281	37,688	37,688	50,251		
Maui (0440)	24.00%	125,628		6,281	37,688	37,688	50,251		
Kauai (0470)	24.00%	125,628		6,281	37,688	37,688	50,251		
				26,173	157,035	157,035	209,380		
ALLOCATED TOTALS	100.00%	\$ 523,450.00		\$ 26,172.50	\$ 157,035.00	\$ 157,035.00	\$ 209,380.00		
									For Trail Budget Breakdown, use \$848,450
									848,450- 250K (Salaries) - 75K (reclass) = 523,450

Table 2: Number of projects per State for FY 2018

Table 2 shows RTP funds apportioned to each State for the most recent year of the program. The funding is based on the amount each State received in FY 2009. In that year, half of the funds were distributed equally among all States, and half were distributed in proportion to the estimated amount of off-road recreational fuel use in each State: fuel used for off-road recreation by snowmobiles, ATVs, off-road motorcycles, and off-road light trucks.

This table also shows obligations by State. Obligations are the Federal government's legal commitment to pay or reimburse the States or other entities for the Federal share of a project's eligible costs.

State	# 2018 Projects	FY 2018 Apportionment	FY 2018 Obligation
Alabama	7	\$1,732,289	\$1,641,681
Alaska	26	\$1,512,643	\$1,279,965
Arizona	27	\$1,915,514	\$1,551,663
Arkansas	15	\$1,479,029	\$1,517,451
California	1	\$5,698,627	\$1,232,608
Colorado	16	\$1,575,735	\$1,862,492
Connecticut(1)	0	0	0
Delaware	1	\$896,623	\$1,146,573
District of Columbia (4)	1	\$816,847	\$378,332
Florida	22	\$2,576,507	\$1,803,554
Georgia	19	\$1,722,736	\$2,700,181
Hawaii	122	\$950,859	\$950,859
Idaho	44	\$1,693,454	\$1,740,359
Illinois	20	\$1,510,044	\$1,504,285
Indiana	9	\$1,189,692	\$1,360,439
Iowa	10	\$1,361,069	\$895,233
Kansas	14	\$1,370,407	\$1,160,000
Kentucky	20	\$1,410,151	\$1,222,209
Louisiana	15	\$1,502,467	\$1,765,319
Maine	27	\$1,428,314	\$864,338
Maryland	16	\$1,112,384	\$306,822
Massachusetts	75	\$1,174,862	\$2,519,509
Michigan (2,3,4)	0	\$2,825,415	\$2,803,369
Minnesota	34	\$2,391,888	\$111,000
Mississippi	17	\$1,348,305	\$1,385,249
Missouri	9	\$1,646,765	\$1,521,835
Montana	50	\$1,590,638	\$1,478,169
Nebraska	5	\$1,205,213	\$1,010,014
Nevada	22	\$1,344,370	\$843,561
New Hampshire	25	\$1,255,265	\$1,250,000
New Jersey (2,3,4,5)	0	\$ 1,214,489	-\$356,423
New Mexico	9	\$1,415,533	\$991,878
New York	4	\$2,182,510	\$2,301,306
North Carolina	31	\$1,597,424	\$1,004,032
North Dakota	10	\$1,120,562	\$851,515
Ohio	14	\$1,655,132	\$1,245,845
Oklahoma	9	\$1,769,212	\$1,547,045
Oregon (2,3)	0	\$1,594,051	\$2,458,434
Pennsylvania	12	\$1,971,353	\$2,652,190
Rhode Island	1	\$856,384	\$1,492,653
South Carolina	12	\$1,199,108	\$872,616
South Dakota	12	\$1,125,821	\$963,674
Tennessee	14	\$1,624,207	\$2,372,272
Texas	19	\$3,954,874	\$4,751,233
Utah	32	\$1,546,233	\$1,437,997
Vermont	51	\$1,017,730	\$864,430
Virginia	3	\$1,511,889	\$1,310,671
Washington	17	\$1,867,407	\$1,729,333
West Virginia	16	\$1,297,964	\$1,123,554
Wisconsin	41	\$2,146,076	\$1,853,349
Wyoming	22	\$1,459,731	\$1,304,741

Total to States	994	\$82,365,802	\$72,579,414
2018 Obligation Rate			88.12%

1. State's Governor opted out of the RTP: CT
2. State has not yet provided funding and match information for FY 2018 projects: MI, NJ, OR
3. State did not obligate funds in FY 2018: MI, NJ, OR
4. State has not provided funding and match information for FY 2017 or a prior year(s): DC, MI, NJ
5. Negative amount represents deobligated funds

Source: Federal Highway Administration Office of Planning, Environment, and Realty

https://www.fhwa.dot.gov/environment/recreational_trails/funding/apportionments_obligations/recfunds_2018.cfm

Table 3: Funding by State, FY 1993-2018

Table 3 shows the number of projects funded plus the amount of funding by State for Federal FY 1993-2018.

