

Rules and Regulations of the  
Rhode Island Trails Advisory Committee

For the Trails Improvements Grants Program

for the

State of Rhode Island and Providence Plantations

Department of Environmental Management

Division of Planning and Development

April 1999

The Rhode Island Trails Advisory Committee

Rhode Island Department of Environmental Management

Division of Planning and Development

235 Promenade Street

Providence, R.I. 02908

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1:00 Authority and Purpose

1:01 Authority

The Transportation Equity Act for the 21st Century (TEA-21) authorized the Recreation Trails Program as a federal-aid highway program and codified it in 23 U.S.C. 206. The Recreational Trails Program replaced the National Recreational Trails Funding Program. Consistent with the Cooperative Agreement between the DEM and DOT, dated January 3, 1997, the Rhode Island Department of Environmental Management will be the agency designated to receive and oversee the spending of funds under the Recreational Trails Program and implementing the State's program pursuant of RIGL 42-17.1 et seq.

1.02 Purpose

These rules establish the operating procedures of the Rhode Island Trails Advisory Committee for administering the Recreational Trails Program. The Recreational Trails Program (RTP) is by law intended to encourage the development and maintenance of recreational trails and trail related projects by making available grants to state agencies, municipalities, incorporated non-profit land trust and other incorporated conservation and outdoor recreation organizations.

2:00 Trails Advisory Committee

2.01 Committee Established

Consistent with the Recreational Trails Program (RTP) there is hereby established a Rhode Island Trails Advisory Committee to advise and assist the Department of Environmental Management ( the Department ) in matters relating to trail based outdoor recreational services and trail grant fund distribution.

2.02 Membership

The Trails Advisory Committee shall have no more than 25 and no fewer than 15 members, selected to provide balanced representation of the interest of various trail-users constituencies and of the views of federal, state and local governments and others concerned with trail based outdoor recreation. Agencies, organizations and individuals having a purpose or interest in the planning, development, usage and maintenance of trails and trail facilities are eligible for membership on the committee. Such groups, agencies or individuals may register their interest in membership with the Department of Environmental Management, and may be invited by the Department to nominate members for appointment. The Department will appoint individuals from those nominated or those individuals otherwise eligible. Committee members shall be appointed by the Department for terms not exceeding 5 years and may succeed themselves.

2.03 Duties

Among the duties of the Committee shall be: Provide advise to the Department on trail recreation supply and demand, trail facilities availability and need, trail recreation issues and problems, trail safety, and trail user education and information needs and on such other trail recreation related matters as the Department may from time to time request.

2.04 Regular Meetings

The Trails Advisory Committee shall establish a schedule for regular meetings at the beginning of each calendar year.

## 2.05 Special Meetings

The Chairperson may call special meetings or cancel regular meetings at any time by notifying members and posting of notice, as provided in part 2.06.

## 2.06 Notice of Meeting

Notices of meetings and agendas will be posted at the Planning and Development Office of the Department of Environmental Management and at the Rhode Island State House library lobby not less than forty-eight hours prior to each meeting.

## 2.07 Open Meetings

All Committee meetings and records shall be consistent with the Open Meetings Law (Chapter 42-46 of the General Laws) and the Public Records Act (Chapter 38-1 of the General Laws).

## 3.00 Allocation of Funds

3.01 The Committee may by majority vote create project categories and allocate the specific money available in any grant round to these project categories. The Committee may adjust allocations to any category at any time by a majority vote of the Committee at a regular scheduled Committee meeting.

3.02 The Committee may establish the minimum and maximum amounts of funding which may be applied for, or awarded to, an individual applicant, or project within any funding round or within an individual category.

## 4.00 Application Procedure for each Selection Round

### 4.01 Application Form

The form that shall qualify an applicant for consideration shall be the form designated " Trails Improvement Grant Application" and approved by the Committee. The Committee may by majority vote amend the "Application".

### 4.02 Availability of Application Forms

Application forms shall be available to state agencies, municipalities, incorporated land trust and incorporated land preservation and outdoor recreation organizations on request from the Department of Environmental Management, Division of Planning and Development.

