

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER g: GRANTS

PART 3040
ILLINOIS BICYCLE PATH GRANT PROGRAM

Section	
3040.10	Program Objectives
3040.20	Eligibility Requirements
3040.30	Assistance Formula
3040.40	General Procedures for Grant Applications and Awards
3040.50	Eligible Project Costs
3040.60	Project Evaluation Priorities
3040.70	Program Compliance Requirements
3040.80	Program Information/Contact
3040.APPENDIX A	Project Evaluation Criteria
3040.APPENDIX B	Application Form (Repealed)
3040.APPENDIX C	Acquisition Data (Repealed)
3040.APPENDIX D	Development Data (Repealed)
3040.APPENDIX E	Narrative Statement and Environmental Evaluation (Repealed)
3040.APPENDIX F	Certification Statement (Repealed)
3040.APPENDIX G	Application for Federal/State Assistance (Repealed)

AUTHORITY: Implementing and authorized by Section 63a36 of the Civil Administrative Code of Illinois [20 ILCS 805/63a36] and Section 2-119 of the Illinois Vehicle Code [625 ILCS 5/2-119].

SOURCE: Adopted at 14 Ill. Reg. 6106, effective April 17, 1990; amended at 15 Ill. Reg. 4132, effective March 4, 1991; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 4902, effective March 2, 1998; amended at 28 Ill. Reg. 10647, effective July 13, 2004.

Section 3040.10 Program Objectives

The purpose of the program is to provide financial assistance to eligible local units of government to assist them in the acquisition, construction, and rehabilitation of public off-road, non-motorized bicycle paths and directly related facilities (such as signs, drinking water, rest rooms) in Illinois. Bicycle routes/lanes sharing existing roadway surfaces are not eligible for funding assistance under this program.

(Source: Amended at 22 Ill. Reg. 4902, effective March 2, 1998)

Section 3040.20 Eligibility Requirements

Agencies eligible for assistance under the grant program are any units of local government with statutory authority to acquire, develop and maintain lands for bicycle trail purposes. This includes, but is not limited to, counties, townships, municipalities, park districts, conservation districts and forest preserve districts.

Section 3040.30 Assistance Formula

The grant program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. Maximum grant awards for development projects shall be limited to \$200,000 per request. No grant limit is established for acquisition projects.

Section 3040.40 General Procedures for Grant Applications and Awards

- a) Grant applications for funding assistance under this program must be submitted in accordance with schedules to be publicly announced annually by the Department of Natural Resources. Necessary application forms and instructions are available through the Department. Awarding of grants will be on a competitive basis and will be made under the authority of the Director of the Department of Natural Resources.
- b) Project grant applications shall consist of the following basic components, at a minimum:
 - 1) local project sponsor's name, address and telephone number;
 - 2) existing supply of public bicycle trails currently existing within jurisdiction of the project sponsor;
 - 3) an itemized proposed project cost estimate;
 - 4) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits, proposed trail usages and method of financing or accomplishing the project;
 - 5) project location map, site plat map and proposed development plan;
 - 6) project environmental evaluation;
 - 7) proof of land ownership or usage rights for development project or commitment of title insurance for property planned for acquisition; and

- 8) a signed document by the project sponsor verifying the applicant has the resources to initially finance and properly manage the project area and will comply with program regulations and indemnify the Department from any liability relative to the project.
- c) A program information packet may be obtained from the Division of Grant Administration, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271, telephone 217/782-7481.

(Source: Amended at 28 Ill. Reg. 10647, effective July 13, 2004)

Section 3040.50 Eligible Project Costs

- a) Grant assistance may be obtained for the following items:
 - 1) Land acquisition costs (fee simple title, permanent easement or long-term lease) for bicycle paths, including associated appraisal costs. For acquisition of less than fee simple title or permanent easement, such as a lease agreement, the agreement must cover a minimum time period of 25 years, unless otherwise approved by the Department. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements to assure the land lease is not rescinded prior to the terms of the amortization schedule in the project agreement being fulfilled. For example: statutory language limitations prevent longer than five year lease, but lease is automatically renewable.
 - 2) Bicycle path development costs including, but not necessarily limited to, site clearing and grading, surfacing, drainage, bridging, access control devices, fencing, signs and associated support facilities such as parking areas, access roads, shelters, restrooms, safety lighting, potable water supply and other directly related bicycling support facilities. Architectural/engineering services deemed necessary for the proper design and construction of project bicycle paths are also considered eligible development costs.
- b) Project costs for which reimbursement is sought cannot be incurred by the project applicant until after grant approval notification. Costs incurred prior to Department approval are ineligible for grant assistance. For acquisition projects, costs are considered incurred when property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account/agent for the property. In addition, no purchase agreement, option, etc., or

price negotiations shall be entered into prior to Department approval. Development project costs are considered incurred on the date construction contracts are signed or actual physical work begins on the project site or project materials are delivered.

