

Guidelines for Administration of the State Recreation Road Fund

Purpose:

The State Recreation Road Fund was created by the Nebraska Legislature to assist with expenses required for construction and maintenance of state recreation roads (See Neb. Rev. Stat. §39-1390). The purpose of this Guidelines document is to outline a process for administering the State Recreation Road Fund (“the Fund”).

Terms:

State Recreation Road (SRR): Dustless-surface roads giving direct and immediate access to, or located within state parks, state recreation areas, or other recreational or historical areas are eligible to be designated as state recreation roads.

Eligible SSR: Eligibility for designation as an SRR is determined by the Nebraska Game and Parks Commission (NG&P) and certified to the Nebraska Department of Transportation (NDOT), subject to the approval of the Governor.

Identified and Prioritized SRR Project: Identification and prioritization for funding of SRR projects is determined by NG&P, when funding is available. The Fund must be managed according to need, and proper stewardship based on criteria developed by NG&P. NG&P identifies and prioritizes projects for funding. SRR funds are limited. NG&P and NDOT expressly reserve the right to allocate funds to projects determined to be in the best interest of the fund. When funds are insufficient to meet all needs, projects may be delayed. NG&P and NDOT reserve the right to defund projects when determined necessary, in their sole discretion.

Approved SRR Project: After an SRR Project is identified and prioritized, NDOT oversees approved SRR projects in cooperation with the Local Public Agency (LPA) to determine how the Fund will be utilized, as well as to establish the parameters of project delivery.

Project Letter of Intent: Formal notification from the governing body of an LPA to NDOT of its request for approval of an SRR project for funding, must be done using the provided form link, [FUNDING REQUEST FORM](#).

Percent of Participation: When an SRR is located outside a State Recreation Area, funding is administered based on an analysis conducted by NDOT and NG&P called “Percent of Participation”, or POP. POP is determined based on average daily travel (ADT) traffic counts, particularly the number of vehicles utilizing the roadway solely for State Recreation purposes vs. other purposes (access to homes, businesses, farm ground, etc.). ADT data must be collected and submitted by the LPA in a manner consistent with criteria established by NDOT, and subject to oversight by NDOT. After NDOT and NG&P’s review of ADT data, the LPA’s “percentage of participation” (POP) will be determined. The minimum POP utilized from the Fund will be 25 percent, adjusted upward based on the results of ADT data collection and analysis to determine SRR usage.

PLEASE NOTE: Only SRR projects submitted and approved by NDOT in a manner consistent with the procedures set forth in this document will be reimbursed for eligible project delivery costs from the State Recreation Road Fund. If an LPA undertakes or begins a SRR project prior

to proper prioritization and approval by NDOT and NG&P, it does so solely at the LPA's own cost and risk.

Further, it is understood that to be eligible for any project funding, LPA agrees that it has "jurisdictional responsibility" for the SRR, as that phrase is used in Neb. Rev. Stat. § 39- 2105. Accordingly, as to the maintenance of the SRR, LPA shall complete all maintenance necessary to preserve and protect the public's investment in this roadway.

Administration:

NDOT administers three types of SRR programs in cooperation with NG&P:

1. Construction Programs
2. Emergency Response Programs
3. Maintenance Programs

1. Construction Programs

The Construction Program covers work associated with major rehabilitation or infrastructure improvement projects, which are considered non-routine, and typically restore or improve serviceability, increase strength of existing pavements, have the potential to increase capacities, and/or improve geometrics of the roadway system. Qualifying projects may include major mill/fills, major overlays, and full re-construction/construction of new roads/pavements to meet future traffic and ADA standards.

A. For projects within a State Recreation Area:

1. NG&P identifies and prioritizes the project.
2. NDOT handles program management for the project and administers funding when available.
3. NDOT and/or NG&P oversees development of plans for the project and oversees project delivery.
4. NDOT awards the contract through the NDOT letting process.
5. NDOT oversees project construction.

B. For projects outside of a State Recreation Area, but certified and thereby eligible for SRR funds:

1. LPA submits a Request for Funding from its authorized local official to NDOT. LPA is required to conduct ADT traffic counts according to NDOT criteria and oversight, for purposes of analysis to determine the percentage of participation (POP, see definition above).
6. After receiving the LPA's ADT traffic count data, NDOT and NG&P review the data for determination and agreement regarding the percentage of participation (POP).

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2. NDOT makes initial determination whether project should be eligible for funding.

