

Recreational Trails Program (RTP)
Updated January 24, 2013

STATUS: ACTIVE

PROGRAM CODES:

- 3840 -FY 1993, 1996, and 1997
- 38B0 - St Adm Costs, up to 7%
- 38C0 - St Env Protect & Safety Ed Costs, up to 5%
- H940 - STEA 03
- HR10 - 7% Admin - STEA 03
- HR20 - 5% Education - STEA 03
- Q940 - Sec. 1112, TEA-21
- QR10 - 7% Admin - TEA-21
- QR20 - 5% Education - TEA-21
- L940 – RTP SAFETEA-LU
- L94E – RTP (SAFETEA-LU Extension – P.L. 111-068)
- L94R – RTP (SAFETEA-LU Restored - P.L. 111-147 Sec. 413)
- LR10 – RTP 7% Admin (SAFETEA-LU)
- LR1E – RTP 7% Admin (SAFETEA-LU Extension – P.L. 111-068)
- LR20 – RTP 5% Education (SAFETEA-LU)
- LR2E - RTP 5% Education (SAFETEA-LU Extension – P.L. 111-068)
- M940 – Recreational Trails Program (MAP-21 - P.L. 112-141)
- MR10 – State RTP Administration (MAP-21 - P.L. 112-141)
- MR20 – RTP Education Programs (MAP-21 - P.L. 112-141)

Headquarters Use Only:

- 38A0 - National Recreational Trails Headquarters Admin
- 38E0 - National Recreational Trails Headquarters to States
- J940 - Recreational Trails Program Headquarters Administration - STEA 03
- R940 - Recreational Trails Program Headquarters Administration - TEA-21
- M941 – Return of 1% for RTP Administration (MAP-21 - P.L. 112-141)

FEDERAL SHARE (applies to SAFETEA-LU funds and to MAP-21 funds specifically set aside for the RTP): 80 percent with sliding scale (see 23 U.S.C. 120). Federal agency project sponsors may provide additional Federal funds up to a total Federal share of 95 percent. Other Federal programs may provide matching funds toward the non-Federal share if the project also is eligible under the other Federal program. RTP funds may be used to match other Federal programs if the project also is eligible under the other Federal program. States may allow a programmatic match for funds from non-Federal sources. "Soft-match" (donations of funds, material, services, or new right-of-way) may be permitted from any project sponsor, whether a public agency or private organization.

PERIOD AVAILABLE: Funds are available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Thus funds are available for obligation for up to 4 years.

FUND: Highway Account of the Highway Trust Fund

FUND DISTRIBUTION METHOD: Apportionment. Unless the Governor opts out in advance, an amount equal to the State's FY 2009 RTP apportionment is to be set aside from the State's TAP funds for recreational trails projects. (23 U.S.C. 213(f)-(g)). See discussion in Background.

TYPE OF AUTHORITY: Contract

SUBJECT TO OBLIGATION LIMITATION: Yes

STATUTORY REFERENCE: 23 U.S.C. 133(b)(20), 206, and 213. Sections 1108(a)(9), 1122(a), and 1524(a), of Moving Ahead for Progress in the 21st Century (MAP-21, P.L. 112-141). Sections 1101(a)(7), 1103(f), and 1112 of the Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-178). Sections 1101(a)(8) and 1109 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59).

CFR REFERENCE: None

ELIGIBILITY: The Recreational Trails Program (RTP) provides funds to the States to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. Examples of trail uses include hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles.

Each State administers its own program, usually through a State resource or park agency. Each State develops its own procedures to solicit and select projects for funding. Funds may be used to:

- Maintain and restore existing trails.
- Develop and rehabilitate trailside and trailhead facilities and trail linkages.
- Purchase and lease of trail construction and maintenance equipment.
- Construct new trails (with restrictions for new trails on Federal lands).
- Acquire easements or property for trails.
- Assess trail conditions for accessibility and maintenance.
- Develop and disseminate publications and operation of educational programs to promote safety and environmental protection related to trails (including supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training) (limited to 5 percent of a State's funds).
- State administrative costs related to this program (limited to 7 percent of a State's funds).

States may make grants to private organizations, or to municipal, county, State, Federal, or other government agencies. Some States do not provide funds to private organizations. Projects may be on public or private land, but projects on private land must provide written assurances of public access.

States are encouraged to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails. MAP-21 Section 1524 requires the USDOT/FHWA to encourage the States and regional transportation planning agencies to enter into contracts and cooperative agreements with qualified youth service or conservation corps to perform recreational trails projects.

Projects eligible under the RTP also are eligible for Transportation Alternatives Program funds (using TAP provisions and requirements) and for Surface Transportation Program funds (using STP provisions and requirements).

BACKGROUND: The Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102-240) included the National Recreational Trails Fund Act (Section 1302), which established the National Recreational Trails Funding Program. The program was authorized at \$30 million per year but without contract authority.

The National Highway System Designation Act of 1995 (Public Law 104-59) established funding for the RTP in 23 U.S.C. 104(h) and authorized \$15 million annually for FY 1996 and 1997 from FHWA administrative funds and made some program amendments (Section 337).

The Transportation Equity Act for the 21st Century (TEA-21, Public Law 105-85) replaced the National Recreational Trails Fund Act with the Recreational Trails Program. Section 1101(a)(7) authorized \$30 million for FY 1998, \$40 million for FY 1999 and \$50 million for each of FYs 2000-2003. Section 1103(f) amended 23 U.S.C. 104(h) to establish the RTP apportionments. Section 1112 of TEA-21 amended 23 U.S.C. 206 creating the Recreational Trails Program (RTP).

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59) continued the RTP with amendments. Section 1101(a)(8) authorized \$60 million for FY 2005, \$70 million for FY 2006, \$75 million for FY 2007, \$80 million for FY 2008, and \$85 million for FY 2009. Section 1109 amended 23 U.S.C. 104(h) and 206. The program was extended through FY 2012 through SAFETEA-LU extensions.

The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) §1122 amended the RTP to make the funding a set-aside from the Transportation Alternatives Program (TAP). Unless the Governor opts out of the RTP program in advance, all RTP provisions and requirements continue under section 206 of title 23 (23 U.S.C. 213(f)(3)). MAP-21 §1105 deleted the annual apportionments provided for within 23 U.S.C. 104(h).

Under 23 U.S.C. 213(f), if continuing the RTP:

- Each State shall obligate an amount of funds reserved under section 213 of title equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect prior to MAP-21, for projects relating to recreational trails under section 206.
- Each State shall return 1 percent of those funds to the Secretary for the administration of RTP.
- Each State shall comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds. Therefore, all RTP provisions and requirements remain unchanged, including the requirement for 40 percent diverse use, 30 percent motorized use, and 30 percent nonmotorized use.

If opting out of the RTP:

- The Governor of the State must notify the Secretary not later than 30 days prior to apportionments being made for any fiscal year. (23 U.S.C. 213(g)). Any State that desires to opt out of the RTP set-aside should notify FHWA via email, with a letter signed by the Governor or the Governor's designee accompanying the opt-out notification, to the HCFB-1 official mailbox (BudDiv@dot.gov) no later than the September 1st prior to the fiscal year in which the State wishes to opt out.
- The funds remain as TAP funds.
- The State cannot use a portion of its TAP funds for the fiscal year in which it opts out for RTP administrative costs.

ADDITIONAL INFORMATION: See http://www.fhwa.dot.gov/environment/recreational_trails/ and <http://www.fhwa.dot.gov/map21/guidance/guidetap.cfm>. Contact the Office of Human Environment (HEPH).