- c) No grant awards shall be awarded for the acquisition or development of land which will not be available for public bicycling use.

(Source: Amended at 22 Ill. Reg. 4902, effective March 2, 1998)

Section 3040.60 Project Evaluation Priorities

The following factors are used by the Department in evaluating and recommending project applications for funding assistance consideration (see APPENDIX A):

- a) projects providing land acquisition or long-term/permanent easements;
- b) projects providing the development of a bicycle trail system, especially well-developed long distance trails or connector trails linking several existing trails;
- c) projects located in areas of high demand or readily accessible to major population centers;
- d) projects proposing initial development of bicycling facilities at the project site;
- e) projects where long-term operations and maintenance capability is clearly demonstrated by local Sponsor;
- f) projects specifically identified or supported by State, Regional or local bicycle trail planning initiatives/documents developed through broad-based public input; and
- g) project site physical characteristics/attributes including scenic quality; associated natural and cultural resources; environmental suitability; safety factors; adjacent land use compatibility and available trail user amenities such as adequate parking, restrooms, drinking water, etc.

Section 3040.70 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the Illinois Bicycle Path Grant Program must be open to the general public for bicycle use. Property acquired or developed with program assistance may not be converted to a use which would deny bicycle use as provided by terms of the Project Agreement without prior Department approval. Approval for property conversion will be granted only if the

project sponsor substitutes replacement property equal in fair market value and comparable in bicycling usefulness, quality and location.

- b) Land acquired with funding assistance from the Illinois Bicycle Path Grant Program shall be operated and maintained in perpetuity for public bicycle path and recreation use.
- c) For projects receiving development grant assistance only, terms of this Part shall no longer apply after the time period specified below relating to the total amount of grant funds expended on the project:

Total Grant Award	Time Period After Final Project Billing
0 - \$50,000	5 years
for every \$10,000 increment over \$50,000	add 1 year

- d) For projects receiving acquisition assistance, an appraisal must be provided by the sponsoring agency and submitted to the Department for review and certification. The appraisal must be completed to Departmental specifications. Title to any property for which grant reimbursement is sought cannot be taken by the sponsoring agency before Departmental approval of Certified Fair Market Value for the property is received.
- e) For projects receiving development assistance, the sponsoring agency must possess either fee simple title or a permanent easement to the property being improved or an approved lease arrangement of at least 25 years, unless otherwise approved by the Department. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements (see Section 3040.50(a)(1)). The sponsor must also adhere to applicable state and local procurement requirements and make available to the Department all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented, upon request, to the Department for review prior to publication. The Department will notify the project sponsor if the proposed project requires approval from a registered structural engineer.

- f) The local sponsoring agency is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.
- g) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
 - 1) ACQUISITION PROJECT: Proof of fair market value offer to seller for the property, copy of deed (Judgement Order in case of condemnation) showing ownership transferred to the local project sponsor, and copies of canceled check(s) showing proof of payment to seller.
 - 2) DEVELOPMENT PROJECTS: Copy of Construction As-Built drawings (no larger than 11" x 17"), copy of receipts/invoices for project costs, and copy of canceled checks showing proof of payment.
- h) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of 5 years after final reimbursement payment is made by the Department.
- i) The sponsoring agency must permanently post a Bicycle Path Grant Program acknowledgment sign at the project site where grant assistance is involved. The necessary sign will be provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.
- j) Projects assisted with Illinois Bicycle Path Grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.
- k) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.
- l) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of Program-assisted bicycle path facilities.

