

Greenways, Trails and Recreation

Program Guidelines | March 2014

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Section I – Statement of Purpose

Act 13 of 2012 establishes the Marcellus Legacy Fund and allocates funds to the Commonwealth Financing Authority (the “Authority”) for planning, acquisition, development, rehabilitation and repair of greenways, recreational trails, open space, parks and beautification projects.

Section II – Eligibility

A. Eligible Applicants

Any of the following entities may apply for a grant under Greenways, Trails, and Recreation Program (GTRP):

1. **Municipality** – Any county, city, borough, incorporated town, township or home rule municipality.
2. **Councils of Governments**
3. **Authorized Organization** – An entity involved in research, restoration, rehabilitation, planning, acquisition, development, education or other activities, which furthers the protection, enhancement, conservation, preservation or enjoyment of this commonwealth's environmental, conservation, recreation or similar resources. The organization must be a tax-exempt institution under section 501(c) (3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c) (3)) and registered with the Bureau of Charitable Organizations or an educational institution involved in these authorized activities or a municipal authority.
4. **Institution of Higher Education** – An entity that is an accredited university, college, seminary college, community college or two-year college.
5. **Watershed Organization** – An entity recognized by the Department of Conservation and Natural Resources (DCNR) or the Department of Environmental Protection (DEP) that was established to promote local watershed conservation efforts in an identified watershed.
6. **For Profit Businesses** – other than “producers” of natural gas as defined in Act 13.

B. Eligible Projects

Eligible projects under the GTRP include:

1. **Public Park and Recreation Areas** – These projects involve the rehabilitation and development of public indoor and/or outdoor park, recreation and conservation areas and facilities. Parks and recreation areas are areas of land and/or water, for use as a neighborhood, community or regional public park and recreation site. Property may be acquired for active and/or passive recreation use to create new park and recreation areas and/or expand existing recreational sites.

2. **Greenways and Trails** – These projects involve the renovation and development of linear public facilities, such as bicycle, walking, equestrian, snowmobile, and nature trails; passive recreation areas; riparian forest buffers; wetland boardwalks; observation decks. Related support facilities including: access roads, parking areas, walks, comfort station, lighting, landscaping, and signage are also eligible. Greenways are areas of land and/or water which provides a linear recreation, conservation, or open space corridor along a natural or man-made feature.

Trails are designated land and/or water corridor with public access that provides recreation and/or alternative transportation opportunities to motorized and/or non-motorized user of all ages.

3. **Rivers Conservation** – These projects enhance rivers, streams, and watersheds for recreational purposes.

C. Eligible Use of Funds

Funds may be used by the applicant to pay for any of the following project costs:

1. **Development, Rehabilitation and Improvement** of public parks, indoor and outdoor recreation facilities, trails, greenways, and watershed implementation projects to include:
 - a. Construction activities
 - b. Fixed equipment
 - c. The clearing and preparation of land.
 - b. Environmental site assessment.
 - c. Related engineering, design, and inspection costs not to exceed 10% of grant award.
 - d. Professional services including services, such as land surveying, preparation of bid documents, construction inspection, archaeological surveys, land surveys, PNDI surveys, appraisals etc.
 - e. Settlement cost, acquisition projects only.
 - f. Administrative costs of the applicant necessary to administer the grant. Administrative costs will include advertising, legal, and audit costs as well as documented staff expenses. Administrative costs shall not exceed 2% of the grant.
2. **Planning Projects** that "lay the groundwork" for future land acquisition, development and/or management of parks, recreational facilities, critical habitat, open space, natural areas, greenways, motorized and non-motorized trails and river/watershed corridors. Planning projects also include the development of business plans for expansion or establishment of outdoor recreation businesses.
3. **Acquisition** of land, easements, or rights of way for park and recreation areas, natural areas, greenways, trails, river/watershed conservation, critical habitat conservation and/or open space.

Natural areas are areas of land and/or water, which are important in preserving flora, fauna, native ecological systems, and geological, natural, historical, open space, scenic or similar features of scientific or educational value.

Critical habitats are areas of land and/or water which provides habitat for rare, threatened or endangered plant and animal species or ecological or natural communities which are at risk of destruction or substantial degradation.

