

# **The Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund**

## **7. Trail Construction Grant Program**

### **7.1 Background**

In 2013, the Morris County Board of Chosen Freeholders commissioned a study designed to take a thorough and objective look at the projects completed since the establishment of the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund (“Trust Fund”) in 1992. The resultant Preservation Trust Fund Analysis and Strategy Report (“Report”) assessed municipal goals and needs related to open space and environmentally sensitive areas, parks (including maintenance and improvements) and linkages, historic and farmland preservation, flood mitigation and the possible role of the Trust Fund in meeting these local goals and needs.

The Report included personal interviews with each of the 39 municipalities in Morris County plus 9 land trust non-profits through a detailed questionnaire to these entities as well as 27 historic preservation non-profits. A recurring theme throughout the evaluation was the acquisition of land or easements for trails, and the construction of trails, as a high priority for nearly all municipalities and land trust non-profits. Trail installation and improvements were identified by 62% of municipalities<sup>1</sup> as post-preservation plans for their open space properties. Funding for trail construction was “strongly supported” by 78% of municipalities.

The results of the Report were used to delineate the parameters of a new voter referendum that would ultimately alter the allowable uses of the Trust Fund. On August 13, 2014, the Board of Chosen Freeholders authorized the ballot question that would permit trail construction as an allowable use under the Trust Fund, as allowed by State law. On November 4, 2014, the voting electorate of Morris County approved the ballot question by a margin of nearly 3 to 1. The Board of Chosen Freeholders adopted the Trail Construction Grant Program on April 27, 2016.

### **7.2 Intent and Purpose**

Morris County established a Trail Construction Grant Program to support and enhance the county’s quality of life and cultural and heritage tourism efforts. The purpose of the grant program is to provide recreational trail use opportunities (as defined by the program) which benefit the communities and enhance the quality of life for the residents of Morris County. The program will rely upon local communities and their government representatives to provide inspiration, planning and commitment, as well as meeting the matching funds requirement, to make these trail projects a reality.

### **7.3 Program Overview**

The Morris County Trail Construction Grant Program will distribute grants for the construction of trails for municipalities. All trail construction must occur on permanent preserved public parklands held by the municipality, or easements (dedicated to a municipality for public recreational trail use). Only trail construction grants will be considered through this program. The program will operate on a reimbursement basis only. Applicants are limited to one application per funding cycle.

The Morris County Trail Construction Grant Program will operate as a collective and collaborative effort of the Morris County Park Commission and Morris County Office of Planning and Preservation. Grant requests shall be completed using the application package developed by program staff. All applications shall be submitted to program staff and will be reviewed to determine eligibility and application completeness. Applications will then be reviewed by the Morris County Trail Program Advisory Committee and evaluated according to established criteria. The Advisory Committee’s recommendations will be forwarded to the Board of Chosen Freeholders who will determine and take action on the grant awards.

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<sup>1</sup> Out of 26 responding

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Applicants who are awarded grants will receive a grant agreement specifying the Program's requirements. The municipality and the Board of Chosen Freeholders must execute the grant agreement within 60 days of award notification by the County.

### 7.4 Goals of Program

- A. Provide grant funding to municipalities to accelerate the construction of recreational trails throughout Morris County.
- B. Promote the construction of trails, which may also be complementary to the Morris County Park Commission's trail system.
- C. Enhance Morris County's quality of life.
- D. Provide alternate means of transportation that support a healthy lifestyle.
- E. Heighten the public's awareness of Morris County's irreplaceable historic character.
- F. Increase opportunities for cultural and heritage tourism in the County.
- G. Improve Morris County as a destination market for leisure travel.

### 7.5 Definitions

- A. Trail – a thoroughfare or track across land or snow, used for recreational purposes excluding roads generally accessible by low clearance passenger vehicles but includes high clearance primitive roads, such as:
  1. Non-motorized activities; and/or
  2. Motorized vehicular activities
    - a. Gas powered such as all-terrain vehicles, motorcycling, and snowmobiling
    - b. Non-gas powered such as electric Segway's and bikes

Trails do not include sidewalks or running tracks as defined by an oval shaped track that is used for races involving athletes at track meets.

