



COMMONWEALTH OF MASSACHUSETTS

MASSTRAILS GRANTS PROGRAM

Grant Guidelines and Application Information

Open Date: November 1
Application Deadline: **February 3 @ 11:59 PM**
Contacts: Amanda Lewis
MassTrails Director
amanda.lewis@mass.gov

Eli Velluti-Fry
MassTrails Grants Program Manager
elijah.velluti-fry@mass.gov

A. OVERVIEW

MassTrails is an inter-agency initiative of the Commonwealth lead by the Executive Office of Energy and Environmental Affairs, Department of Transportation and the Department of Conservation and Recreation. MassTrails seeks to expand and connect the Commonwealth's networks of off-road, shared-use pathways and recreational trails for all users across Massachusetts by providing matching grants, technical assistance, and resources to assist in planning, design, construction, and maintenance of high-quality trail networks in Massachusetts.

The Commonwealth of Massachusetts announces the availability of MassTrails grant funds for support to communities, public entities, Native nations, and non-profit organizations to design, create, and maintain the diverse network of trails, trail systems, and trails experiences used and enjoyed by Massachusetts residents and visitors. Applications are accepted annually for a variety of well-planned trail projects benefiting communities across the state.

MassTrails Grants are administered by the Department of Conservation and Recreation (DCR). Grant amounts are dependent on the project and its needs, with a minimum grant award of \$5,000 and a maximum grant award of \$500,000. Eligible grant activities include project development, design, engineering, permitting, construction, and maintenance of recreational trails, shared-use pathways, and the amenities that support trails. MassTrails prioritizes building out the longer distance trail networks across the state, filling in critical gaps in existing networks, and overcoming current barriers to connectivity while taking into consideration the number of people that will potentially access a given project.

MassTrails grants are REIMBURSABLE, meaning grantees must first pay for expenditures and then submit for reimbursement using the required documentation. MassTrails grants are MATCHING grants and require that proponents provide a minimum of 20% of the total project cost.

MassTrails grants are reviewed and recommended by the Commonwealth's Inter-Agency Trails Team and the Massachusetts Recreational Trails Advisory Board (MARTAB). Grants are funded through two funding sources. "Commonwealth Trails" funds are authorized through the Environmental Bond Bill and supported by the state's annual Capital Investment Plan. Recreational Trails Program Funds are authorized in the U.S. Transportation Bill and administered by the Commonwealth of Massachusetts in coordination with the Federal Highway Administration.

B. ELIGIBILITY

MassTrails Grants are available to municipalities, state or federal agencies, Native nations, other governmental agencies, and non-profit organizations. Two or more entities can apply jointly, with one acting as the fiscal agent.

MassTrails provides federal and state capital grant funds to eligible communities to pay for project development, design, engineering, permitting, construction, and maintenance of trails in Massachusetts. A "trail" is defined as an off-road linear corridor with varied surface type, width, length, and terrain. It can be primarily recreational in nature and/or serve the purpose of connecting communities and people to distinct destinations. Sidewalks and/or road improvements are not eligible as trail projects under this program.

Eligible project activities include:

- Trail planning, design, engineering, and permitting.
- Construction of new trails.
- Maintenance of existing trails.
- Development and rehabilitation of trailside and trailhead amenities.
- Purchase and lease of trail-related construction and maintenance equipment.
- Acquisition (in limited cases) of easements and fee interest in property for trail corridors.

All projects are subject to approval by the landowners/managers and are subject to all applicable local, state, and federal laws and regulations. All reimbursement and match project activities must take place within the grant contract time period, which occurs after a grant award is issued and paperwork is submitted and signed.

Trail Types: Trail type is defined according to its "designed use" which determines the design, construction, and maintenance parameters for the trail. Eligible MassTrails projects will fall under one of the four categories of trail types listed below.

Shared-Use Paths: Defined as off-road infrastructure that is physically separated from motorized vehicle traffic and designed for use by bicyclists and pedestrians, including pedestrians of all ages and abilities. Shared-use paths tend to be ADA-compliant and are typically paved, but can also use stabilized aggregate, crushed

stone, or unimproved natural surfaces. They are designed as independent facilities for two-way travel, supplementing the existing active transportation network, and provide flexible transportation options and recreational opportunities for a wide variety of settings. Shared-use paths take several common forms, and paths may transition between types at different points along their routes. Variations of shared-use paths include rail trails, rails with trails, canal towpaths, waterfront trails, and paths along utility corridors. The following are examples of shared-use paths found throughout Massachusetts.

Examples: Charles River Pathway, Mystic River Greenway, Mass Central Rail Trail, Ashuwillticook Rail Trail, Clipper City Rail Trail, Squannacook Rail Trail, Grand Trunk Trail (Titanic Rail Trail), New Bedford Harborwalk.

Hiker/Pedestrian Trails: Trails which are designed, constructed, and maintained for hiker/pedestrian use. According to the Federal Trail Data Standards (FTDS), a trail has only **one designed use** that determines the design, construction, and maintenance parameters for the trail. However, a trail can have more than **one managed use** based on a management decision to allow other uses on the trail.

