

Important Information Regarding the Contents of this Document

Please note that the policies and information presented in this document are current through the date given below. The documents made available within the [Center's Conservation Districts web pages](#) are intended to serve as a guide for the policies set by each Conservation District. While these policies may in fact be current at the time of your viewing, it is strongly recommended to contact the relevant Conservation District for the most current version.

Document Current Date: February 25, 2020

**Luzerne Conservation District
Dirt, Gravel, and Low-Volume Road Program
Quality Assurance Board
Policies and Procedures**

The purpose of the Luzerne Conservation District's Quality Assurance Board (QAB) is to recommend to the district's Board of Directors a grant program for Section 9106 of the PA Motor Vehicle Code. The QAB will assist the district in carrying out the administrative, educational, and contractual responsibilities of the Dirt, Gravel, and Low-Volume Road Program (Program).

The QAB will establish priorities and requirements for funding through the Program. The QAB's responsibilities will include reviewing grant applications submitted by eligible entities, conducting site visits (as necessary and determined by the QAB), and recommending approval of grant awards and amendments to contracts (for additional time and funding, if necessary) to the district board for projects that will address non-point source pollution in affected areas.

The QAB will be comprised of four members, appointed by the district board: one non-voting chairman from the district, one voting member from the district, one voting member from the Natural Resources Conservation Service (NRCS), and one voting member from the Pennsylvania Fish & Boat Commission (PAFBC). If circumstances require, the chairman may vote to decide a tie.

The QAB will meet on an annual basis, usually in the spring of the year, and on an as-needed basis as determined by the Chairman. Public notice of the meetings will be in accordance with the PA Sunshine Law, with a posting in a local newspaper and district's website.

Minutes of the QAB meeting will be taken by district staff, filed with the Program administrative files, and available to the public pursuant to the district's Open Records Policy.

The QAB meetings will generally be conducted according to Robert Rules of Order.

Any and all policies adopted by the Luzerne QAB will be posted on the District website at www.luzernecd.org. Written copies of these policies are available upon request.

Financial Management

Any interest accrued from the Program bank accounts will be used towards project construction grants. Separate accounts will be used for dirt and gravel road (DGR) funds and low-volume road (LVR) funds.

Training and educational monies not utilized in the funding year they are received may be carried over or used to fund Special Educational Projects such as:

- Purchase and use of equipment to be made available free of charge for Program participants.

- Awarding of cost share monies to assist in the purchase of carbide tipped rotating toothed grader blade systems.
- To purchase promotional items for educational/public awareness purposes.
- To use for any innovative ideas that will benefit the educational activities of the district's Program.
- Training and educational funding will be used to pay for costs associated with ESM workshops and the annual Program conference.

QAB Rules of Conduct & Conflict of Interest

No district board member, QAB member or district employee shall, as a result of this program, be permitted to obtain financial benefits for him/herself, a member of his/her immediate family, or a business with which he/she is associated. This shall not preclude the payment of normal salary and benefits to employees provided in their normal course of employment, as outlined in the most current version of the Program's Administrative Manual.

In addition, any QAB member, district board member, or staff member will be excluded from voting on actions that might benefit a road or stream adjacent to his or her property or the property of relatives or businesses in which he or she has an interest.

In the event of such conflicts, the QAB member will abstain from voting or will temporarily assume the role of the non-voting Chairman and the Chairman will vote in his/her stead, if needed.

Equal Access to Funds

To encourage and promote equal access to funding, any state or local public entity that owns and maintains public roads within Luzerne County is eligible to apply for Program funding, provided the applicant has:

- a) its dirt, gravel, and low-volume roads inventoried and evaluated in the Program's GIS, and
- b) assisted in the creation of GIS worksites within its jurisdiction, and
- c) have, at the minimum, one **current** elected/appointed or employed individual that has attended and completed the two-day Environmentally Sensitive Maintenance (ESM) Workshop within the last 5 years.