- B. Office of Planning & Preservation and Division of Engineering and Transportation Boards or Committees
  1. Agriculture Development Board
  2. Flood Mitigation Committee
  3. Freight Rail Advisory Committee
  4. Historic Preservation Trust Fund Review Board
  5. Open Space Trust Fund Committee
  6. Planning Board
  7. Board of Transportation
- C. Trail Enhancement – improvements of trail design and/or surface type of existing trails to accommodate increased volume and/or make the trail ADA compliant. Trail enhancement is more than an in-kind replacement of current conditions. Deferred maintenance activities are not eligible.
- D. In-Kind Contribution – gifts or donation of goods and services other than cash.

### 7.6 Eligible Applicants

Any of the thirty-nine municipalities in the County of Morris, New Jersey.

### 7.7 Eligible Properties

- A. The land must be located in Morris County.

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- B. The land on which the trail is to be funded must be permanent preserved public parkland owned by the municipality.
- C. The land on which the trail is to be funded may be on land with a permanent easement dedicated for public trail/recreational use, which has been provided to the municipality.

### **7.8 Source of Project Funding and Applicant Match**

- A. Funding is provided through the Morris County Preservation Trust Fund and annual allocations are based on funding availability.
- B. Municipalities must provide match funding and demonstrate, as part of the application, evidence of matching funds in hand or clearly demonstrate the ability to match the grant requested.
- C. Trail construction grants will be awarded as an 80%-20% match, with the applicant providing the 20% match. For example, for a total project cost of \$31,250 and a requested grant award of \$25,000, the 20% match would equal \$6,250.
  - 1. An applicant's matching funds can be in the form of either cash or in-kind services.
    - i. In-Kind Services are contributions of goods or services. In-kind services shall be represented with the fair market value of the respective goods or services of direct and/or in-direct costs.
      - a) Direct Costs – labor, materials, equipment, etc.
      - b) In-Direct Costs – planning, design engineering, permitting, etc.
  - 2. The value of the land or easement within an existing park (land trust, preserve, etc.) may not be used as credit for the match.
  - 3. A public agency may not use the value of land transferred from the administration of one agency to another agency to meet the minimum match.
- D. Trail construction grants will be made as a reimbursement only. Payments will be issued upon completion of trail construction and submission of proper documentation, including inspection reports.
- E. A maximum contingency of 10% may be factored into the total project cost estimate.

### **7.9 Permissible/Eligible Uses and Projects**

- A. Construction of new trails of various tread surfaces, including
  - 1. Non-motorized trails
    - a. Multi-use Trails (e.g., pedestrian, bicycle, mountain biking, equestrian, hiking, cross-country skiing, skating and skateboarding)
    - b. Single use trails
  - 2. Motorized trails (gas and non-gas operated)
    - a. ATV
    - b. Off-road Motorcycle
    - c. Snowmobile
    - d. Segway
    - e. Electric bikes and scooters
  - 3. Gas powered vehicles may only be used on trails dedicated specifically and solely for motorized trail activities.
- B. Enhancement of existing trails.
- C. Construction and installation of trailside amenities and trailhead facilities
  - 1. The cost of the new trail construction or trail enhancements shall be greater than the cost of all proposed trailside amenities. These shall be itemized separately in the cost estimate.