Examples: The Appalachian Trail, Worcester East-West Trail, Riverwalk in Great Barrington, Watertown Riverfront Park and Braille Trail.

Off-Road Motorized Trails: Trails designed to accommodate ATVs, off-road motorcycles, and snowmobiles.

Examples: Trails designated for motorized use in Pittsfield State Forest, October Mountain State Forest, Beartown State Forest, Tolland State Forest (off-road motorcycles only), F. Gilbert Hills State Forest, Wrentham State Forest, Franklin State Forest, and Freetown-Fall River State Forest.

“Other” Trails: Can include any infrastructure which falls under the definition of trail, including but not limited to: water trails (e.g., Connecticut River Paddlers Trail, Assabet River Trail); mountain biking trails (e.g., Greylock Glen, Blue Hills State Reservation); cross-country ski trails (e.g., Northfield Mountain, Notchview); equestrian trails (e.g., Great Brook Farm, Crane Beach); historic trails (e.g., Freedom Trail Boston); and urban trails (e.g., The Walking City Trail, Boston).

C. GRANT CRITERIA AND PREFERRED SPECIFICATIONS

MassTrails Grant Criteria

MassTrails seeks strong projects that:

Plan, Design or Construct off-road shared-use pathway and recreational trail connections between where Massachusetts residents live, learn, work, shop, and recreate (Connect)

- MassTrails prioritizes building out long distance trails across the state
- MassTrails prioritizes filling in critical gaps in existing networks, or overcoming current barriers to connectivity
- MassTrails considers the number of people that will potentially access a given project

Serve the diversity of Massachusetts residents, especially: (Equitable)*

- Minority and Low-Income populations (Environmental Justice Communities)
- Underserved or Vulnerable Populations, including people with disabilities
- Youth

Effectively address accessibility guidelines (Accessible)**

- Follow accessible design standards to maximize accessibility while recognizing and protecting the unique characteristics of the natural setting
- Follow Universal Design principles to meet the needs of all trail users
- Have a plan in place for ongoing maintenance to ensure continued accessibility

Allow for efficient use of grant funds (Efficient)

- Have a detailed and reasonable budget
- Have a strong local match
- Have funding in place or a plan for funding subsequent required phases

Are ready for the proposed phase (Ready)

- Previous planning work supports proposed phase
- Appropriate community input and outreach has been completed
- Environmental, permitting and right-of-way challenges have been identified and alternatives and solutions have been fully explored.
- Climate resiliency and weather impacts been considered and incorporated.
- Have a plan in place for ongoing required maintenance once the project is complete

Effectively incorporate safety (Safe)

Create diverse, high quality recreational experiences and connect users of all abilities and backgrounds to the natural and cultural wealth of Massachusetts (Experiential)

***Trails and Equity**

Trails and Greenways have the potential to provide social, economic, and public health benefits. But they are not equally distributed. Low-income neighborhoods, communities of color, people with limited English proficiency, older adults and those with disabilities have been historically disenfranchised and left out of the planning and decision-making process of trail development.

The MassTrails program seeks to address these inequities to ensure that trails and greenways benefits are extended to all residents, working towards a more equitable and just future. As such, it is imperative that an application describe how a project is seeking to create equitable access, especially for these underserved communities. See the following explanations for Environmental Justice Communities, Title VI, “Underserved and Vulnerable Populations,” and Youth for more information about equity and trail projects. Strong proposals will thoroughly demonstrate how the proposed project can facilitate an equitable and just planning process and create equitable trail access and amenities across Massachusetts.

Environmental Justice Communities: Environmental Justice is based on the principle that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment

regardless of race, color, national origin, income, or English language proficiency. Environmental justice is the equal protection and meaningful involvement of all people and communities with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies and the equitable distribution of energy and environmental benefits and burdens. In Massachusetts, a community is defined as an Environmental Justice Community if any of the following are true:

- 25 percent of households within a given Census Block have a median annual household income at or below 65% of the statewide median income for Massachusetts; *or*
- 25% or more of the residents are minority (identify as a race other than white); *or*
- 25% or more of the residents have no one over the age of 14 who speaks English only or very well (English Isolation).

Environmental Justice information is available at Mass.gov: [https://www.mass.gov/info-details/environmental-justice-populations-in-massachusetts#what-is-an-environmental-justice-population?-](https://www.mass.gov/info-details/environmental-justice-populations-in-massachusetts#what-is-an-environmental-justice-population?).

An interactive map displaying 2020 EJ block groups can be accessed at the site:

<https://mass-eocsa.maps.arcgis.com/apps/webappviewer/index.html?id=1d6f63e7762a48e5930de84ed4849212>

Title VI of the Civil Rights Act of 1964: Prohibits discrimination based on race, color, or national origin in programs and activities receiving Federal financial assistance. More specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The use of the word “person” is important as the protections afforded under Title VI are not limited to citizens of the United States.