This table shows the total RTP funds obligated by each State during the period. In addition, the "Total Other Funding" column shows how much additional match was provided by project sponsors. Note that the matching funds are generally higher than the 20 percent minimum required by RTP. In 9 States the match is higher than the total RTP funds apportioned.

Since 1993, more than \$1.3 billion in RTP funds generated nearly \$971 million in other funds, resulting in a total of over \$2.27 billion for trails: 57 percent from Federal funds and 43 percent from other sources.

State	1993-2018 Projects	Total RTP Funding	Total Other Funding
Alabama	366	\$29,532,434	\$9,753,756
Alaska	481	\$16,735,231	\$5,271,411
Arizona	279	\$22,808,685	\$5,933,478
Arkansas	361	\$14,568,213	\$9,041,604
California	408	\$64,036,361	\$40,722,574
Colorado	434	\$17,121,474	\$24,516,929
Connecticut (1)	369	\$19,178,479	\$11,921,480
Delaware	152	\$11,225,196	\$6,273,502
District of Columbia (4)	36	\$7,876,842	\$1,811,722
Florida	238	\$31,205,137	\$26,797,829
Georgia	335	\$30,242,518	\$24,145,157
Hawaii	1,362	\$12,286,726	\$3,254,532
Idaho	652	\$22,930,889	\$19,241,182
Illinois	297	\$28,984,437	\$13,442,707
Indiana	156	\$21,910,959	\$6,783,264
Iowa	123	\$28,061,126	\$7,046,905
Kansas	337	\$19,460,793	\$12,537,381
Kentucky	526	\$19,704,416	\$19,322,140
Louisiana	389	\$23,458,491	\$21,795,532
Maine	681	\$16,139,355	\$5,592,927
Maryland	860	\$20,446,378	\$7,689,145
Massachusetts	503	\$14,392,286	\$12,248,934
Michigan (2,3,4)	316	\$38,380,501	\$26,583,670
Minnesota	514	\$33,163,603	\$59,156,950
Mississippi	299	\$24,097,534	\$6,026,418
Missouri	340	\$25,436,262	\$26,815,856
Montana	957	\$22,197,312	\$18,985,992
Nebraska	140	\$16,624,177	\$7,836,816
Nevada	360	\$17,586,809	\$9,960,292
New Hampshire	788	\$14,257,765	\$15,382,510
New Jersey (2,3,4)	846	\$18,014,988	\$43,805,535
New Mexico	203	\$16,927,819	\$6,420,524
New York	434	\$33,208,352	\$13,470,311
North Carolina	567	\$30,994,767	\$39,047,788
North Dakota	286	\$16,654,049	\$4,845,964
Ohio	319	\$25,785,988	\$24,276,090
Oklahoma	307	\$27,600,964	\$14,918,619
Oregon (2,3)	437	\$20,997,202	\$20,700,498
Pennsylvania	397	\$34,371,901	\$21,847,360
Rhode Island	377	\$7,064,002	\$2,936,098
South Carolina	278	\$17,819,864	\$6,062,199
South Dakota	391	\$20,941,050	\$11,856,826
Tennessee	256	\$20,819,369	\$6,225,859
Texas	512	\$60,867,170	\$21,113,675
Utah	567	\$27,060,414	\$44,859,092
Vermont	1,262	\$13,950,290	\$23,473,914
Virginia	305	\$22,139,997	\$9,450,338
Washington	674	\$27,616,592	\$45,453,587
West Virginia	304	\$13,205,585	\$3,691,801
Wisconsin	697	\$23,389,157	\$43,477,087
Wyoming	496	\$23,133,671	\$14,711,545
Total:	22,975	\$1,186,613,580	\$888,537,305

1. State's Governor opted out of the RTP: CT
2. State has not yet provided funding and match information for FY 2018 projects: MI, NJ, OR
3. State did not obligate funds in FY 2018: MI, NJ, OR
4. State has not provided funding and match information for FY 2017 or a prior year(s): DC, MI, NJ

The source for the data in Tables 3 is information voluntarily provided by the States and District of Columbia for the Recreational Trails Program Database (<http://www.rtpinfo.org>).