- m) In connection with and prior to the construction, and thereafter the subsequent operation and maintenance of Program-assisted bicycle facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary construction permits, licenses or forms of consent as may be required by law. Failure to obtain any required permit(s) may jeopardize approved grant funding.
- n) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:
 - 1) All bicycle facilities financed with funds from this grant program shall be continuously operated and maintained by the sponsoring agency at no cost to the Department and shall be operated and utilized in such a manner as to maximize the intended benefits to and for the general public.
 - 2) The sponsoring agency shall satisfactorily maintain Program-assisted bicycle path facilities so as to promote the safe and enjoyable usage of the facility by the public.
 - 3) All bicycle path facilities financed with funds from this grant program shall be open to the public for use and enjoyment without regard to race, color, disability, creed or national origin. No lessee or licensee of an area under a lease or license providing for a public or quasi-public use and no concessionaire of a lessee or licensee providing a service to the public, including facilities and accommodations, shall unlawfully discriminate against any person or persons because of race, color, disability, creed, or national origin in the conduct of its operation under the lease, license or concession agreement.
 - 4) The charging of fees for general public use of bicycle path facilities financed with funds from this grant program is strongly discouraged. However, if it is deemed necessary by the sponsoring agency that fees must be levied for use of these facilities, the sponsoring agency shall:
 - A) receive prior approval from the Department for scheduled fees to be charged;
 - B) clearly document that existing agency operation and maintenance budget is not sufficient to cover the added cost of properly operating and maintaining the project facility; and
 - C) deposit all fees in a separate account to be used for maintenance of and improvement to the Program-assisted facility only.

- 5) The Department shall have access to Program-assisted facilities at all times for inspection purposes to ensure project sponsor's continued compliance with this Part.
 - 6) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct bicycle rental facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency. Any and all concession revenue in excess of the costs of operation and maintenance of Program-assisted bicycle facilities shall be used for the improvement of said facilities or similar public bicycling facilities in nearby areas.
 - 7) All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the bicycle path facility for the benefit of the general public shall be submitted to the Department, upon request, for its approval prior to said sub-lease or license being entered into or granted by the sponsoring agency.
- o) Conflict of Interests
- 1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved bicycle path grant project shall have any financial or other personal interest in any such contract or subcontract.
 - 2) No person performing services for the local political subdivision in connection with an approved bicycle path grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision in any contract or subcontract in connection with an approved bicycle path grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved bicycle path grant project unless such interest is openly disclosed upon the public records of the local political subdivision and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.
- p) The Project Sponsor certifies that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105/16].

- q) Pursuant to 775 ILCS 5/2-105(A)(4), the Project Sponsor certifies that it has a written sexual harassment policy that includes, at a minimum, the following information:
- 1) the illegality of sexual harassment;
 - 2) the definition of sexual harassment under State law;
 - 3) a description of sexual harassment utilizing examples;
 - 4) the Contractor's internal complaint process including penalties;
 - 5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
 - 6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act. A copy of the policy shall be provided to the Department of Human Rights upon request.
- r) Program Violations and Project Termination
- 1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.
 - 2) Failure by the local sponsoring agency to comply with any of the above cited Program terms shall be cause for the suspension of all grant assistance obligations thereunder, unless, in the judgement of the Department, such failure was due to no fault of the local sponsoring agency (e.g., statutory changes, acts of God).

(Source: Amended at 22 Ill. Reg. 4902, effective March 2, 1998)

Section 3040.80 Program Information/Contact

For information on the Illinois Bicycle Path Grant Program, contact:

Illinois Department of Natural Resources

Division of Grant Administration
One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-7481
FAX: 217/782-9599

(Source: Amended at 28 Ill. Reg. 10647, effective July 13, 2004)

Section 3040.APPENDIX A Project Evaluation Criteria

NEED - 35%

Population served (proximity to high population areas)

Project of National, State, Regional or Local Significance

General - first trail in service area

Major expansion to existing trail system or significant additional trail in service area

Vital link between existing major trail systems

Addresses major safety issue

Identified in Trail Plan - State, Regional or Local Trail Plan

(consideration also given to unique situations having public support, but no plan)

PHYSICAL CHARACTERISTICS OF TRAIL - 50%

Overall trail length as well as specific project trail length

Environmental factors/trail attributes

Scenic quality

Connect with other recreational areas, schools

Unique cultural/natural resources along trail

Adjacent land uses compatible

Development problems associated with trail (negative)

Safety hazards (negative)

Multiple use (equestrian, snowmobiling) bonus

User amenities available (restrooms, water, etc.)

Continuity of trail ROW

Access to trail (convenient - remote)

Other trail user amenities/opportunities (picnic, camping, shopping, etc.)

DEVELOPMENT PLAN - 2%

ABILITY TO MAINTAIN - 3%

OTHER CONSIDERATIONS/FACTORS - 10%

(land donation, serves minority population, inter-governmental cooperation, safety concerns, economic/tourism benefits)

(Source: Amended at 22 Ill. Reg. 4902, effective March 2, 1998)