Underserved and Vulnerable Populations: This population group includes individuals in at least one of the following categories: low income, minority, elderly, children, limited English proficiency, or persons with disabilities. This can also include geographically isolated communities and communities which have been historically and/or are currently underserved by this program.

Youth: MassTrails seeks to engage and provide benefits to youth through development and increased access to trails, particularly those which allow safe routes to schools, recreational facilities and community centers, opportunities for exercise and play, and educational resources to help young people learn about the world around them, particularly the natural and historic/cultural characteristics of a given place. Stewardship, in the form of enlisting and/or partnering with youth in the community or organized youth corps/groups (e.g., SCA, Boy Scouts, Green Team, Technical/Trade High School Students) to work on part or all of the trail project components is highly encouraged.

****Trails and Accessibility**

Accessible Design Standards: All trail amenity construction projects must comply with the Americans with Disabilities Act of 1990 (ADA) and the Massachusetts Architectural Access Board (MAAB) design standards. Under The Americans with Disabilities Act (ADA), a law passed in 1990, all newly designed and constructed or

altered State and local government facilities, public accommodation, and commercial facilities must be readily accessible and usable by persons with disabilities. The design standards issued under the Americans with Disabilities Act by the Department of Justice and the Department of Transportation ensure access to the built environment for people with disabilities. The ADA Standards apply nationwide, in addition to any applicable state or local codes, where facilities are newly built or altered. The ADA Standards include standards for other elements like parking lots and site amenities. The ADA Standards for Accessible Design can be found here: <https://www.access-board.gov/ada/>.

The Architectural Access Board in Massachusetts (MAAB) develops and enforces regulations to make public buildings and facilities accessible to, functional for, and safe for use by persons with disabilities. The MAAB has published its own design standards since 1968, updating them regularly. Known as 521 CMR, you can find information here: <https://www.mass.gov/aab-rules-and-regulations>. If there is a conflict between ADA standards and MAAB standards, the stricter standard applies. The MAAB standards also do not include design standards for shared-use pathways/trails, but they do include standards for other elements and amenities, including picnic areas.

Shared-Use Path Accessibility Resources: Contact the MassTrails Grants Administrator with any questions and refer to the links below for helpful resources:

- FHWA Designing Sidewalks and Trails for Access, Chapter 14:
https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/sidewalk2/pdf/15chapter14.pdf
- MassDOT Design Guide: <https://www.mass.gov/doc/massdot-design-guide-chapter-11-shared-use-paths-and-greenways/download>
- The US Access Board is a federal agency that develops accessibility guidelines and standards. The Board has recently finalized new Pedestrian Right-of Way Guidelines (PROWAG) under the ADA that address shared-use pathways. You can access the most recent information, guidelines, and best practices here: <https://www.access-board.gov/prowag/>.

Hiker/Pedestrian Trails: A hiker/pedestrian trail or trail facility must be constructed as accessible according to the ADA and the MAAB standards defined above, but more specifically as outlined in U.S. Forest Service Trail Accessibility Guidelines (FSTAG). These guidelines specify accessibility standards for trails designed for hiker/pedestrian use. Trails are classified by their **designed use** and **managed use**. A trail has only one designed use that determines the design, construction, and maintenance parameters for the trail. A trail can have more than one managed use based on a management decision to allow other uses on the trail. Trails that have a designed use for hikers and pedestrians are required to comply with the accessibility guidelines for trails. Trails that have a designed use other than for hikers or pedestrians, such as mountain bike or equestrian trails, are not required to comply with the technical accessibility guidelines for trails.

New Trail Projects: All new trail systems funded through MassTrails which are designed for hiker/pedestrian use must comply with the trail accessibility guidelines. If a new segment of an existing trail system that is designed for hiker/pedestrian use directly connects to a trailhead or other trail that substantially meets the accessibility guidelines for trails, the new trail must comply with the accessibility guidelines.

Trail Restoration Projects: When a trail designed for hiker/pedestrian use is reconstructed or restored, and the altered portion of the trail connects directly to a trailhead or other trail that substantially meets the accessibility guidelines for trails, the altered portion of the trail must comply with the accessibility guidelines.

The FSTAG accessibility guidelines maximize accessibility, while recognizing and protecting the unique characteristics of the natural setting, level of development, and purpose of each trail. Unlike ADA and MAAB guidelines for the built environment, trail guidelines include exceptions for when a trail designed for hiker/pedestrian use cannot reasonably comply with accessibility guidelines. These exceptions ensure that accessibility is provided to the extent appropriate to the setting where it will have the most benefit, be practicable, and provide a meaningful recreational opportunity. All other appropriate design options should be considered before applying an exception.

Exceptions are permitted for any portion of the trail:

- Where compliance with the technical provision is not practicable due to terrain.
- Where compliance with the technical provision would fundamentally alter the function or purpose of the facility, trail, or the setting.
- Where compliance with the technical provision cannot be accomplished with the prevailing construction practices.
- Where compliance is precluded because the cultural, historic, or significant natural features are eligible for protection under Federal, State, or local law.

