

## **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: June 26, 2024

# Cumberland County Conservation District Dirt, Gravel & Low Volume Roads Program Policy & Procedures

## **Purpose**

The purpose of the Quality Assurance Board (QAB) in Cumberland County is to establish and recommend to the Cumberland County Conservation District Board a grant program under Section 9106 of the Pennsylvania Motor Vehicles Code. The QAB will assist the Conservation District in carrying out the Administrative, Educational and Contractual responsibilities of the Dirt, Gravel and Low Volume Road Maintenance Program. The QAB will establish priorities and requirements for funding through the Dirt, Gravel and Low Volume Road Program. The QAB responsibilities will include review of applications submitted for funding, conducting site visits (as necessary and determined by the QAB) and recommend eligible applications to the Conservation District Board for funding that will address non-point source pollution in affected areas.

## **Quality Assurance Board**

The QAB in Cumberland County will be comprised of four members as follows: One non-voting chairman appointed by the Conservation District Board, one voting member appointed by the Conservation District Board, one voting member appointed by the Natural Resources Conservation Service (NRCS) and one voting member appointed by the Pennsylvania Fish & Boat Commission (PAFBC). The QAB also includes several non-voting advisors.

## **Meetings**

The QAB will meet two times a year, once in the spring and once in the fall. Additional meetings may occur as needed. Public notice of meetings will be advertised. Meeting minutes will be kept on record and made available to the public pursuant to the open records policy. QAB meetings will be conducted according to the Roberts Rules of Order.

## **Applications for Funding**

- A) The Dirt, Gravel, and Low Volume Roads Program Grant Application, developed for statewide use, will be distributed to all eligible entities.
- B) The Conservation District will return all non-funded project applications to the applying entity with a reason the project was not approved for funding at this time. The applying entity may reapply in the future.
- C) There is no restriction to the number of applications that can be submitted by one entity.
- D) Applications may include 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. Any necessary easements outside the municipal right of way are the responsibility of the municipality. Any work conducted off the right of way must have an agreement completed and signed by the landowner and the municipality prior to application submission. This agreement should include long term maintenance responsibilities and access.

- E) New applications may be submitted at any time. Application deadlines will be established to all eligible entities both in the Spring and the Fall, as available project money allows. Applications will be ranked according to the QAB's ranking procedures.
- F) Special applications may be open if the spending requirements are not met in one or both the DGR and LVR program. All eligible participants will be notified when application opens.

### **Funding Procedures**

When an application has been accepted and approved by the Board, the District will enter into a contract agreement with the successful applicant. No funding transfers can take place with grant applicants, and no project work can begin without a signed contract. The contract states the terms and conditions for the project. After a contract is completed, the funds will be distributed by the Conservation District in the following manner:

- A) 100% of the contract amount will be held until project is complete and has been final inspected by the QAB and/or District personnel. Completed portions of a whole project can be reimbursed as that phase is finished, withholding the final 30% of the total grant requested until the completion of the project, unless:  
Due to 2-year spending requirements, in special circumstances, partial money will be forwarded to a project to fulfill the 2-year State Conservation Commission spending requirement, in order to receive the next allocation. Advancement money will not exceed 50% of the total contract amount in accordance with the Program Administrative Manual Advanced Funding Policy. Dirt, Gravel, and Low Volume Road technician will inform the QAB and Conservation District Board when this special circumstance occurs. If the entity is unable to fulfill their obligations of completion of their project, the District will seek reimbursement of advanced money.

- B) The Cumberland County Conservation District is approved to make partial or full payments of the grant amount to grant recipients for completed work or material purchases as authorized by the DGLVR administrative manual policy.

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- C) For a project to be deemed complete, a project performance report meeting between the District and the Applicant must be held. At this meeting, the applicant shall provide all documentation to verify reimbursable expenditures covered by the grant. A final inspection will be completed at this time between the District and grant recipient. During the final inspection, the district may find elements of the project that were not installed, or were not installed to Program or District standards. If so, remediation work may be required of the grant recipient before the project can be considered complete. The District will verify any remediation work meets Program standards before making final payment.
- D) In no case will reimbursement exceed actual expenditures.
- E) The municipality is responsible for retaining receipts, weigh slips, labor accounting, and all other documents necessary to verify expenditures.
- F) Expenditures in excess of the grant amount must be approved by the QAB.
- G) The QAB, at its discretion, may opt to not reimburse municipalities for expenditures in excess of the grant amount for which approval has not been granted.
- H) Expenditures in excess of 40% of the grant amount require a new contract.
- I) The applicant must notify the Conservation District at least 7 days prior to the start of construction.

- J) The applicant has two years to complete the approved contract. If unable to complete in two years, the applicant must request, in writing, a time extension. Such request must include justification for the request.
- K) The QAB shall consider the written request for extension and approve or disapprove the extension.
- L) Any project proposing a stream crossing feature will be subject to the Stream Crossings Structural Replacement Policy.
- M) Low Volume Roads Applications must include a traffic count to validate that the road has less than 500 vehicles per day. Please refer to traffic count policy on page 5.