At least annually, district staff will notify all eligible applicants by regular mail, fax, and/or email of the opportunity to apply for Program grants and inform them of the application process.

In order to encourage broad participation in the Program and maintain eligibility of local applicants, the QAB will request that the Center for Dirt and Gravel Road Studies schedules ESM workshops on at least

a bi-annual basis in Luzerne County or a neighboring county. The district may also cover registration costs and/or provide travel stipends or scholarships for training for local eligible entities. District staff and/or QAB members will attend at least one of the semi-annual meetings of local municipal officials to explain and promote the Program.

Applications for Funding

The Program is **not** a road replacement program. This means that in order for the grant application to be considered eligible the project must improve both the road system itself (improved drainage, reduced surface, ditch and bank erosion, etc.) and the environmental systems (water quality, stream quality, reduced storm water flow, etc.).

The one-page Program Grant Application, developed for statewide use, will be made available to all eligible participants. The fully completed application including the front with all applicant, project, and financial information completed and the back providing a simple project sketch and any additional project details as necessary is required. The Detailed Estimated Project Expenditure worksheets for Grant Requested Funds and In-Kind Funds are recommended to be submitted with the grant application, however they are not mandatory.

Each application will be for one or more previously verified worksites or a continuous project area. The district will not keep non-funded project applications on file for future funding allocations. Resubmittal is necessary for future grant consideration. There is no restriction to the number of applications that can be submitted by one eligible entity.

Applicants must follow any normal rules and requirements for purchasing and contracting materials and services for Program projects. For any project that exceeds \$25,000.00, it will be the responsibility of the applicant to follow the requirements of the PA Prevailing Wage Act regarding soliciting bids for contracted work and to provide any necessary or requested documentation to the district.

It is the policy of the QAB to allow the inclusion of work outside of the entity's road right-of-way provided the work is necessary for the successful completion and continued maintenance of non-point source pollution problem corrected on the site. Before starting a project that requires working outside the right-of-way, the grant recipient must obtain written permission from the landowner.

The Program is **not** a bridge replacement program. For a project that includes stream crossing replacements to be eligible for funding, the existing structure must be undersized and causing a negative impact to the stream. Bankful width measurements **will** be taken into consideration when determining the size of the stream crossing structure. District staff can aid eligible participants in determining bankful width.

Any required permit or plan approval (e.g. PA One Call, State Permits, NPDES Permits, PNDI, etc.) will be the responsibility of the grant recipient and will need to be obtained prior to construction.

The QAB will have an open sign up period, and usually two grant rounds per year. All eligible entities will be notified of the deadline to submit their grant applications for consideration in each grant round. This information will be posted on the district's website.

QAB meetings will be held shortly after grant application deadlines. At that time, all submitted applications will be reviewed, ranked, and recommendations for funding will be made to the district board. Participants that have open contracts at the time of the QAB meeting will be eligible, however, their application will be considered lower priority regardless of ranking score. The QAB recommendations will be given to the district board for consideration at the next regularly scheduled board meeting. Successful applicants will be sent a proposed contract in conformity with their grant application and Program requirements. If deemed necessary by the QAB Chairman, a second QAB meeting may be called to make recommendations for awarding any remaining funds not allocated during the previous grant round.

Project Ranking & Consideration of Grant Applications

After verifying the applicant's eligibility, district staff will rank each grant application using the ranking form developed by the QAB. The ranked applications will be presented to the QAB at a public meeting for funding considerations, and the QAB will formulate and make recommendations for project grants to the district board.

The QAB may take into consideration other factors besides application rankings when making funding recommendations. This could include the applicant's past history of cooperation in the Program, whether the applicant has previously participated in the program (to encourage participation), and other factors deemed relevant by the QAB.