2. Program funding shall not be used as sole funding source for trailside amenities or trailhead facility (parking areas).
3. Example trailside amenities may include:
  - a. Wayfinding Signs & Blazing
  - b. Interpretive signs
  - c. Benches
  - d. Landscaping
  - e. Fencing/Gates/Bollards
  - f. Fishing Piers
  - g. Overlooks
  - h. Observation decks, platforms

#### 7.9.1. Tread Surfaces

Tread surfaces for trail projects can include, but are not limited to:

1. Natural Tread
  - a. Native rock or soil
  - b. Gravel
  - c. Wood chips/Mulch
2. Non-Paved Porous Materials
  - a. Stone Dust
  - b. Porous Pavement
  - c. Turf
3. Paved Trails
  - a. Asphalt
  - b. Concrete
4. Boardwalks

#### 7.9.2. Standards for Construction

Applicants shall identify all construction standards utilized in the trail design. These standards include, but are not limited to, the American Association of State Highway and Transportation Officials' (AASHTO) Guide for the Development of Bicycle Facilities and U. S. Department of Agriculture Forest Service Trail Construction Standards (see list at <https://planning.morriscountynj.gov/wp-content/uploads/2018/03/Trail-Specification-and-Design-Resources-final.pdf>). Additional standards may apply when designing for single types of use and shall be applied accordingly. Maximum path width in wetlands or wetland buffers must comply with rules of the New Jersey Department of Environmental Protection (NJDEP) Land Use Regulation program, which may require narrower maximum width.

#### **7.10 Uses and Projects Not Eligible for Funding**

Items not eligible for funding as part of this grant program include but are not limited to:

- A. Land condemnation
- B. Trail feasibility studies
- C. Law enforcement personnel
- D. Law enforcement activities
- E. Sidewalks
- F. Running tracks as defined by an oval shaped track that is used for races involving athletes at track meets
- G. Lighting
- H. Promotional materials (e.g., shirts, caps, pins)
- I. Improvements or construction to roads
- J. Improvement or construction of road shoulders
- K. Purchase of equipment

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- L. Deferred maintenance items
- M. Administrative fees
- N. Grant preparation fees

**7.11 Grant Amounts**

- A. Minimum grant amount is \$5,000.00
- B. Maximum grant amount - No one award shall receive more than 60% of the funds available during each year’s funding cycle. This exception can be waived if the pool of applicants is limited and/or the awarded application is deemed a regionally significant project.
  - 1. Projects with cost estimates that exceed the maximum grant award shall make funding requests outlining phases of implementation.

**7.12 Trail Program Advisory Committee**

- A. The Trail Program Advisory Committee (“Advisory Committee”) shall review, prioritize and make recommendations to the Morris County Board of Chosen Freeholders on the funding of trail construction grant projects under the Morris County Preservation Trust Fund.
- B. All nominees to the nine member Advisory Committee shall be reviewed according to standard County procedures in order to avoid any potential conflict of interest.
- C. The Morris County Board of Chosen Freeholders shall appoint the Advisory Committee as follows:

Number of Appointees	Appointee Representation
4	Morris County Park Commission Recreational Trail Committee
2	Morris County Office of Planning & Preservation and Division of Engineering and Transportation Boards and/or Committees
3	At-Large from the Trail Community

- D. All members shall abide by the County’s Policy and Procedures for Attendance of Volunteer Members of Advisory Bodies at Scheduled Meetings and Conflict of Interest.
- E. All Advisory Committee members shall be residents of Morris County.
- F. Advisory Committee members from the Morris County Park Commission Recreational Trail Committee shall serve terms running concurrent with their present appointment on said Committee.
- G. Advisory Committee members from Boards and/or Committees of the Morris County Department of Planning & Public Works shall serve terms running concurrent with their present appointment on said Board and/or Committee.
- H. At-Large Advisory Committee members shall initially serve staggered terms of 1 to 3 years. Upon expiration of their initial terms, all subsequent At-Large members shall serve 3-year terms.

**7.13 Application Procedures**

The application package and schedule shall be developed by program staff. Each applicant shall complete the grant application form (found at <http://planning.morriscountynj.gov/divisions/prestrust/trail/application/>) and comply with all application requirements and deadlines found in the form.

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The grant program is competitive and requires an evaluation and selection process to determine award recommendations. Program staff shall review submitted applications for eligibility and completeness. All eligible and complete applications will be forwarded to the Trail Program Advisory Committee who will annually review, prioritize, and recommend awards. Recommendations shall be made to the Morris County Board of Chosen Freeholders.

