

Proposed Changes to Project Type Definitions for the Nonhighway and Off-Road Vehicle Activities (NOVA) and the Recreational Trails Program (RTP)

Recreation and Conservation Office staff recommend amending the maintenance and development project type definitions in the Nonhighway and Off-road Vehicle (NOVA) Program and the Recreational Trails Program (RTP) to allow staff and sponsors to better evaluate grant proposals, and better manage active projects and compliance responsibilities.

See [Attachment A](#) for Background, Analysis and Staff Recommendations.

Current NOVA program policies and can be found in [Manual 14 Nonhighway and Off-Road Vehicle Activities](#).

Current RTP policies can be found in [Manual #16 Recreation Trails Program](#).

The public is asked to provide comments on whether the Recreation and Conservation Funding Board should approve, or amend and approve, the four proposed policy statements below.

1) Proposed NOVA Maintenance and Operations Project Type Definition

2014 Board Adopted Policy Statement	Proposed Policy Statement
Maintenance and operation of existing trails may be interpreted broadly to include any kind of trailside, trailhead or trail maintenance, operation, restoration, rehabilitation, or relocation. "Rehabilitation" means extensive repair needed to bring a facility up to standards suitable for public use. "Operation" means non-capital costs such as cleaning restrooms, garbage service, septic service, etc.	Maintenance activities are those that occur periodically or cyclically to ensure a facility meets its useful life expectancy, and keeps it in an efficient operating condition. Maintenance may include minor re-routes or repair or relocation needed to keep a facility or amenity at a useable standard. Operations means routine servicing activities such as those that may occur on a daily or weekly basis to keep a facility open and useable such as collecting fees, sewage pumpout, janitorial work, restocking, grass trimming, or leaf blowing.

2) Proposed NOVA Development Project Type Definition

2014 Board Adopted Policy Statement	Proposed Policy Statement
<p>Development of trailside and trailhead facilities, new trails, and trail linkages for recreational trails. Trailside and trailhead facilities should have a direct relationship with a recreational trail; a highway rest area or visitor center is not an appropriate use of funds.</p>	<p>Construction of new, or rehabilitation or replacement in place of existing recreational trails, re-routes, trailside facilities, and trailheads. "Rehabilitation" means extensive renovation and repair needed to bring a facility up to standards suitable for public use. Rehabilitation is intended to add to the value of a facility or trail, or prolong its intended useful service life.</p> <p>Development project may also include minor amounts of maintenance work that directly related to or supports the trail or facility being developed or rehabilitated but the predominant or primary work activity in a project must be development.</p>

3) Proposed RTP Maintenance Project Type Definition

2014 Board Adopted Policy Statement	Proposed Policy Statement
<p>Maintenance and restoration of existing trails may be interpreted broadly to include any kind of trail maintenance, restoration, rehabilitation, or relocation. "Rehabilitation" means extensive repair needed to bring a facility up to standards suitable for public use.</p>	<p>Maintenance activities are those that occur periodically or cyclically to ensure a facility meets its useful life expectancy, and keeps it in an efficient operating condition. Maintenance may include minor repair, re-routes, or relocation needed to keep a facility or amenity at a useable standard. Maintenance activities do not include operational activities to keep a facility open and useable such as collecting fees, sewage pumpout, janitorial work, restocking activities.</p>

4) Proposed RTP Development Project Type Definition

2014 Board Adopted Policy Statement	Proposed Policy Statement
<p>Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails, may be interpreted broadly to include development or rehabilitation (not routine maintenance) of any trailside and trailhead facility. Trailside and trailhead facilities should have a direct relationship</p>	<p>Construction of new or rehabilitation or replacement of existing recreational trails, trailside facilities, re-routes, and trailheads. "Rehabilitation" means extensive renovation and repair needed to bring a facility up to standards suitable for public use. Rehabilitation is intended to add to the value of a facility or trail, or prolong its intended useful service life.</p>

2014 Board Adopted Policy Statement

Proposed Policy Statement

with a recreational trail; a highway rest area or visitor center is not an appropriate use of funds.
"Rehabilitation" means extensive repair needed to bring a facility up to standards suitable for public use.

Development project may also include minor amounts of maintenance work that directly relates to or supports the trail or facility being developed or rehabilitated but the predominant or primary work activity in a project must be development.

Appendix A.