The basis for all exceptions must be documented and submitted to MassTrails as a part of the grant application. Documentation will include the rationale for the determination, which conditions for exception are present, which exceptions apply to the project overall, the date of the determination, and the name and contact information of the individuals who made the determination.

Section V of the MassTrails Grant Application includes the “Trail Accessibility Guidelines Checklist.” All applicants must complete Part 1 of the form. If the project will construct or alter a hiker/pedestrian trail, applicants must fill out Parts 2-5. Entities are encouraged to seek technical assistance from MassTrails when considering exempting an entire trail.

Trailhead Facilities, Structures and Staging Areas: All trailhead facilities and furnishings must comply with the accessibility requirements, to the extent practicable. Any trail structure (e.g., bridges, viewing platforms, shelters) must comply with accessibility standards in all instances. For example, if a project involves new bridge construction on an existing trail that is not accessible, the bridge must still be built to accessibility standards as outlined in the ADA and MAAB. If the project will construct or restore trailhead or staging area facilities, those facilities must be brought up to current accessibility standards.

Hiker/Pedestrian Trail Accessibility Resources: Contact the MassTrails Grants Administrator with any questions and refer to the links below for helpful resources:

- **US Forest Service Trail Accessibility Guidelines (FSTAG):**
<https://www.fs.usda.gov/sites/default/files/FSTAG-2013-Update.pdf>
- **Accessibility Guidebook for Outdoor Recreation and Trails:**

<https://www.fs.usda.gov/sites/default/files/Accessibility-Guide-Book.pdf>

- **FHWA, Recreational Trails Program Accessibility Guidance:** https://www.fhwa.dot.gov/environment/recreational_trails/guidance/accessibility_guidance/
- **Tips and Techniques for using Crusher fines surfacing for trails:** <https://www.americantrails.org/resources/faq-tips-and-techniques-for-using-crusher-fines-surfacing-for-trails>
- **The Art of Building Crushed Stone Trails:** <https://www.americantrails.org/resources/the-art-of-building-crushed-stone-trails>

Universal Design: Beyond MassTrails requirements for accessibility, grant applicants and land managers should consider other universal design techniques and apply an accessibility lens to all projects. Universal design attempts to meet the needs of all people, and includes those of all ages, physical abilities, sensory abilities, and cognitive skills. It includes the use of integrated and mainstream products, environmental features and services, with the need for adaptation of specialized design. Examples of universal design elements in a trail project include mounting ramps and blocks for riders to mount their horses, installing safety barriers that don't obstruct views for wheelchair users, and taking the width of recumbent bikes into account when placing bollards or other barriers on a bike trail.

D. PROGRAM REQUIREMENTS

MassTrails funding is contingent upon compliance on both the state and federal level with regards to receipt of public funding. The following is a detailed listing of all program requirements under MassTrails. For further questions regarding these requirements, contact the MassTrails Grants Administrator.

Award Amount: The minimum grant award amount is \$5,000. The award maximum depends on the project type and needs and is generally \$100,000 for recreational trails projects and up to \$500,000 for shared-use path projects demonstrating critical network connections of regional or statewide significance. The grant amount requested should realistically align with the proposed project, with details supported within a submitted budget. For questions about specific projects and award maximums contact the MassTrails Grants Administrator.

Reimbursement: MassTrails grantees must first pay for expenditures and then submit for reimbursement using the required documentation. Costs eligible for reimbursement include all approved project costs incurred on or after Grantee's contract execution date up to the end date of the contract. Allowable costs include the purchase of materials or equipment, paid consultant/contractor labor, paid staff time, and costs associated with the acquisition of land or easements. The Grantee must pay for 100% of the cost of an item or vendor invoice before applying for reimbursement. Required documentation to be reimbursed includes invoices, receipts, time sheets, and other acceptable records along with proof of payment for those expenditures. Further guidance on MassTrails Grant reimbursement procedures can be accessed here: <https://www.mass.gov/doc/masstrails-grant-reimbursement-request-guidance/download>.

Ineligible project costs include, but are not limited to, costs associated with the preparation and submission of an application in response to this RFR, administrative supplies and equipment, and the purchase of food.

Match: MassTrails grants are MATCHING grants and require that proponents provide a minimum of 20% of the total project cost. The source of match can vary dependent on the project type but can include cash match (can be obtained from federal or private grants, CPA funds, donations, etc.), donated services, staff time, and volunteer labor. The project application must include estimates for the matching portion of the project cost and name the source of the match. The match must cover a minimum (greater amounts are encouraged) of 20% of the total value of a project. For example, a \$100,000 grant funding request would require at least \$25,000 in matching contributions, for a total project value of \$125,000 (80% of \$125k = \$100k, 20% of \$125k = \$25k). Further guidance on MassTrails Grant match can be accessed here: <https://www.mass.gov/doc/masstrails-grant-reimbursement-request-guidance/download>.