Before submitting an application, applicants must determine what other governmental approvals are required, including if the project is on, in or next to a site on the National or State Registers of Historic Places. Information on listed sites is available from county cultural and heritage commissions, county historical societies and the New Jersey Historic Preservation Office (HPO). Any project recommended for funding that is on, in or next to a registered site shall be subject to review by the New Jersey Historic Preservation Office. Applicant must provide authorization from the HPO and a copy of the authorization letter to program staff.

### 7.13.1 Schedule

Spring	Applications Available
Summer	Applications Due
Fall	The Trail Program Advisory Committee will make its grant recommendations to the Board of Chosen Freeholders
Winter	Approval of Trail Program Advisory Committee recommendations by the Board of Chosen Freeholders

### 7.13.2 Pre-Application Meeting

All first time applicants shall be required to attend a Pre-Application Meeting with Program staff to review proposed project and documents to be submitted. All others are encouraged, but not required to attend a Pre-Application Meeting.

### 7.13.3. Program Orientation / Training

All applicants to an annual funding round shall be required to attend a program orientation session organized by program staff in the Spring. The session will address industry accepted Best Management Practices for trail design and provide guidance on planning a trail construction project.

**Municipalities will be ineligible to submit a trail construction grant application in a given funding round if a representative has not attended this mandatory training session.** Representatives shall include proposed municipal project contacts, including but not limited to the project engineer, administrator and recreation director.

### 7.13.4 Evaluation Criteria

The Trail Program Advisory Committee using the following criteria shall evaluate applications. The results of the evaluation are not the sole source of award recommendations. Considerations may also include demand and type of use, and quality of natural, cultural and recreational resources.

1. Access and Design
  - a. Project complies with Department of Justice Title II, ADA standards, and PROWAG accessibility standards.
  - b. Project provides access to major destinations such as schools, recreation facilities, and/or civic/community centers.
  - c. Project provides access to significant natural, cultural or historic features.

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2. Diversity
  - a. Project is designed to accommodate multiple trail user types.
  - b. Project serves a diverse demographic.
3. Connectivity
  - a. Project connects to an existing trail network (e.g., Federal, State, County, Regional, and Municipal).
  - b. Project provides connections to adjacent land uses via logical terminus.
4. Demand
  - a. Project is likely to have a high level of usage.
  - b. Project would alleviate crowding and/or over usage of existing trails.
  - c. Project fulfills a documented need.
5. Concurrency
  - a. Project is consistent with short and long term planning goals and initiatives of the local municipality, County or State.
  - b. Project is of regional significance.
6. Funding
  - a. Applicant has a successful history of implementing grants for similar types of projects.
  - b. Applicant is providing additional funding above the required 20% match.
7. Constructability
  - a. Applicant has completed or is nearing completion of final design plans.
  - b. Information provided conveys a clear understanding of project details, methods, required regulatory approvals and project costs.
  - c. Applicant is able to complete project within designated schedule of completion (within 3 years).
  - d. Project is in preliminary design with permits pending.
8. Trail Specifications and Design Resources
  - a. Project design adheres to one or more of the following resources, or other industry-accepted standard (see list at <https://planning.morriscountynj.gov/wp-content/uploads/2018/03/Trail-Specification-and-Design-Resources-final.pdf>)
    - (1) USDA Forest Service
    - (2) International Mountain Biking Association (IMBA)
    - (3) American Association of State Highway and Transportation Officials' (AASHTO)
    - (4) National Off-Highway Vehicle Conservation Council (NOHVCC)
    - (5) DOJ-ADA Chapter 10-Section 1017, Trails
    - (6) Federal Highway Administration (FHWA)
9. Maintenance
  - a. Applicant has a proven history of maintaining and operating trail facilities.
10. Partnership
  - a. Applicant has a proven history with project partner(s) in completing similar types of projects.
11. Programs and Promotion
  - a. Applicant has a proven history of providing programs that educate and promote similar facilities.