### 4.03 Filing of Applications

Applications shall be filed with the Trails Advisory Committee, c/o the Department of Environmental Management, Division of Planning and Development, 235 Promenade Street, Providence, R.I. 02908, or such other address as the Committee designates in the application form instructions.

### 4.04 Application Package

The application package shall contain an affidavit to be signed by the owner of the property ( or a representative, if the owner is a state agency or municipality ) indicating approval of the application.

### 4.05 Application Submission

Grant applications must be submitted within the time period specified within the application. The Committee will meet, but not less than once a month to consider applications.

### 4.06 Application Review

The Committee shall review the applications and disqualify those that fail to meet the minimum eligibility criteria or which are incomplete. Those applications that have been disqualified shall be so notified. The Committee shall act on all applications in a timely manner and in no case shall the Committee take more than 60 days after the submission to inform an applicant of its decision.

4.07 Minimum Eligibility Criteria An application shall be deemed eligible for evaluation only if it satisfies the following criteria: a) the applicant is either an agency of the State of Rhode Island, a municipality of the State of Rhode Island, Indian Tribe, or is an organization incorporated pursuant to Chapter 7-6 of the General Laws of Rhode

Island, as amended, an organization meeting the definition of "charitable trust" set out in section 18-9-4 of the General Laws of Rhode Island, as amended, or an organization duly existing as a non-profit organization of another state or District of Columbia, among whose purpose is the preservation and development of recreation trails. Further all such organizations must have been granted at least preliminary status as a tax-exempt corporation under 501 ( C ) (3) of the Internal Revenue Code and its regulations, as they not exist or may herein be amended. b) The property for which a grant is sought includes all or a portion of a publicly available recreational trail; either existing or to be developed with funding provided by the grant. A publicly available trail is a trail which is available for usage by the general public without distinction as to membership, residency or other status. Reasonable restrictions on the seasons, times levels and types of usage of publicly available trails are permitted where necessary for maintenance or preservation. Proposed restrictions must be approved by the Committee and applied in a non-discriminatory manner. Reasonable fees may be charged for the use of publicly-available trails, provided that all fees and fee systems must conform to the requirements of section 675.9.2.b of the Land and Water Conservation Fund Grant Manual of the U.S. Department of Interior, National Park Service, governing fees for usage of federally assisted public outdoor recreation facilities and areas. Proposed restrictions and fees must be described in the application. c) Provide evidence of the applicant's governing board's consent to making application and to its commitment to abide by the representations made in the application, or the applicant's intention to obtain this consent prior to the grant award . d) Contains all information and supporting documentation specified or requested in the application package. e) Satisfactory documents sources and availability of the required applicant match. f) If grant is for new development, applicant must provide documentation of ability and agreement to provide maintenance and upkeep.

## 5.00 Evaluation and Award

5.01 Evaluation- The Committee shall evaluate the applications received, utilizing that, criteria included in the Scoring Sheets (Appendix A) and for consistency with Committee objectives as established for Project Categories. Additionally, the Committee shall review all approved applications and attempt to distribute awards geographically throughout the State. For this purpose the Committee Chairman may appoint an Application Scoring Sub-Committee.

5.02 Awards- Once the Committee or Sub-Committee has reviewed and scored all of the applications, it shall determine which applications will receive grant recommendations. The Committee may consider the relative amounts of money requested in the various applications, in order to maximize use of the limited amounts appropriated to the program. Upon completion of all scoring activities the Committee by majority vote approves a recommended grant award and shall provide to the Director of the Department of Environmental Management a list of recommendations. This amount of the grant awards on the list of recommendations may not exceed the amount of funds available to be awarded. Within 10 working days of receiving these recommendations, the Director shall review the Committee's recommendations and notify the successful applicants. The final decision shall be the Director's, however if the Director determines not to award a specific grant as recommended, he shall notify the committee of that decision in writing , giving reasons for the decision.

## 6.0 Severability

If any section, paragraph, phase, sentence or clause of these rules and regulations is declared invalid or unconstitutional for any reason, the remainder of the rules shall not be affected thereby.