Timeline: Most development and design projects will be awarded through state Capital Improvement Plan (CIP) funds. These funds are authorized through the CIP and therefore are available only within one fiscal year (July 1 to June 30 of the following calendar year) during which time the Grantee will need to complete all spending and match under the grant). These funds cannot span multiple fiscal years as capital planning is uncertain until the state's budget is passed each year. Trail construction and maintenance projects may be permitted a longer timeframe of up to two years, dependent on the scope and specifications of the project. For more details, contact the MassTrails Grants Administrator.

Permitting: It is the applicant's responsibility to identify any necessary permitting for the project (e.g., Natural Heritage, Wetlands Protection Act) prior to applying for a grant and that they are in place prior to beginning any on-the-ground work on the project. Failure to obtain necessary permits will prevent grant payment. Permits are not required to be in place at the time of application, although knowledge of required permits and the necessary steps to obtain permitting for trail construction projects is required. If a grant is awarded, it is the responsibility of the Grantee to obtain the required permits and provide documentation to the MassTrails Grants Administrator prior to any on-the-ground trail work. For a list of potential permits required, see Section E.

Land Ownership: The public must be assured legal access to trails and trail-related facilities which are funded through MassTrails. The applicant must identify all rights and interests held by others on the land upon which the project is proposed. Applications for trail construction and maintenance must include a signed MassTrails Landowner Permission Form specifically authorizing the project and ensuring that the property is open for continuing public access, in addition to any other required forms specific to a given landowner/entity. Applications without landowner permission or public access assurance will be considered incomplete and will not be considered for funding. It is the sole responsibility of the applicant to obtain landowner permission.

****Permissions from some entities could take months to obtain, therefore applicants should engage with landowners as a first step in the application process.***

Applications for project development, such as feasibility or concept level design, must clearly document the outreach and engagement strategy to all landowners and stakeholders who may be affected by a future trails project. A letter documenting plans for outreach, engagement, and public access must be included in Section 7.3 of the application, in lieu of the Landowner Permission Form.

Applications for trail design/engineering/permitting require documented landowner commitment and/or permission, based on the design phase, and should contact the MassTrails Grant Administrator for guidance.

Public Land: Submit a signed MassTrails Grant - Public Landowner Permission Form in Section 7.3 of the MassTrails Grant Application. If the applicant is the landowner, a signed form is still required. In some cases, additional steps are required to obtain permission for trail work on public land and the additional documentation must be included with the application as well (or in place of, determined by the Mass Grants Administrator). For example, for State Forest and Park trail projects, DCR requires that a DCR Trail Proposal Form (<https://www.mass.gov/guides/help-steward-or-build-a-dcr-trail>) be filled out and submitted to the Trails and Greenways section in order to obtain approval for work on DCR land. The Massachusetts Department of Fish and Game requires that a trail license agreement be in place.

Private Land: Submit a signed MassTrails Grant – Private Landowner Permission Form in Section 7.3 of the MassTrails Grant Application. If the applicant is the landowner, a signed form is still required. This form requires landowner permission for the specific project as well as landowner assurance that the trail shall remain open and available for public use consistent with the trail’s recreational purpose for the useful life of the investment. Although the required form is sufficient for program purposes, MassTrails places a higher value on projects which have acquired the land outright for conservation purposes, established permanent trail easements in the project area, or established other legally binding agreements which allow for public access in perpetuity.

For all projects, it is required that landowners shall allow open and unencumbered public access to the completed project by all persons without regard to race, color, religious or political beliefs, sex, national origin, or place of primary residence. Access to the trail system must be made to all members of the public and cannot be exclusively limited to members of a specific trail club, other individuals, etc.

Conservation Restrictions: If another entity holds a Conservation Restriction (CR) on the land, they must be notified and provide written authorization for project work in the grant application package. Failure to identify that the land includes a CR will disqualify the project from funding. There are two options for providing documentation of this authorization. One option is to submit a signed **MassTrails Grant – Conservation Restriction Work Authorization Form** in Section 7.3 of the MassTrails Grant Application. The other option is to obtain a letter from the entity which holds the CR with specific language authorizing the proposed project work, submitted in Section 7.3 of the MassTrails Grant Application. **The CR form must be submitted in addition to the landowner permission form(s).**

Equipment Purchases: Equipment must be dedicated exclusively for trail building and maintenance to qualify for purchase under MassTrails. Equipment is defined as tangible personal property having a useful life of at least five years and a per-unit acquisition cost of \$5,000 or greater. The equipment must be purchased in full to qualify for reimbursement. Three quotes must be obtained and included in the grant application. The lowest quote/bid must be selected. The equipment title will rest with the Grantee and must be used for the proper authorized use as stated in the project proposal. The Grantee is required to use and report on the equipment for its proposed and intended purpose for a period of five years. **If purchasing equipment, Section V of the MassTrails Grant Application must be completed in full.**

Build America, Buy America Act:

Established in 2021 as part of the Infrastructure Investment and Jobs Act, the Build America, Buy America Act (BABA) seeks to maximize the use of American-made products and materials in all federally funded projects, including grants funded through federal agencies. The Recreational Trails Program (RTP) is funded by the Federal Highway Administration and thus the new Build America, Buy America Act applies to grants awarded through MassTrails' federally funded arm.