Summary

Recreation and Conservation Office staff recommend amending the maintenance and development project type definitions in the Nonhighway and Off-road Vehicle (NOVA) Program and the Recreational Trails Program (RTP) to allow staff and sponsors to better evaluate grant proposals and manage active projects and compliance responsibilities.

Background

In January 2014, the Recreation and Conservation Funding Board (board) adopted Resolution 2014-06, which updated project type definitions in Nonhighway and Off-road Vehicle (NOVA) Program and the Recreational Trails Program (RTP). Prior to this decision, the NOVA program did not have specific definitions for "maintenance and operation" and "development," instead using a list of the eligible project types. Additionally, "development projects" contained capital construction of trails and related facilities, such as roads and support facilities, and "maintenance and operation projects" included only routine maintenance for trails, facilities, and sites such as cleaning, painting, minor repairs, and trail clearing.

In response to Recreation and Conservation Office (RCO) staff and sponsor recommendations for aligning project type definitions with how sponsors organized and conducted their work in the field, the definitions were modified to better reflect how our sponsors implement their trail maintenance and capital programs, which are often comingled.

Table 1: Summary of the 2014 Project Type Definitions

Policy Topic	Current Policy	Proposed (Adopted) Change	Reason
Revise the definitions for maintenance and development projects in the NOVA and RTP programs.	Maintenance projects are defined as routine work on trails and trail facilities within an existing trail footprint. Development projects are any trail renovation or new construction.	Modify the project type definitions so that: Maintenance projects are defined as any work on existing trails. Development projects are defined as any new trail work.	Aligns trail project work to how sponsors implement projects on the ground.

Challenges Caused by Current Definition of Maintenance Project Types

The 2014 changes greatly expanded the type of work eligible in a maintenance project. As long as the work was within the existing trail corridor, the work qualified as maintenance. The new definitions meant that *new construction*, e.g., installing (or replacing) a bridge, was considered *maintenance* if it occurred in the existing trail corridor. A similar example defined repaving a parking lot and constructing new bathrooms where facilities currently exist as maintenance work. Development projects therefore consisted of new construction where no facilities existed.

The 2014 changes have been received positively by sponsors because the definitions match up with how they scope, manage, and accomplish work in the field. However, after one grant cycle of implementation, RCO staff encountered numerous challenges managing maintenance grants, described in the following table.

Table 2: Challenges Caused by Current Definition of Maintenance Project Types

Issue	Staff Challenges
<p>Compliance on Capital Items Capital items such as bridges and restrooms built or installed via a maintenance grant are still subject to long-term compliance responsibility.</p>	<p>Board policy, agreements, and federal rules require capital construction items to be tracked for long-term compliance. However, the mix of maintenance and capital items within a maintenance project creates a challenge for RCO staff and sponsors because they are not required to monitor maintenance grants for long-term compliance.</p>
<p>Inconsistency with WAC and Federal Definitions While maintenance projects may contain capital items, WAC and federal definitions for maintenance activities exclude these items/activities. Details on the WAC and CFR 2 Part 200.452 are included in Attachment A.</p>	<p>Current decision-making for allowing capital development in maintenance grants is unintuitive and often in conflict with other rules and agency definitions.</p>
<p>Architecture, Engineering, and Permit Costs Traditionally, these services and costs are often incurred in development projects, but maintenance by its nature generally does not require architecture, permitting, and engineering costs.</p>	<p>The board’s current definition of maintenance allows capital construction to occur. These types of activities often generate architecture, engineering and permitting costs. Board policy, agreements, and federal rules require these costs to be limited and managed discretely. However, our systems have not been developed to track these types of cost in a maintenance grant.</p>
<p>Environmental, Cultural Resource, and ADA Review Development of capital items such as installing bridges and bathrooms often trigger regulatory review to include review for consistency with the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA).</p>	<p>Capital constructed facilities must be built in compliance with a variety of regulations and requirements. However, traditionally, maintenance activities are exempt from these types of regulations. Difficult to focus efforts on compliance with those regulatory requirements in maintenance dominated scopes of work.</p>

Current and Proposed Project Type Definitions In Program Manuals

To best educate and direct sponsors and staff to manage their grant proposals and agreements, staff added some clarifying language to the 2014 adopted policy statements, which redefined the project types.