S-20-262 Transactions for ACT 587							
CC	Proj No	PH	Act	Amount	Vendor Name	Proc Date	Purchase or Service Explanation
0420	RTPNRT	22	587	2,540.00	GECKO ENTERPRISES, INC.	3/19/2020	Portable Toilet contract with Gecko Enterprises for Waialea OHV Park
0420	RTPNRT	22	587	2,540.00	GECKO ENTERPRISES, INC.	3/19/2020	Portable Toilet contract with Gecko Enterprises for Waialea OHV Park
0420	RTPNRT	22	587	2,540.00	GECKO ENTERPRISES, INC.	3/19/2020	Portable Toilet contract with Gecko Enterprises for Waialea OHV Park
0420	RTPNRT	22	587	2,540.00	GECKO ENTERPRISES, INC.	3/19/2020	Portable Toilet contract with Gecko Enterprises for Waialea OHV Park
<u>0420</u>	<u>RTPNRT</u>	<u>22</u>	<u>587</u>	<u>2,540.00</u>	<u>GECKO ENTERPRISES, INC.</u>	<u>3/19/2020</u>	Portable Toilet contract with Gecko Enterprises for Waialea OHV Park
0430	RTPNRT	22	587	338.38	FIRST HAWAIIAN BANK	1/10/2020	Credit card purchase to Ina Signs for ADA signs installed at Kilohana (Trailhead to Puu Laau Road (R1))/Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	165.5	FIRST HAWAIIAN BANK	1/10/2020	Credit card purchase to Orchid Isle Ford for routine mainteance to Na Ala Hele F350 truck
0430	RTPNRT	22	587	148.18	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	148.18	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	473.42	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	148.18	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	441.42	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	512.29	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	427.33	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	510.94	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	510.94	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	510.94	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	148.18	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	148.57	HAWAII JOHN'S INC.	2/5/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
<u>0430</u>	<u>RTPNRT</u>	<u>22</u>	<u>587</u>	<u>510.94</u>	<u>HAWAII JOHN'S INC.</u>	<u>2/5/2020</u>	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	1,627.89	CDW GOVERNMENT	2/12/2020	Purchase of laptop computer to be used by NAH staff in the management of NAH trails
0430	RTPNRT	22	587	512.29	HAWAII JOHN'S INC.	4/9/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	148.57	HAWAII JOHN'S INC.	4/9/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	427.33	HAWAII JOHN'S INC.	4/9/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	148.57	HAWAII JOHN'S INC.	5/11/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	148.57	HAWAII JOHN'S INC.	5/28/2020	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
<u>0430</u>	<u>RTPNRT</u>	<u>22</u>	<u>587</u>	<u>427.33</u>	<u>HAWAII JOHN'S INC.</u>	<u>5/28/2020</u>	Portable toilet rental for Upper Waiakea ATV/Dirt Bike Park and Kilohana (Trailhead for Mauna Kea ATV/Dirt Bike Riding Area)
0430	RTPNRT	22	587	621.27	FIRST HAWAIIAN BANK	4/9/2020	Credit card purchase to Kiser Motorcycles for various ATV/UTV parts and supplies used at the Upper Waiakea ATV/Dirt Bike Park
0430	RTPNRT	22	587	154.93	FIRST HAWAIIAN BANK	5/11/2020	Credit card purchase to Home Depot for various trail maintenance supplies and hardware
0440	RTPNRT	22	587	139.56	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	278.75	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	285.47	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	139.56	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	278.75	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	285.47	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	139.56	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	278.75	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	285.47	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	155.63	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	139.56	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	142.73	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	155.63	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	139.56	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	142.73	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	155.63	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	139.56	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots

0440	RTPNRT	22	587	142.73	SERVICE RENTALS & SUPPLIES INC	2/7/2020	MMXPark Portapots
0440	RTPNRT	22	587	4,212.88	ATLAS INSURANCE AGENCY, INC.	2/18/2020	Insurance for MMXPark
0440	RTPNRT	22	587	4,514.23	PACIFIC PIPE CO.	3/3/2020	Irrigation supplies MMXPark
0440	RTPNRT	22	587	188.06	PACIFIC PIPE CO.	3/3/2020	Irrigation supplies MMXPark
0440	RTPNRT	22	587	358.42	SERVICE RENTALS & SUPPLIES INC	6/10/2020	MMXPark Portapots
0440	RTPNRT	22	587	293.92	SERVICE RENTALS & SUPPLIES INC	6/10/2020	MMXPark Portapots
TOTAL				35,052.75			