However as of August 16, 2023, all RTP sub-recipient projects (which include MassTrails grants) that do not exceed \$500,000 will qualify for a waiver of BABA. This includes equipment purchases. If a Grantee's project will not exceed \$500k during phases involving federal funding, no further documentation or action is required by the applicant. If a project is anticipated to have costs greater than \$500k during combined phases with federal funding, then BABA regulations must be adhered to in order to receive federal funds. In almost all cases, a MassTrails RTP grant will qualify for the waiver.

The current Build America, Buy America waiver is valid through August 16, 2028. For waiver details please visit: <https://www.federalregister.gov/documents/2023/08/16/2023-17602/waiver-of-buy-america-requirements-for-de-minimis-costs-and-small-grants>.

Rental or Lease of Equipment: Renting or leasing of equipment for the purpose of completing specific work elements along an eligible trail, versus purchasing, is recommended when possible.

Acquisitions: MassTrails funds may be used for land or easement acquisition for trail development. Legislation associated with MassTrails funding prohibits condemnation of any kind of interest in property. Therefore, acquisition of any kind of interest in property must be from a willing landowner or seller and must comply with federal and state law. If the project involves land acquisition, the MassTrails Administrator will provide the Grantee with documentation of the requirements and specifications.

Appraisals associated with land acquisition projects must be submitted with the application, however, the cost of an appraisal may be counted as pre-agreement match.

Community Outreach: It is anticipated that all projects will or have undergone community outreach *before* applying for grant funds. It is the applicant's responsibility to communicate with the landowners, stakeholders, and abutters and have all permissions and approvals in place prior to trail construction or maintenance work. Note that receipt of grant funds from MassTrails is not to be assumed or presented as authorization by the State for the project.

MassTrails Acknowledgement: The Grantee shall display formal and permanent recognition/acknowledgment of MassTrails at the project site or affixed on equipment purchased through the program. Signs should be constructed of sturdy material that is permanent, large enough to be clearly visible and located at a prominent access point to the project area. Signs are not required to be free-standing or set aside from other signage. They can be integrated into other signs or structures as appropriate. The suggested language identifies the site as a cooperative venture (e.g., "A Cooperative Trail Project between the 'Name of Municipality/Organization' and MassTrails"). Any printed materials such as trail brochures, celebration announcements or website information should also identify the financial partnership that made the project a reality. Stickers or decals shall be printed and displayed on all equipment purchased with MassTrails funding. It is also encouraged that the Grantee

develops and distributes a press release upon the award of the grant and/or project completion, acknowledging MassTrails as a source of funds for the project. The MassTrails logo can be provided to Grantees upon request.

Disadvantaged Business Enterprise Program and Assurances of Non-Discrimination: The requirements of 49 Code of Federal Regulations (CFR) Part 26: Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs applies to MassTrails grants as do the Federal Highway Administration Assurances for Title VI and Other Non-discrimination Statutes and Regulations. Upon grant award, compliance with these regulations and completion of their subsequent documentation will be required by each Grantee, under the instruction and assistance of the MassTrails Program Administrator, before any reimbursement of funds is authorized.

E. STATE AND FEDERAL ENVIRONMENTAL REVIEW

The Grantee will ensure that the project complies with all applicable state and federal regulations as listed in this section. It is the responsibility of the Grantee to obtain any required permitting or record of communication with regulatory review agencies as instructed below. If required, documentation of the review or permit must be on file at the offices of the DCR MassTrails before the trail project can begin. Required permitting will be reviewed at the time of grant award if it has not already been included in the grant application.

Massachusetts Wetlands/Rivers Protection Acts and Local Wetland Bylaws: Any project that alters land within 100 feet of a wetland or 200 feet of a river or stream (or that meets any other condition of the Rivers or Wetlands Protection Act) will require the approval of the local Conservation Commission before any construction can proceed. It is the responsibility of the Grantee to obtain this permitting. More detailed information on wetland permitting can be found here: <https://www.mass.gov/guides/protecting-wetlands-in-massachusetts>.

Massachusetts Endangered Species Act (MESA) and the Endangered Species Act of 1973: MESA and the Federal Endangered Species Act protect rare species and their habitats by prohibiting the “Take” of any plant or animal species listed as Endangered, Threatened, or of Special Concern. Any project activities which occur within Estimated or Priority Habitat as identified by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) must file with the program for review and approval, unless the project has been determined as exempt by NHESP. NHESP filing is the responsibility of the Grantee. Projects which occur within habitat of Federally listed Endangered or Threatened species will be instructed by the MassTrails Grant Administrator on steps required to prevent harmful impacts to those species. More detailed information on filing with NHESP can be found here: <https://www.mass.gov/doc/masstrails-nhesp-information/download>.