Ineligible costs include but are not limited to public relations, outreach, communications, lobbying, litigation, fees for securing other financing, interest on borrowed funds, application preparation fees and other costs incurred prior to the approval of grant funds.

Section III – Program Requirements

A. Applicant Cost Share Requirements

Projects require a 15% local cash match of the total project cost or cash equivalents for the appraised value of real estate.

B. Planning and Permit Requirements

All recipients of funding under GTRP will be required to secure all necessary planning and permit approvals for the project from the federal, state, and local governments prior to disbursement of funds.

C. Other Requirements

1. Conflicts of Interest

An officer, director, or employee of an applicant who is a party to or who has a private interest in a project shall disclose the nature and extent of the interest to the governing body of the applicant and may not vote on any action of the applicant concerning the project, nor participate in the deliberations of the applicant concerning the project.

2. Nondiscrimination

No assistance shall be awarded to an applicant under this program unless the applicant and project user certify to the Authority that they shall not discriminate against any employee or against any person seeking employment because of race, color, handicap, national origin, age or sex. All contracts for work to be paid with GTRP assistance must contain the commonwealth's official nondiscrimination clause.

3. Project Records

The applicant must maintain full and accurate records, retained as Daily Activity Logs, with respect to the project and must ensure adequate control over related parties in the project. The Authority requires access to such records, as well as the ability to inspect all work, invoices, materials, and other relevant records at reasonable times and places in order to authorize daily activities and expenditures. Upon request of the Authority, the applicant must furnish all data, reports, contracts, documents, and other information relevant to the project.

4. Pennsylvania Prevailing Wage Act

All of the construction work associated with the project may be subject to the Pennsylvania Prevailing Wage Act, as determined by the Pennsylvania Department of Labor and Industry.

5. Proof of Notification

The applicant must provide proof that the county and host municipality or municipalities have been notified about the intended project.

6. Project Audit

For projects receiving grant funds of \$100,000 or more, an audit from a Certified Public Account (CPA) licensed in Pennsylvania listing all project costs must be submitted to the Authority, within 90 days after expiration of the grant. In the opinion section of the audit, a statement shall be made certifying that the commonwealth funds were disbursed in accordance with the terms in the grant agreement.

7. Bidding Requirements

Applicants must comply with all applicable federal, state, and local laws and regulations dealing with bidding and procurement.

8. Control of Property, Deed Restrictions and Public Access

The applicant must control the property that will be developed, rehabilitated or for which a Site Development Drawing will be completed. Property that is not owned in fee simple must be controlled through a permanent easement or long-term lease agreement (minimum of 25 years) to protect facilities for their useful lifetime. All facilities and property funded must be accessible to the public for uses consistent with the purposes for which it was acquired.

9. Guideline Provisions

The GTRP guideline provisions may be modified or waived by the Authority unless otherwise required by law.

D. Fees

The Commonwealth Financing Authority charges a \$100 non-refundable application fee for GTRP applications. The application fee is due at the time of submission.

Section IV – Grants

1. Grants shall not exceed a total of \$250,000 for any project.
2. To be eligible for reimbursement, project costs must be incurred within the time frame established by the grant agreement.

Section V – Application Procedures

To apply for funding, the applicant must submit the electronic on-line Department of Community and Economic Development Single Application for Assistance located at www.esa.dced.state.pa.us. For inquiries on the application process, contact the Customer Service Center at (800) 379-7448 or (717) 787-3405. Once submitted, please print three (3) copies of the application, and send with the required supplemental information (please see Appendix I of these guidelines) via US Mail along with the signature page to:

PA Department of Community and Economic Development
Office of Innovation and Investment – CFA Programs Division
Greenways, Trails and Recreation Program
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

Please reference the Web ID number on any documents sent with the signature page.

Section VI – Application Evaluation

All applications for financial assistance will be reviewed by the Authority in conjunction with the Department of Community and Economic Development and the Department of Conservation and Natural Resources to determine eligibility of the proposed project as well as the competitiveness of the proposal. Applications are evaluated on a competitive basis using the following criteria:

1. The economic conditions of the region where the project is located.
2. The level of matching investment.
3. Regional nature of the project.
4. Local financial support.
5. Project readiness.
6. Current availability of greenway, recreational, and trail facilities in the area.
7. Financial need.