The following tables include the current project type descriptions as stated in the program manuals, staff recommendations for new definitions, and a brief analysis of each proposal. The proposed changes are consistent with RTP’s federal rules, and RCW. The board has the authority to make these policy changes per RCW 46.09, RCW 79A.25, and WAC 286.04 (printed on the last page of this Appendix)

Table 3: NOVA Maintenance and Operations Project Type Definition Changes

Summary: Remove extensive renovation and rehabilitation activities from maintenance and operations project types and only allow them in development projects.

Intent: Re-align eligible project activities and project types with traditional project descriptions and completed project compliance regimes.

2014 Board Adopted Policy Statement	Proposed Policy Statement	Pros/Cons Analysis
<p>Maintenance and operation of existing trails may be interpreted broadly to include any kind of trailside, trailhead or trail maintenance, operation, restoration, rehabilitation, or relocation. "Rehabilitation" means extensive repair needed to bring a facility up to standards suitable for public use. "Operation" means non-capital costs such as cleaning restrooms, garbage service, septic service, etc.</p>	<p>Maintenance activities are those that occur periodically or cyclically to ensure a facility meets its useful life expectancy, and keeps it in an efficient operating condition. Maintenance may include minor re-routes or repair or relocation needed to keep a facility or amenity at a useable standard. Operations means routine servicing activities such as those that may occur on a daily or weekly basis to keep a facility open and useable such as collecting fees, sewage pumpout, janitorial work, restocking, grass trimming, or leaf blowing.</p>	<p>Pros</p> <ul style="list-style-type: none"> • Consistent with CFR 2 Part 200.452 Definition of "Maintenance and Repair" (applies when NOVA is matched with RTP) • Consistent with recently approved RCO WAC Definition of "Maintenance and operation project." • No need to track individual project elements for long term compliance. • Environmental clearance should be easy to determine and obtain because work most likely categorically excluded from in depth SEPA or NEPA review. • Typically no need to review for ADA, ABA compliance. <p>Cons</p> <ul style="list-style-type: none"> • May not fit sponsors' need to group all activities into one application/project.

Table 4: NOVA Development Project Type Definition Changes

Summary: Remove major renovation and rehabilitation project activities from maintenance project types and allow them only as development activities.

Intent: Re-align project activities and project types with traditional definitions, existing application review and compliance regimes, and best track architectural and engineering and other project costs.

2014 Board Adopted Policy Statement	Proposed Policy Statement	Pros/Cons
<p>Development of trailside and trailhead facilities, new trails, and trail linkages for recreational trails. Trailside and trailhead facilities should have a direct relationship with a recreational trail; a highway rest area or visitor center is not an appropriate use of funds.</p>	<p>Construction of new, or rehabilitation or replacement in place of existing recreational trails, re-routes, trailside facilities, and trailheads. "Rehabilitation" means extensive renovation and repair needed to bring a facility up to standards suitable for public use. Rehabilitation is intended to add to the value of a facility or trail, or prolong its intended useful service life.</p> <p>Development project may also include minor amounts of maintenance work that directly related to or supports the trail or facility being developed or rehabilitated but the predominant or primary work activity in a project must be development.</p>	<p>Pros</p> <ul style="list-style-type: none"> • Sponsors may group new construction, renovation, rehabilitation, and minor related maintenance into one application/project. • Consistent with recently approved RCO WAC definition of "Development project". Also consistent with Development project types in other RCFB programs where both new construction and renovation work in the same program types (Manual #4). • Better evaluation of application and design drawings during active phase. • Staff able to review and inspect entire project for long-term compliance. • Allows sponsors to include (and RCO staff to monitor) architecture and engineering activities and costs. For their project. • Environmental review and documentation can be performed consistent with the type of work typically found in a development project. • Requirement for plans and specifications in development project allows for better review for ADA, ABA compliance. <p>Cons</p> <ul style="list-style-type: none"> • For sponsors, a project that requires significant amounts of maintenance work in addition to development may need to be submitted as 2 separate projects.

Table 5: RTP Maintenance Project Type Definition Changes

Summary: Remove extensive renovation and rehabilitation activities from maintenance project types and only allow them in development projects.

Intent: Re-align eligible project activities and project types with traditional project descriptions and completed project compliance regimes.