Funding Procedures

Once grants have been approved by the district board, contracts with entities will be signed by the district's Executive Director. The funds will be distributed by the district in the following manner:

- The district maintains a two separate bank accounts specifically for the Dirt and Gravel Road funds and Low-Volume Road funds. When grant funds are paid to recipients, they will be transferred from the Program accounts and be allocated through the district's General Fund.
- Upon execution of the project contract, the district will forward 50% of the grant amount requested to the participating entity. The **grant recipient is responsible** for retaining receipts, weigh slips, labor accounting, etc. to document expenditure of the **entire grant amount** (this includes in-kind contributions).
- The grant recipient has roughly one year to complete the approved project. If they are unable to complete it in one year's time, the recipient may make a written request for a contract extension. Staff will present the request to the district board for consideration.
- Prior to the completion of the project, under certain circumstances the district may allow for another payment of up to, but not exceeding, an additional 20% of the approved contract amount as long as the participant provides all invoices for project expenses to-date.

- The district will withhold the remaining 50% (or 30%, if a second payment was made in accordance with the above provision) of the approved grant amount until the project is complete and has had final inspection by the QAB and/or district staff. For the project to be considered complete, all site work must be accomplished and stabilized as indicated in the contract and in a manner to be considered satisfactory to achieve the purpose it was designed for, as determined by the QAB and/or the district staff.
- All receipts, weigh slips, labor accounting, etc. must also meet or exceed the total grant amount requested prior to final payment by the district. If the totals equal less than the remaining grant funds, only the lesser amount will be paid to the recipient. Already received grant funds that are unspent by the recipient at the completion of the project or the end of the date of the executed contract must be returned in full to the district.

The district makes funds available to participating entities from Program funds. Application rounds are highly competitive and require that full and accurate cost estimates be developed by the applicant prior to their submittal for potential funding. Once the district enters into a contract with the applying entity, the district expects the participant to complete the contract within the proposed budget. However, if unforeseen circumstances cause the participant to exceed the original total project estimate, the district board may approve a contract amendment of up to 20% of the original contract amount.

Environmental Standards for Products and Practices

Section 9106 (f)(7) of the PA Motor Vehicle Code requires QABs to adopt standards that prohibit use of materials or practices that are environmentally harmful. The Program's Statement of Policy 83.613 (1) (b) formalizes that requirement. Therefore, the use of materials or practices which are environmentally harmful or do not meet the Program's "non-pollution" standard are prohibited. These materials include, but are not limited to: noxious weeds, fugitive emissions, and dust control products which may pose a problem if they enter a waterway. Compliance with all existing environmental laws is a condition of purchase under the contracting agreement between the district and the participant. An environmentally suitable substitute for dust control, as determined by the State Conservation Commission, may qualify for payment.

Low Volume Paved Road-specific Considerations

Resurfacing paved roads (sealing or paving) is not a primary focus of the LVR component of the Program. The same historical criteria used for the DGR component of the Program is used for projects on low-volume paved roads. For the grant application to be considered eligible the project must improve both the road system itself (improved drainage, more durable surface, ditch and bank erosion, reduced maintenance costs, etc.) and the environmental systems (water quality, stream quality, reduced storm water flows, etc.).

Resurfacing costs will be considered as a component part of larger ESM projects that address drainage issues, base instability issues, and other necessary and appropriate issues such as bank stability, road entrenchment, vegetation, etc. The balance between road improvements and environmental benefits will be considered by the QAB on a case by case basis.

Program funds will not be used for the specific purpose of converting unpaved roads to paved or “tar and chip”. However, the QAB will consider their use for projects that convert poorly constructed/maintained low-volume paved roads into a high quality gravel through full depth reclamation or other similar process.

In order to be eligible for consideration for grant funds, a low-volume paved road project must meet the Program’s requirements of being on an existing paved (including “tar and chip”) surface, and the applicant must certify that the road segment has an average daily traffic count of **500 vehicles or less per day** by meeting the requirements identified in the DGLVR Program Administrative Manual and providing the Program’s *Traffic Count Validation Form*.

(Revised February 25, 2020)