

SECTION

9

**Administration,
Ownership and Funding**

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Administration

The long-term success of La Vergne and Smyrna's proposed greenbelt system will be dependent, to a large degree, on its administration. Maintenance, security, future uses and protection must be the designated responsibility of some entity. The Trust for Public Land has suggested several alternate institutional frameworks for greenway administration. Each method has advantages and disadvantages-City officials and greenway proponents ultimately must weigh the options and determine which is most appropriate for these particular communities:

• Independent Nonprofit Organization

The greenway organization would be privately chartered and tax-exempt; 501(c)(3) organizations are public charities and are eligible to receive tax-deductible gifts of cash or land. These types of charities are typically governed by an independent board of directors and can be membership oriented. The organization's powers include any listed in its articles of incorporation, and typically include the ability to accept gifts, acquire and hold land, enter into contracts, apply for loans and perform the daily tasks required to operate the greenway system. Many of these types of organizations are made up entirely of volunteers and have no paid staff. Others have relatively small staffs-minimally an executive director and one administrative support person. Funding is provided via individual and corporate donations, foundation support and government gifts or contracts.

Examples of the independent nonprofit organization model exist in Portland, Oregon (40-Mile Loop Land Trust) and Asheville, North Carolina (Riverlink).

Advantages-Private nonprofit groups can usually act more quickly, and to some degree more casually, than government agencies. This is a particular asset when acquiring land, as non-government employees can negotiate with landowners discreetly and confidentially. Additionally, the nonprofit status facilitates tax benefits-donations of land, easements, or money may qualify donors for income, estate or gift tax benefits. Nonprofit status can also facilitate fundraising, as these groups are exempt from federal income tax and can be exempt from local property and sales taxes. Nonprofit groups are typically community-oriented, so they can usually draw on local resources, including volunteer time and skills.

Disadvantages-A great deal of energy must be expended by nonprofit groups to secure operating and capital funds. An independent greenbelt group would have to compete with existing nonprofit organizations already established in the community for what may be limited resources, such as corporate sponsorship

and funding. Unlike public agencies, nonprofits do not benefit from the appropriation of public funds for operations.

To establish an independent nonprofit organization, the group must be officially incorporated; articles of incorporation and bylaws must be drafted and filed with the appropriate state agency. Additionally, an application for tax-exempt status must be submitted to the Internal Revenue Service, and a board of directors must be recruited. The time frame to establish a non-profit organization generally ranges from nine months to one year.

- **Existing Public Agencies**

Local governments and state agencies are created to govern by the state legislature. As such, they are arms of the government established to provide services related to the public health, safety and welfare. They have the ability to regulate land use, and they are funded through annual appropriations derived from tax revenues. Local government agencies are controlled by the local governing body elected by the general public. They are typically managed by a director who is accountable to public officials and are typically staffed by skilled professional public administrators.

The Parks and Recreation Department in Raleigh, North Carolina is an example of a community's decision to assign greenway responsibility to an existing public agency. The Raleigh City Council charged the Parks Department with greenway administration over 25 years ago and tied that responsibility to floodplain management. The Department plans, designs, constructs, operates and maintains the greenway system. Due to the regulatory nature of the Raleigh program, the Department works closely with the local Planning Department and Planning Commission. The City of Raleigh has built over 27 miles of greenways on floodplains acquired via easement dedication by residential builders, on land donated by private citizens, on land acquired through direct purchase or on rights-of-way secured by local utilities.

Advantages—The local government would endorse and sanction the greenbelt system, and it would receive funding through general appropriations and rely on an existing base of skilled professional staff. In addition to stable funding, the ability of an existing public agency to employ land use regulations through the permitting process in order to require the dedication of land for greenways is a significant asset.

Disadvantages—Governmental procedures and local politics can constrain the ability of a public agency to act quickly and efficiently. Public agencies cannot be as flexible as nonprofit organizations, and they can be constrained by political boundaries that limit the physical area in which they work. As the La Vergne and Smyrna systems will overlap two political jurisdictions, logic dictates that an existing agency such as the County Planning Commission might receive first consideration for a management role if this model is adopted.

Official action would be required by local elected officials to charge an existing government agency with greenways. This action would require an appropriate

tion of additional funds, and may require the addition of a greenways coordinator that might be reassigned from other planning-related duties. The existing agency model could be put in place very quickly. However, it is anticipated that a minimum of six months would be required to secure the necessary government approvals.