- b. Project will create new and/or enhanced programs to educate and promote the facility and its features.

The Morris County Trail Program Advisory Committee may enhance, amend, or modify the grant criteria guidelines as necessary. Program modifications are at the discretion of the Advisory Committee and/or the Board of Chosen Freeholders.

#### 7.13.5 Applicant Question and Answer Session

All applicants are required to attend a question and answer (Q & A) session in front of the Advisory Committee. Key questions raised by the Advisory Committee will be provided to the applicant in advance of the Q & A session. Applicants will be responsible to provide appropriate officials or staff to respond appropriately to the Advisory Committee's questions.

The purpose of Q & A is to clarify and/or provide information that is more detailed to the Advisory Committee about materials within the application already submitted. The Q & A shall not be used to present new materials or revised cost estimates or designs, or revisions/amendments to the existing application.

The Q & A sessions shall be limited to verbal discussions only; electronic presentations are not permitted (i.e., PowerPoint slide show).

At the Review Committee's direction, the Q & A session will be limited to a maximum of fifteen (15) minutes.

### **7.14 Program Requirements**

#### 7.14.1. Grant Agreement

1. All applicants approved for funding shall execute a grant agreement in order to effectuate the grant award. The grant agreement shall be provided by Morris County; no modifications to the agreement are permitted. Applicants approved for funding shall return the executed grant agreement by March 31 of the year immediately following Freeholder action on the Trail Advisory Committee's recommendations. Failure to return the executed grant agreement to the County within this timeframe may result in the forfeiture of the grant award.
2. The project timeline for grant purposes shall commence on March 31 of the year immediately following Freeholder action on the grant award.

#### 7.14.2. Timeline for Completion

1. Projects must be completed within three years of the project timeline effective date as identified in the grant agreement.
2. Grantees are required to submit project schedules as part of the application and provide revised schedules as necessary throughout the construction phase.
3. If a project is not completed within the timeframe outlined within the grant agreement, notification and request for extension shall be provided to the Trail Program Advisory Committee at least 90 days in advance of expiration.
4. Grantees shall be eligible for up to two six-month grant extensions if it is shown that there are challenging circumstances, which inhibit a project's completion within the initial three-year work period identified in the grant agreement.

7.14.3. Land Use Restrictions

1. All trails funded through the Program must be constructed on permanent preserved public parkland.
  - a. Municipality must show evidence of permanent preservation via deed restriction
  - b. If a deed cannot be provided, municipality shall submit an approved/certified current Green Acres Recreation and Open Space Inventory (ROSI).
  - c. Public lands shall be dedicated as permanent preserved parkland via deed restrictions and recorded corrective deed.
  
2. Grantees may construct trails funded through the Program on private land with a permanent easement dedicated for public trail/recreational use, which has been provided to the municipality.
  - a. Applicant shall demonstrate in the application that owner is willing to dedicate said easement to the applicant.
  
  - b. Requirements for Easements
    - (1) The easement to be permanently dedicated shall be surveyed by a licensed land surveyor in the State of New Jersey according to the minimum standards for land surveys as defined in N.J.A.C. 13:5.1 et. seq. by the State Board of Professional Engineers and Land Surveyors.
    - (2) All easements shall be recorded and include the metes and bounds description of the permanently dedicated lands. The County of Morris shall approve all easement documents prior to recording by the applicant.
    - (3) Applicants shall submit a map, metes and bounds description and \*.dxf file of the easement, in addition to the recorded easement document, prior to the reimbursement of any grant funds.
  
3. Lands and easements containing trail construction funded by the Program shall not be conveyed, transferred, disposed of or diverted to use for other than recreation, conservation and farmland preservation purposes without the prior approval of the County.

7.14.4. Project Reporting and Monitoring Requirements

1. Grantees shall submit written quarterly progress reports detailing specific works events completed and forthcoming.
  
2. A progress form will be provided by program staff.
  
3. No grant reimbursement payments shall be made until all final inspections, authorizations and progress-reporting requirements have been satisfied.
  