Section 106 of the National Historic Preservation Act (NHPA): Any projects that receive federal funding must be reviewed in compliance with Section 106 of the National Historic Preservation Act of 1966. This legislation requires projects to take into account the effects of their undertakings on historic properties and afford the Massachusetts Historical Commission (MHC) and federally recognized tribes the opportunity to review and comment on the project. Review of Section 106 is conducted by the MassTrails Grant Administrator and FHWA. If awarded a grant, the grantee will be instructed on any specific comments or alterations to scope that will be necessary for compliance.

Massachusetts Environmental Policy Act (MEPA): Because MassTrails projects are receiving financial assistance from a State Agency, MEPA review may be required. MEPA regulations establish review thresholds for projects that are of a nature, size, or location likely to cause damage to the environment (directly or indirectly) as identified in the MEPA environmental review thresholds. Details on the MEPA review thresholds can be found in section 11.03 of the MEPA Regulations (<https://www.mass.gov/regulations/301-CMR-1100-mepa-regulations>). It is the responsibility of the grantee to file for MEPA review if necessary.

F. APPLICATION SUBMISSION AND REVIEW PROCESS

How To Apply: Applications must be received by 11:59 pm on February 3, 2025. Any application received after the deadline will be rejected. All applications must be submitted through the online application portal which can be accessed at www.mass.gov/how-to/apply-for-a-masstrails-grant. No paper applications will be accepted. There is no log in ID or password required. The application can be saved while working on it. Click “Save and Resume Later” and then click on “Save and Get Link.” A link to that application will be provided which must be copied and saved in order to return to the application. A good way to ensure that the link is not lost is to email it to yourself. Please note that any forms which have been uploaded in Section VII of the application will not be saved if you leave the platform before submitting and must be uploaded again before the application is submitted. Failure to enter information in any of the required fields or to submit required attachments will result in the disqualification of the application.

The “Application Template” is available for download in Microsoft Word format on the MassTrails website. It is recommended that applicants review the “Application Template” and fill in all fields before beginning the online application process. The template covers all questions and information can be copied and pasted into the online application when ready.

Review: All applications are reviewed by the Inter-Agency Trails Team or the Massachusetts Recreational Trails Advisory Board (MARTAB) depending on the scope and specifications of the project. The Inter-Agency Trail Team consists of representatives from the Executive Office of Energy and Environmental Affairs, Department of Transportation and the Department of Conservation and Recreation. MARTAB is made up of representatives from each major trail user group in Massachusetts, appointed by DCR with the purpose of advising and making recommendations for grant projects funded through the federal Recreational Trails Program (RTP). All feedback and review notes are gathered and evaluated to determine score and rank for each project. All comments and recommendations will then be submitted to the Secretary and then the Governor for review and final approval. Grants funded using RTP funds will also need to be reviewed and approved by FHWA under the National Environmental Policy Act and Section 106 of the National Historic Preservation Act before they can be awarded.

G. GRANT AWARD, CONTRACTING, AND REPORTING REQUIREMENTS

Grant Awards: Notification to applicants on the status of their grant application is expected to be on or about 200 days after the grant application deadline. All applicants will be notified by email and informed of the status of their proposed project (approved or not). The *earliest* start date for a MassTrails grant project will generally

be on or after July 1 of each year. Grant awards will be announced by the Governor once approved and will be posted on the MassTrails website.

Contract/Start Date: Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form. The *earliest* start date for contracts in this MassTrails grant round will be July 1 of each year. Projects cannot begin until the Grantee has received a Notification to Proceed, issued after the contract has been signed. Expenditures or match accrued outside of the contract time period cannot be included as a part of the project and will not be reimbursed or count towards match.

Project Timeframe: The anticipated duration of contracts awarded through MassTrails are one- to two-years in length depending on the grant project scope and specifications. Extension of the contract is at the discretion of DCR MassTrails and generally are not or cannot be granted. All work must occur before the contract end date to be eligible for reimbursement. Timelines for each project will be included in the application within the Budget/Timeline Spreadsheet.

Reporting: The Grantee shall submit biannual Progress Reports for the term in which the grant is active. Reports shall be submitted on March 15 and September 15. The report will briefly outline past work and accomplishments and provide a plan for future work. An Equipment Report on the condition, use and location of property defined as equipment purchased with grant funds shall be submitted annually (December 31 of each year), for a period of five years following the project end date. All Progress Reports must be submitted online at the MassTrails Grant Recipients page here: <https://www.mass.gov/service-details/masstrails-grant-award-recipients-page>. A template for the Progress/Equipment Report is available on the same MassTrails website.

Payment: MassTrails is a reimbursement grant program, meaning Grantees must first pay for expenditures then submit for reimbursement using the required documentation. Applicants selected to receive grant funding will be required to sign the MassTrails Grant Agreement, State Standard Contract and other required forms which will be sent to applicants electronically after their award letter has been received. Project costs and match may not be incurred until after the Grantee has received their Notification to Proceed letter accompanied by a copy of the executed contract from DCR. Grantees must pay for 100% of the cost of an item before submitting for reimbursement and only approved expenses (as written in the contract's scope and determined by DCR) incurred during the period of the contract are eligible for reimbursement. The Grantee may submit multiple reimbursement requests, on a monthly basis at most, during the grant period.