- **New Public Agency**

A new public agency would have the same organization, governance and funding as an existing agency. An example of a similar agency is the East Bay Regional Parks district established in 1933 in Oakland, California. The District was the first regional parks authority in the country and was established to manage a ring of parks around the east side of San Francisco Bay. The enabling legislation required an initiative petition and public referendum to approve the new District, elect a board of directors and levy a special property tax to finance the project. Currently the East Bay Regional Parks District owns and manages more than 41 parks totaling 57,000 acres. The District is a key player in ongoing efforts to establish the Bay Area Ridge Trail, an ambitious project dedicated to creating a greenbelt and greenway around San Francisco Bay.

Advantages—A new agency would provide the same general opportunities as an existing one. However, it could be charged with the sole responsibility of the greenbelt system. This dedication would result in a very focused mission and single purpose.

Disadvantages—The constraints associated with a new agency would be similar to those outlined for an existing agency. Additionally, this management model could potentially require a larger appropriation of funds and new staff. A new agency could be established immediately, however, it is likely that six to twelve months would be required to secure government approvals.

- **Publicly Chartered Nonprofit or Quasi-Governmental Organization**

This management model relies on a publicly chartered, tax-exempt nonprofit organization. An official ordinance or act of a local government or state agency typically establishes such organizations. Quasi-governmental organizations feature all the benefits of a private nonprofit, including tax-exempt status and the ability to offer tax benefits to landowners. The major differences between this type of organization and private nonprofit groups are funding and governance. Publicly chartered nonprofits usually receive an annual government appropriation of funds for operations and capital expenses. As publicly chartered entities, they are controlled to varying degrees by government. The local governing body typically appoints some or all of the organization's directors and has the ability to exert at least some degree of influence and control by doing so.

In 1988, the New York legislature established the Hudson River Valley Greenway Commission to develop a draft action plan for establishing a 150-mile greenway along the Hudson River from New York City to Albany. The legislature appointed the Commission's members and appropriated funds for its operations. The Commission employs a professional staff and provides a foundation for actions required to coordinate greenway efforts that overlap thirteen counties and numerous municipalities.

Advantages—A quasi-governmental organization enjoys all the benefits of a private nonprofit organization. Additionally, it can be officially sanctioned and can receive government funding.

Disadvantages—A publicly chartered nonprofit group cannot be as autonomous as a private nonprofit. Publicly chartered nonprofits experience some degree of governmental control through both funding and board appointments; they are also subject to political changes and pressures.

An official act of local government or the state legislature would be necessary to establish a publicly chartered nonprofit organization. Such an organization could be established immediately, however, a minimum of six to twelve months would be required to secure the necessary government approvals.⁵⁸

Ownership

Administrative models and methods described for land acquisition in previous sections will be influenced to some degree by eventual ownership. Local governments typically acquire land when it is to be devoted to a public use, such as recreation. However, some land may need to be purchased for preservation or protection of a natural resource, such as an endangered wildlife habitat—in that case, a land trust may be the most appropriate owner. In other cases, multiple ownership might be considered. However, in order to define the best method of acquisition, future ownership should be identified prior to acquisition.

The Conservation Fund distinguishes primarily between private and public ownership of greenway lands. Options for public ownership, the most common type of greenway ownership, include:

- Local governments—Considered the "... most desirable public landowner for small single-jurisdictional and simple multi-jurisdictional greenways."⁵⁹ Local governments are charged with protection of the public health, safety and welfare and are, in effect, granted this elected responsibility and power by the citizens they represent. Therefore, a local agency such as a parks or public works department may be most qualified to manage and own greenways.
- State governments—Can be the most appropriate public landowner for multi-jurisdictional greenways. However, this is typically the case only when the greenway system is statewide or traverse at least several counties.
- Federal government—Several federal agencies, including the National Park Service and the U.S. Forest Service, have experience with greenway development and ownership. Additionally, through ISTEA and TEA-21, the Federal Highway Administration has become a major stakeholder in the country's greenway movement.

⁵⁸The Trust for Public Land. "Creating an Institutional Framework for Chattanooga Greenways." Southeast Region, Tallahassee, Florida, 1994

⁵⁹Ibid., 117

Considerations for private ownership of some portion of the overall greenway system include:

- Individual landowners—Farmers who have ample land resources to maintain current agricultural uses could be encouraged to devote some portion of their property to greenway development.
- Land trusts and non-profit organizations—A local or regional organization could be established to employ land-protection and ownership mechanisms to conserve natural resources.
- Corporate landowners—Corporate sponsors can support legal and operating requirements for greenways on portions of their landholdings. Many corporations are already facilitating public access to their properties for special public events. For example, the Columbus (Ohio) Symphony Orchestra performs with special guests at "Picnic with the Pops" on summer Saturday evenings on the rambling grounds of Chemical Abstracts. The Symphony and Chemical Abstracts share the cost and liability for public access and use, and the city provides emergency services.