4. At a minimum, program staff shall conduct at least one monitoring site visit per calendar year on all awarded projects for the defined project timeline in the grant agreement.

7.14.5. Project Amendments

1. Significant amendments to an approved project shall be considered, but are not limited to, items, which require considerable revisions to the original alignment, routing, permitting, budget and overall impact of the facility. Significant amendments must be documented by the grantee justifying the requested change and reported to the Trail Program Advisory Committee for approval prior to proceeding.
  
2. The Trail Program Advisory Committee shall review and recommend approval of significant amendments to an approved project. These amendments are subject to Board of Chosen

Freeholder review and approval.

3. Grantees are permitted to make minor amendments to the approved project, upon consultation with program staff, to meet unanticipated permit requirements and/or onsite field conditions.

#### 7.14.6. Project Termination

If for any reason the grantee must terminate the project, the recipient shall notify program staff immediately in writing, explaining the reason for termination.

#### 7.14.7. Fees

Grantees are prohibited from charging trail or any additional fees for the use of any projects funded through this program.

#### 7.14.8. Maintenance

Grantees shall be responsible for the maintenance of all trails, trailside amenities and trailhead facilities funded through this program.

### **7.15 Public Access**

Public access to all trails funded through this program is required.

### **7.16 Financial Information**

- A. Grant funding shall be provided as a reimbursement at the time of project completion.
- B. All grantees must maintain records that adequately identify the source and application of funds provided for projects. Accounting records must be supported by such source documentation including cancelled checks, paid bills, payrolls, time and attendance records, contract and sub-grant award documents, etc.
- C. County grant funding cannot be used to reimburse expenses for projects started before Freeholder approval of the grant agreement.
- D. Any misuse of funds, misrepresentation, or non-compliance will result in termination of the grant agreement and penalties as specified in the agreement.

#### 7.16.1. Reimbursement

1. Direct Costs related only to trail construction are eligible for reimbursement. Direct costs not outlined and approved in the grant application will not be reimbursed.
  - a. Eligible direct reimbursement costs are clearly identifiable costs related to a specific trail project. General categories of direct costs may include, but are not limited to, salaries and wages, fringe benefits, construction equipment rental, construction contractor costs, materials, signs, etc. All direct costs must be included and itemized in the grant application cost estimate.
2. Indirect costs related to the trail project are NOT eligible for reimbursement.
  - a. Indirect costs include, but are not limited to, professional services, site design, engineering, supervision, legal fees, advertising, permit fees, preliminary planning or engineering, historic research, professional advice, administrative support and management of the grant, estimates, reports, services or studies and other incidental costs related to the project construction.

#### 7.16.2. Matching Funds

The applicant is required to provide matching funds of a minimum of 20% of the total project costs and

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can be satisfied using cash or in-kind contributions.

1. In-kind Contribution – Goods and Services
  - a. For in-kind contributions of goods and services, the grantee shall be required to provide documentation on the value of those services.
  - b. Labor, equipment, and material costs are eligible direct costs toward matching funds
  - c. Professional services such as planning, engineering, and permitting costs are eligible indirect costs toward matching funds.  
The value of in-kind contributions shall be based on:
    - (1) Market value of the supplies at the time of donation
    - (2) Current Blue Book estimate
  - d. Professional services for preparing the grant application and administrative support are not eligible costs.
2. In-kind Contribution – Volunteers
  - a. Volunteer services are eligible as matching costs and shall be valued at wage rates consistent with those ordinarily paid for similar work in the grantees' organizations, or as determined by the BLS-GAO current estimated volunteer labor rate value for the State of New Jersey.

All documentation for reimbursement and matching funds shall include copies of bills, receipts or invoices documenting the value. The name of each resource used to derive the value of goods or services shall also be identified. All costs for reimbursement and matching funds shall be documented using the Expenditure Report provided by Morris County and certified by the Municipal Finance Officer or equivalent.