Final Reimbursement and Project Close-Out: The Grantee shall submit a Grant Close Out Form before proceeding with submitting a Final Reimbursements. The Close Out Form will list the activities accomplished, all documentation that was submitted, and will be countersigned by the MassTrails Grant Administrator in order to close out the grant formally. Additionally, the Grant Close Out shall document the project's goals, accomplishments, barriers encountered, and lessons learned. A map indicating the location of the project and pictures should also be included. Once the Close Out is approved, a Final Reimbursement must be submitted.

The final reimbursement is contingent upon a satisfactory review of the project, including completing the proposed scope as outlined in the project proposal and consistency with the proposed budget. In some cases, a site visit will be conducted before the final reimbursement is approved. The Grant Close Out Form must be submitted online and can be accessed on the MassTrails Grant Recipients page here:

<https://www.mass.gov/service-details/masstrails-grant-award-recipients-page>. Templates for these reports are available on the same MassTrails website.

Project Terms: If awarded, all award recipients will be required to abide by the Standard Commonwealth of Massachusetts Terms and Conditions. In addition, all final contracts are subject to successful negotiation of a Final Scope of Services. Please note that DCR does not guarantee that any contracts may result from a grant application or that any particular funding level will be awarded. The awarded contracts will be reviewed during their course and, upon request by the Grantee, may be amended at the sole discretion of DCR MassTrails. Any extensions granted will not necessarily change, or increase, the monetary value of the contract. Contract extensions should not be considered in project planning, as extensions are generally not and cannot be granted.

All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. DCR may lift the suspension if available funding is received. In the absence of foreseeable available funding, DCR may terminate the contract.

There are two funding sources for MassTrails and therefore all applicants are responsible for compliance with all applicable federal and state rules and regulations governing the funding source. The Recreational Trails Program is authorized within the current U.S Transportation Bill, Fixing America's Surface Transportation Act (FAST Act) <https://www.transportation.gov/fastact/>. Additional funds for MassTrails are authorized through the Environmental Bond Bill (H.4613) and funded through the state's annual Capital Investment Plan.

Pursuant to Title VI of the 1964 Civil Rights Act property acquired or developed with MassTrails assistance shall be open to entry and use by all persons regardless of race, color, or national origin, who are otherwise eligible. Section 504 of the Rehabilitation Act of 1973 requires no qualified person shall, on the basis of disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. The Americans with Disabilities Act of 1990 (P.L. 100-336) simply references and reinforces these requirements for federally assisted programs.

Procurement Procedures: The Grantee will adhere to, at minimum, the Federal Guidelines for Procurement Procedures (Code of Federal Regulations, Title 2, Subtitle A, Chapter II, Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) available for viewing online at: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>. MassTrails Grantees will follow their own established written procurement procedures (e.g., municipalities and state agencies will follow Massachusetts State Procurement Law), however, any procedures relating to the grant project must provide for the following, at minimum:

- a. Grantee's avoidance of purchasing unnecessary items.
- b. Where appropriate, an analysis is made of lease and purchase alternatives to determine which would be the most economical and practical procurement.
- c. When purchasing an item with a value between \$10,000 and \$150,000, Grantees are required to obtain at least three bids for goods and/or services. The solicitations must provide for all of the following:
 - i. A clear and accurate description of the technical requirements for the material, product, or service to be procured. In competitive procurements, such a description shall not contain features which unduly restrict competition.
 - ii. Requirements which the bidder/offeror must fulfill and all other factors to be used in evaluating bids or proposals.
 - iii. A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
 - iv. The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitation.
 - v. The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement.
 - vi. Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.

H. APPLICATION INSTRUCTIONS AND CONTRACT PAPERWORK

Application Submission Instructions: Applications must be received by **11:59 pm on February 3 of 2025**. Any application received after the deadline will be rejected. Applications must be entered and submitted online through the MassTrails application portal at <https://www.mass.gov/how-to/apply-for-a-masstrails-grant>. All form instructions and required documents are available through the online application. Failure to enter information in any of the required fields or to submit required attachments may result in the disqualification of the application.

Additional Required Contract Documents: If selected, the applicant will be required to submit the following forms to complete a fiscal contract with the State:

- Commonwealth Standard Contract Form
- Completed Contractor Authorized Signature Verification Form
- Commonwealth Terms and Conditions
- Commonwealth W-9 Tax Information Form
- Commonwealth Electronic Funds Transfer Form
- Sub-Recipient Monitoring Form, filled out and initialed by the Respondent*

*Required only if receiving funds through the federal program

Respondents are encouraged to review these forms prior to submission of an application. They are available on the MassTrails Grant website www.mass.gov/service-details/masstrails-grant-award-recipients-page. These forms do not need to be filled out unless the applicant is awarded a grant.

MassTrails Grant Agreement: Upon grant award, all Grantees must review and sign the MassTrails Grant Agreement. This does not need to be signed and submitted with the application materials.