A combination of public and private ownership options discussed on the previous pages may be the best alternative for the La Vergne and Smyrna systems. Public-private ownership is frequently considered the best of both worlds—partnership between pragmatic public servants and creative entrepreneurs can result in very effective management systems. Public ownership is especially appropriate for greenway systems located in more than one political jurisdiction. A number of public agencies can pool resources and work together as owners and managers of public greenways.

Federal Funding and Assistance Sources:

TEA-21

The Transportation Equity Act for the 21st Century (TEA-21)

In June 1998, President Clinton signed the Transportation Equity Act for the 21st Century. The Transportation Equity Act is the successor to the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. TEA-21 incorporates significant reforms established by ISTEA and provides new and innovative opportunities for transportation. Specifically, TEA-21 provides new tools for revitalizing communities via transportation and alternatives to driving. It focuses on increased safety, a cleaner environment and a balanced approach toward investing not only in highways and bridges but also in transit systems, intermodal projects and advanced technologies. According to U.S. Department of Transportation Secretary Rodney Slater, TEA-21 "... is about more than concrete, asphalt, and steel: it is about people, and about providing them with the opportunity to lead safer, healthier, and more fulfilling lives."

TEA-21 authorizes 40% more funding than ISTEA—\$217 billion over the next six years. However, actual funding to states, while expected to increase, will not be 40% higher. A total of \$270 million is authorized for 1998 through 2003 to pro-

vide and maintain recreational trails. According to the Department of Transportation, states must establish a state recreational trails advisory committee that represents both motorized and nonmotorized recreational trail users. Of funds distributed to a state for recreational trails, 30% must be used for motorized use, 30% must be used for nonmotorized use and 40% must be applied to diverse trail uses. The federal share is raised from 50 to 80%, and federal agency project sponsors or other federal programs may provide an additional federal share up to 95%. For Kentucky, the 1999 apportionment pursuant to TEA-21 is \$456,048,850. Of that total, \$684,166 is earmarked for recreational trails.

TEA-21 continues and expands provisions to improve facilities and safety for pedestrians and bicycles, and funding eligibility is also expanded to include pedestrian walkways and safety and educational activities. Other changes from ISTEA ensure that pedestrians and bicyclists are considered in the planning process and facility design.

Other Public Funding Sources:

- River and Trails Conservation Assistance Program—the National Park Service provides technical assistance for trail corridor planning and trails advocacy. Assistance is offered to local organizations or government agencies. Trained, experienced National Park Service employees support local groups or agencies by leading planning, training, and designing and/or printing planning documents, maps and brochures.
- Agricultural Conservation Program (ACP) funding assistance through the U.S. Department of Agriculture is directed toward the solution of critical soil, water, energy, woodland and pollution abatement problems on farms and ranches. These funds should be considered as a possible resource for open space conservation. Eligible applicants include owners, landlords, tenants or sharecroppers on farms or ranches where an approved conservation practice takes place.
- American Battlefield Protection Program funds through the National Park Service support the restoration and preservation of battlefields, including those from the Civil War. Eligible battlefields can be preserved as open space-eligible applicants include local governments, state agencies and nonprofit organizations.
- Community Development Block Grants—Entitlement Program funding provides assistance with neighborhood revitalization, economic development and provides for improved community facilities and services. Eligible activities must benefit low and moderate-income persons, aid in preventing or eliminating slums and blight or meet other community development needs of particular urgency. Several rail-trail projects have been awarded funding under this program, including the Baltimore-Annapolis Trail in Maryland and the Shelby Safewalk in Nashville, Tennessee. Eligible applicants are Metropolitan Statistical Areas with populations over 50,000.