2014 Board Adopted Policy Statement	Proposed Policy Statement	Pros/Cons
<p>Maintenance and restoration of existing trails may be interpreted broadly to include any kind of trail maintenance, restoration, rehabilitation, or relocation. "Rehabilitation" means extensive repair needed to bring a facility up to standards suitable for public use.</p>	<p>Maintenance activities are those that occur periodically or cyclically to ensure a facility meets its useful life expectancy, and keeps it in an efficient operating condition. Maintenance may include minor repair, re-routes, or relocation needed to keep a facility or amenity at a useable standard. Maintenance activities do not include operational activities to keep a facility open and useable such as collecting fees, sewage pumpout, janitorial work, restocking activities.</p>	<p>Pros</p> <ul style="list-style-type: none"> • Consistent with CFR 2 Part 200.452 Definition of "Maintenance and Repair" • Consistent with recently approved RCO WAC Definition of "Maintenance project." • No need to track individual project elements for long term compliance. • Environmental clearance should be easy to determine and obtain because work mostly likely categorically excluded from in depth NEPA review or analysis. • Typically no need to review for ADA, ABA compliance. <p>Cons</p> <ul style="list-style-type: none"> • May not fit sponsors' need to group all activities into one application/project.

Table 6: RTP Development Project Type Definition Changes

Summary: Remove major renovation and rehabilitation project activities from maintenance project types and allow them only as development activities.

Intent: Re-align project activities and project types with traditional definitions, existing application review and compliance regimes, and best track architectural and engineering and other project costs.

2014 Board Adopted Policy Statement	Proposed Policy Statement	Pros/Cons
<p>Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails, may be interpreted broadly to include development or rehabilitation (not routine maintenance) of any trailside and trailhead facility. Trailside and trailhead facilities should have a direct relationship with a recreational trail; a highway rest area or visitor center is not an appropriate use of funds. "Rehabilitation" means extensive repair needed to bring a facility up to standards suitable for public use.</p>	<p>Construction of new or rehabilitation or replacement of existing recreational trails, trailside facilities, re-routes, and trailheads. "Rehabilitation" means extensive renovation and repair needed to bring a facility up to standards suitable for public use. Rehabilitation is intended to add to the value of a facility or trail, or prolong its intended useful service life.</p> <p>Development project may also include minor amounts of maintenance work that directly relates to or supports the trail or facility being developed or rehabilitated but the predominant or primary work activity in a project must be development.</p>	<p>Pros</p> <ul style="list-style-type: none"> • Sponsors may group all activities (new construction, renovation, rehabilitation, and maintenance) into one application/project. • Consistent with recently approved RCO WAC definition of "Development project". Also consistent with Development project types in other RCFB programs where both new construction and renovation work in the same program types (Manual #4). • Better evaluation of application and design drawings during active phase. • Staff able to review and inspect entire project for long-term compliance. • Allows sponsors to include (and RCO staff to monitor) architecture and engineering activities and costs. For their project. • Environmental review and documentation can be performed consistent with the type of work typically found in a development project. • Requirement for plans and specifications in development project allows for better review for ADA, ABA compliance. <p>Cons</p> <ul style="list-style-type: none"> • A project that requires significant amounts of maintenance work in addition to development may need to be submitted as 2 separate projects.

WAC 286-04-010

Definitions.

(7) "Development project" means a project that results in the construction of or work resulting in new elements including, but not limited to, structures, facilities and materials to enhance outdoor recreation resources.

(11) "Maintenance project" means a project that maintains existing areas and facilities through repairs and upkeep for the benefit of outdoor recreationists.

(12) "Maintenance and operation project" means a project that maintains existing areas and facilities through repairs, upkeep, and routine servicing for the benefit of outdoor recreationists.

(20) "Renovation project" means a project that improves an existing site or structure in order to increase its service life or functions

(21) "Restoration project" means a project that brings a site back to its historic function as part of a natural ecosystem or improving the ecological functionality of the site.

Omni-Circular 2 CFR Part 200.452 "Maintenance and repair costs." §200.452

Maintenance and repair costs.

Costs incurred for utilities, insurance, security, necessary maintenance, janitorial services, repair, or upkeep of buildings and equipment (including Federal property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable. Costs incurred for improvements which add to the permanent value of the buildings and equipment or appreciably prolong their intended life must be treated as capital expenditures (see §200.439 Equipment and other capital expenditures). These costs are only allowable to the extent not paid through rental or other agreements.