Section VII – Procedure for Accessing Funds

Following approval of an application by the Authority, a commitment letter will be issued by the Authority to the applicant explaining the terms and conditions of the grant. The commitment letter must be signed and returned to the Authority within 45 days of the date of the commitment letter or the offer may be withdrawn by the Authority.

Following the acceptance of an offer by the applicant, a grant agreement will be sent by the Authority to the applicant for execution. The applicant shall obtain the services of a professional engineer, architect, or landscape architect licensed in Pennsylvania who will certify to the Authority during construction that the expenses were incurred and were in accordance with plans approved by the Authority. The Authority will release funds to the applicant at not less than 30-day intervals.

Section VIII – Program Inquiries

Program inquiries should be directed to:

PA Department of Community and Economic Development
Office of Innovation and Investment – CFA Programs Division
Greenways, Trails and Recreation Program
400 North Street, 4th Floor
Commonwealth Keystone Building
Harrisburg, PA 17120-0225

Telephone: (717) 787-6245
Fax (717) 772-3581
E-mail: ra-dcedsitedvpt@pa.gov

These guidelines can also be accessed online at www.newPA.com

Appendix I – Supplemental Information

In addition to completing the Department of Community and Economic Development Single Application for Assistance, please include the following items when applying for a grant under GTRP:

- Exhibit 1** Provide a description of the project which discusses all of the following: (a) the specific location of the project area; (b) whether the project is consistent with an existing county or local comprehensive plan; (c) whether the project will result in a substantiated positive economic development impact; (d) the historical and proposed use of land served by the project; (e) the estimated start and end dates of construction; (f) the names of the municipalities that will participate in and benefit from the project; (g) a description of the existing greenways, recreational, or trail facilities in the area to be served by the project.
- Exhibit 2** A statement as to the estimated cost of the project. The estimate must be prepared by an engineer or other qualified professional and should be accompanied where appropriate by copies of the signed bid/quotations, contactor estimates, sales agreements or other documentation that verify project cost estimates.
- Exhibit 3** Funding commitment letters, if available, from all other project funding sources (including equity commitments). Letters should include the term, rate, and collateral conditions and must be signed and dated.
- Exhibit 4** A color-coded map detailing the location of the proposed project.
- Exhibit 5** The most recent audited financial statements of the applicant, parent company (if for profit applicant). Financial statement should include balance sheets, income statements, and notes to financials.
- Exhibit 6** A statement as to the amount of grant funding requested.
- Exhibit 7** A list of all state, federal, and local planning and permit approvals required for the project.
- Exhibit 8** A letter from the appropriate planning agency certifying that the proposed project is in compliance with the comprehensive land use plans.
- Exhibit 9** Public sector applicants, provide a resolution duly adopted by the applicant's governing board formally requesting the grant, designating an official to execute all documents, describing briefly the project scope, and identifying the grant amount (see Appendix II for a Sample Resolution).
- Exhibit 10** For acquisition projects, provide a copy of the sales agreement or easement accompanied by an appraisal prepared by either a Member, Appraisers Institute (MAI) formerly Institute of Real Estate Appraisers or a PA State Certified Appraiser.
- Exhibit 11** For all applicants, provide copies of notifications provided to county and municipal governing bodies advising them of the proposed project.
- Exhibit 12** For Authorized Organizations who are using grant funds for acquisition, provide copies of written consent from the county and municipality in which the land is situated.

Appendix II – Authorized Official Resolution

Be it RESOLVED, that the _____ (Name of Applicant) of _____ (Name of County) hereby request an Greenways, Trails, and Recreation Program (GTRP) grant of \$ _____ from the Commonwealth Financing Authority to be used for _____.

Be it FURTHER RESOLVED, that the Applicant does hereby designate _____ (Name and Title) and _____ (Name and Title) as the official(s) to execute all documents and agreements between the _____ (Name of Applicant) and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, _____, duly qualified Secretary of the _____ (Name of Applicant), _____ (Name of County) _____, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the _____ (Governing Body) at a regular meeting held _____ (Date) and said Resolution has been recorded in the Minutes of the _____ (Applicant) and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the _____ (Applicant),
this ____ day of ____, 20__.

Name of Applicant

County

Secretary