- Community Development Block Grants—Small Cities Program funds are administered by states for the non-entitlement communities within their jurisdiction. Neighborhood-based non-profit organizations may act as subgrantees to carry out neighborhood revitalization. There are restrictions on constructing or rehabilitating certain types of facilities under this program, including stadiums, sports arenas and cultural centers—at least 51% of the funds awarded must benefit low and moderate-income persons.
- Community Facilities Loans are available through the U.S. Department of Agriculture Rural Development Administration to cities, counties and state agencies or political/quasi-political subdivisions. Benefits can include improved access, including utility extensions. The funds are earmarked for development of community facilities providing essential services to rural residents.
- Conservation Reserve Program funds are administered by the U.S. Department of Agriculture to provide payments to farm owners or operators to place highly erodible or environmentally sensitive cropland into a 10-15 year contract. In return for annual payments, participants agree to implement a conservation plan approved by the local conservation district for converting eligible lands to a less intensive use. These funds can assist with the preservation of open space for recreation.
- Cooperative Agreements for Research in Public Lands Management address objectives of the Bureau of Land Management (BLM) and local communities, including trail and waterway components of ecosystem management. Research conducted must involve the protection or improvement of management techniques for public lands, and the BLM must be substantially involved in the projects.
- Cooperative Forestry Assistance is available through the U.S. Forest Service for improving and maintaining fish and wildlife habitat and for planning and implementing urban forestry programs. State forestry agencies or their equivalents are eligible applicants.
- Design Arts Program assistance is available through the National Endowment for the Arts to state and local agencies and non-profit organizations for projects that incorporate urban design, historic preservation, planning, architecture, landscape architecture and other community improvements.
- Economic Development Grants for Public Works and Development Facilities are available through the U.S. Department of Commerce for public facilities, including improvements related to tourism. States, counties and cities designated as redevelopment areas by the Economic Development Administration can qualify for public works projects, including trails and other recreational facilities.
- Federal Land and Water Conservation Funds for land acquisition are administered by the National Park Service for the purchase of national recreation lands. Acquisition programs must be approved by Congress.

- State Land and Water Conservation Funds are available through the National Park Service for the acquisition, development or rehabilitation of neighborhood, community or regional parks, or facilities supporting outdoor recreation. Cities, counties and recreation and park districts authorized to provide public park and recreation facilities are eligible.
- Small Business Administration Tree Planting Program grants are available for the purchase of trees for planting along streets or within greenways and parks. The grants are used to develop contracts with small local businesses for plantings.
- Urban Park and Recreation Recovery Program grants are provided by the federal government to local governments for the rehabilitation of recreation areas and facilities, demonstration of innovative approaches to improve park system management and recreation opportunities, and development of improved recreation planning. Eligible activities include resource and needs assessments, coordination, citizen involvement and planning and program development activities to encourage public definition of goals.
- Watershed Protection and Flood Prevention Grants are available through the U.S. Department of Agriculture for planning, designing and installing watershed improvements related to protection, flood prevention, sedimentation control and recreation.
- Wetland Reserve Program funding is administered through the U.S. Department of Agriculture to landowners for the creation and maintenance of wetlands. Eligible landowners may participate with farmed wetlands, prior converted wetlands, wetlands formed under natural conditions, riparian areas and eligible buffer areas that can be placed under permanent or long-term easement.

Private Funding Sources:

- American Greenways DuPont Awards Program grants are provided to communities to stimulate the planning and design of greenways. Grants can be used for related activities, including mapping, ecological assessments, land surveys, education, incorporating land trusts and building trails and trail facilities.
- American Greenways Eastman Kodak Grant Program encourages action-oriented greenway projects. The projects that typically receive these small (\$500 - \$2,500) grants are critical to overall local greenway development plans. Additionally, those projects that are likely to produce tangible results are favored in the award of the grants.
- American Hiking Society—Volunteer Vacations are used extensively throughout the country to provide adult trail crews for greenway development. The American Hiking Society coordinates volunteer recruitment, and the trail management authority provides supervision, local transportation, food and tools. Participants provide their own transportation to the trail community.