3. NDOT provides the request to NG&P, who reviews, determines eligibility, and prioritizes the projects. NG&P provides its prioritization finding to NDOT.
4. Notice of the NG&P eligibility and prioritization finding is provided by NDOT to the LPA.
5. NDOT notifies the LPA of the POP determination.
6. The LPA decides whether it will proceed with the SRR project, given the result of the POP determination, and notifies NDOT of its decision.
7. If the LPA decides to proceed with SRR project, NDOT and the LPA enter into a program agreement, which governs project funding and delivery.
8. Once the program agreement is in final form, NDOT follows the same procedure set forth above "For project within a State Recreation Area": See 1.A.1-5.

2. ER Program

Eligible ER events occur because of a qualifying natural disaster or catastrophic failure from an external cause which causes an immediate deterioration of the roadway on an eligible SRR route. Deterioration over time that results in a crisis does not constitute an ER event. Funding for the ER program is reviewed and programmed annually, and unused ER funds are not carried over from year to year.

A. For immediate repair projects within a State Recreation Area:

1. NG&P provides notice of event to NDOT
2. Procedures and payment will vary depending upon significance of the damage or repair, and procedures followed will be like those utilized in NDOT District administered contracts/repairs. State forces may be utilized at the discretion of the District Engineer in unusual circumstances; however, all contracting will be processed through the Construction Division utilizing either standard or accelerated letting processes as applicable. Examples of unusual circumstances might include the unavailability of contractors to perform the work due to timeframe involved or the remote location of the emergency event, the availability of another state construction project contract with which the emergency project could be combined to save time/costs, and similar circumstances where it is determined by NDOT that the usual letting process is impractical or inefficient.

B. For permanent repair projects within a State Recreation Area:

1. NG&P identifies potential ER projects and notifies NDOT when they occur.
2. NDOT coordinates with NG&P to determine whether circumstances warrant utilization of ER Funds, and complete ER Project Authorization review/form.
3. Once project authorization is complete, NDOT coordinates abbreviated/accelerated process for design and delivery of the project.
4. Design will be developed or approved by NDOT

5. NDOT awards the contract through the NDOT letting process or, in the event of unusual circumstances, the District Engineer determines the work may be performed by state forces; examples of unusual circumstances might include the unavailability of contractors to perform the work due to timeframe involved or the remote location of the emergency event, the availability of another state contract with which the emergency project could be added to in order to save time/costs, and similar circumstances where it is determined by NDOT that the usual letting process is impractical or inefficient.

3. Maintenance Program

For purposes of administering the SRR Maintenance Program, Preventative Maintenance means work upon the SRR which is considered routine and not covering the entire roadway surface, including items such as crack sealing, localized patching, fog seals, or other operations done on a day to day or more routine basis as the planned strategy of cost effective treatments to an existing roadway system and its appurtenances that preserves the system, retards future deterioration, and maintains the functional condition of the system. Heavy Maintenance means work upon the SRR which is considered non-routine and would cover the entire roadway surface, including items such as chip seals, armor coats, minor/non-structural overlays (paver or blade laid), or other operations of a more significant nature which have a longerterm impact on improving and extending the surface life of the roadway.

A. For projects within a State Recreation Area:

1. Eligible maintenance activities include both preventative and heavy maintenance.
2. NG&P identifies and prioritizes the project.
3. NDOT handles program management for the project and administers funding when available.
4. NDOT oversees development of plans for the project and oversees project delivery.
5. NDOT awards the contract through the NDOT letting process.
6. NDOT oversees project construction.

B. For projects outside of a State Recreation Area, but eligible for SRR funds:

1. Only heavy maintenance activities are eligible for funding.
2. LPA submits a Request for Funding from its authorized local official to NDOT. LPA is required to conduct ADT traffic counts according to NDOT criteria and oversight, for purposes of analysis to determine the percentage of participation (POP, see definition above).
6. After receiving the LPA's ADT traffic count data, NDOT and NG&P review the data for determination and agreement regarding the percentage of participation (POP).

FUNDING REQUEST FORM

3. NDOT makes initial determination whether project should be eligible for funding.
4. NDOT provides the request to NG&P, who reviews, determines eligibility, and prioritizes the projects. NG&P provides its prioritization finding to NDOT.
5. Notice of the NG&P eligibility and prioritization finding is provided by NDOT to the LPA.
6. NDOT notifies the LPA of the POP determination.
7. The LPA decides whether it will proceed with the SRR project, given the result of the POP determination, and notifies NDOT of its decision.
8. If the LPA decides to proceed with SRR project, NDOT and the LPA enter into a program agreement, which governs project funding and delivery.
9. Once the program agreement is in final form, NDOT follows the same procedure set forth above "For project within a State Recreation Area": See 1.A.1-5.