- American Hiking Society—National Trails Endowment funds are made available to organizations that advocate foot trails. Additionally, the funds may be applied to projects that establish, protect or maintain foot trails.
- Bicycle Federation of America—National Bicycle and Pedestrian Advocacy Grants are available to state and local pedestrian and bicycle advocacy groups in three grant types: Minimum Support Grants (\$1,000) for routine membership activities; Growth Grants (\$1,000 - \$5,000) to enhance membership acquisition and development programs and to fund advocacy projects; and model Program Grants (\$5,000 - \$15,000) to develop and implement projects and programs of more than local significance.
- Conservation Technology Support Program supports nonprofit groups that need to initiate or upgrade geographic information systems to address conservation and environmental issues. The organization donates hardware, software, training and technical assistance to 501(c)(3) organizations.
- Coors Pure Water 2000 Grants provide funding and in-kind service to grassroots organizations working to solve local, regional and national water issues. Eligible projects include river cleanups, aquatic habitat improvements, wetland protection and other ecosystem enhancements.
- Fish America Foundation provides funding to public and private organizations for projects that enhance or conserve water and fisheries resources, including community efforts.
- Global Relief Heritage Forest Programs of the American Forestry Association provide funding for planting tree seedlings on public lands. Emphasis is placed on diversifying species, regenerating the optimal ecosystem for the site and implementing best forest management practices.
- Home Depot is committed to giving back to the communities where their employees and customers live and work. They provide small grants that can be used to buy tools and supplies at Home Depot or they can provide volunteers from Team Depot to work on projects.
- National Rivers Coalition—Recreational Equipment, Inc. (REI) Seed Grant Program donated \$70,000 in 1997 to support grassroots river conservation. The funds are administered by the National Rivers Coalition, which consists of the American Canoe Association, American Rivers, American Whitewater Affiliation, National Wildlife Federation, River Management Society, River Network, Sierra Club and The Wilderness Society. The program seeks protection of the nation's river resources and the public's access to those resources. The REI Seed Grant Program is one of the few funding sources designed to support direct grassroots lobbying. The program does not support general education, scientific research or water quality monitoring, despite the importance of those activities. Grants range from \$200 to \$1,000, and can be applied to expenses such as printing, mailing, travel, phone charges and meetings.

- Rails-to-Trails Conservancy programs consist of technical assistance, public education, advocacy, negotiation, legislation and regulatory action. Through the organization's nationwide network of contacts in the recreation and conservation communities, the Conservancy notifies trail advocates, local governments and groups about upcoming abandonments. The organization also assists public and private agencies in following proper legal procedures and publicizes rails-to-trails issues throughout the country.
- Recreational Equipment, Incorporated (REI) Environmental Grants are awarded to organizations for protection and enhancement of natural resources for use in outdoor recreation. Grants may be used to preserve open space and provide education about conservation issues. Projects involving the development of trail organizations are eligible.
- Power Bar Direct Impact on Rivers and Trails (DIRT) grants range from \$2,000 to \$5,000. Qualifying projects should endeavor to increase or maintain access to the outdoors-these projects should have a regional or local focus and include a specific land area or waterway that will benefit from the project. Additionally, the projects should have the potential for significant progress over a short term and be quantifiable with a measure for evaluating success.
- Student Conservation Association (SCA) provides opportunities to volunteer in the American outdoors. The SCA coordinates many programs that allow individuals to volunteer and agencies to recruit volunteers.
- Walking Magazine Trail Restoration Funds are available for the restoration of urban, suburban and rural trails. The grants are small and are typically applied to the purchase of trail maintenance equipment and supplies.
- World Wildlife Fund Innovation Grants are awarded to local, regional and statewide non-profit organizations to help them implement innovative strategies for the conservation of natural resources. Grants are offered to support projects that conserve wetlands, protect endangered species and migratory birds, conserve coastal resources and protect natural areas, such as greenways.

Foundation Support

The principal national foundations providing greenway assistance are:

- The Mary Reynolds Babcock Foundation (Winston-Salem, North Carolina) provides grants and loans, primarily in the Southeast, for projects with components related to the environment, especially those that include citizen participation in the development of public policy.
- The Beinecke Foundation, Inc. (Rye, New York) supports historic preservation and protection of open space. The foundation generally provides funds to 501(c)(3) nonprofit organizations.
- The Chevron Foundation (San Francisco, California) provides funds for wildlife habitat protection and restoration.

- The Geraldine R. Dodge Foundation, Inc. (Morristown, New Jersey) awards funds for land use planning, pollution control and land conservation. Recent project funding has been applied to protection of open space and farmland, greenway development and wetland preservation.
- The Gap Foundation (San Francisco, California) provides funds for the acquisition of natural areas and for regional planning.
- The W. Alton Jones Foundation (Charlottesville, Virginia) offers funding and support to grassroots organizations that focus on environmental protection.
- The Curtis and Edith Munson Foundation, Inc. (Chicago, Illinois) funds non-profit organizations for land conservation, including the development of parks, protection of wetlands and open space and river preservation.
- The David and Lucille Packard Foundation (Los Altos, California) provides funding for open space protection, land conservation and park development.
- The Strong Foundation for Environmental Values (San Francisco, California) awards grants to programs that support land conservation efforts, such as farmland preservation, park land and public open space acquisition, greenbelt development and wilderness designation. The foundation prefers to grant funding to 501(c) (3) organizations.
- The Surdna Foundation (New York, New York) funds greenway development. The foundation supports government, private and volunteer actions that produce a sustainable environment. Additionally, the group encourages the restoration of urban and suburban environments by public and community involvement in education, planning for and advocating environmental appreciation.