### **Finances**

The Conservation District will maintain a separate interest-bearing checking account specifically for the Dirt, Gravel and Low Volume Road Maintenance Program. Any interest accrued from the funds in this checking account must be added to the contractual allocation.

All monies received by the Dirt, Gravel and Low Volume Road Maintenance Program will be utilized in the timeframe allotted by the State Conservation Commission according to the Program guidelines.

### **Eligibility**

All applications must meet the following eligibility requirements:

- A) The site must be a verified worksite or must have a negative impact on water quality in accordance with the Dirt, Gravel, and Low Volume Roads Program.
- B) Have at a minimum, one current elected/appointed or employed individual in charge of work plan development and project implementation attend and complete the two-day Environmentally Sensitive Road Maintenance Workshop within the last 5 years.

### **Equal Access**

The Quality Assurance Board will comply with the program agreement “Nondiscrimination Clause”

The actions of the QAB will be approved by the Conservation District Board at the Conservation District monthly meetings. These meetings are open to the public and follow the requirements of the Sunshine Law.

Correspondence on the Dirt, Gravel and Low Volume Road Program updates will be sent to all eligible municipalities and agencies.

Information on application deadlines will be sent to all eligible municipalities and agencies.

Information including application deadlines will be submitted as news releases to the newspapers and various agency newsletters.

Requests to review applications by third parties will be required to follow the District’s open file policy.

## **Project Ranking**

All eligible applications will be ranked according to the following procedure:

- A) The “Dirt, Gravel, and Low Volume Road Grant Applicant Ranking Form” will be completed for each project by the District staff. The QAB will review the ranking forms and prioritize projects based on the ranking scores received from this form and forward on their recommendations to the Cumberland County Conservation District Board of Directors.

## **Incentive for Training**

All applicants must complete the 2-day Environmentally Sensitive Maintenance training and be currently certified to be eligible for funding. Certification is good for 5 years.

## **Environmentally Sensitive Maintenance Educational Grants**

As an incentive for an entity to receive their ESM certification, the CCCD is willing to use Education Funds for Educational Grants to new program participants, eligible entities, and QAB Members. Education Grants will be given on a case-by-case basis and participants must fill out the CCCD Educational Grant Form. Educational Grants will not be eligible for trainings in Cumberland County. Eligible expenses include: mileage reimbursement and hotel stay. Limits include: current Cumberland County mileage rates up to \$100 total, and up to \$100/night for the hotel room per municipality. This grant will not reimburse meals, salaries, wages, and/or benefits. The scholarship application is available through the Conservation District. Participants will be reimbursed based on participant ESM Certification. **Application must be reviewed and approved by the CCCD before the participant attends the training session.**

## **Conflict of Interest**

No officer, member, or employee of the Cumberland County Conservation District or the Quality Assurance Board who exercise any function or responsibility under any agreement or contract related to the Dirt and Gravel Road Maintenance Program, shall participate in any decision relating to any agreement or contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested. In the event of such a conflict, the QAB member will be excluded from voting. The QAB Chairman may only vote to decide a tie.

## **Non Pollution Standards**

Section 9106(f)(7) of the Pennsylvania Motor Vehicles Code requires the QAB to adopt standards that prohibit use of materials or practices that are environmentally harmful. The State of Policy 83.613(1)(b) formalizes that requirement. In response, the QAB has adopted standards prohibiting the use of materials and practices which are environmentally harmful or do not meet the program’s “non-pollution” standards. These materials include, but are not limited to: noxious weeds, fugitive emission and dust control products which may pose a problem if they enter a waterbody. Compliance with all existing environmental laws is a condition of purchase under the contracting agreement between the Conservation District and the grantee. An environmentally suitable substitute for dust control, as determined by the State Conservation Commission, may qualify for payment.

## **Demonstration Project**

The Cumberland County Conservation District will develop, design and conduct demonstration projects only when no eligible projects exist in Cumberland County or the district directors determine a need for a project that is unique to a particular situation.

## **Stream Crossings Structural Replacement Policy**

This policy is to determine the eligibility for stream crossing structural replacement with Program Funds. These qualifications do not exempt projects from any permitting or engineering requirements. Any replacement of road/stream crossing structures shall follow the Stream Crossing Structural Replacement Policy.

## **Driving Surface Aggregate**

This section applies only to Dirt and Gravel Road funds, not Low Volume Road funds.

Driving surface aggregate meeting the State Conservation Commission Driving Surface Aggregate Standard and Specification is the only road surface material that may be purchased (for D&G projects) with Program funds. DSA Certification is required for every project where DSA is used. The DSA certification does not apply to an entire quarry. The DSA certification applies only to a particular source or pile of DSA that is being purchased. Record of sampling certifications must be kept with project files.

Technical details for DSA including placement and purchasing specifications are included in the Driving Surface Aggregate (DSA) Handbook for technical documentation.

## **Low Volume Roads**

This section applies only to Low Volume Road funds, not Dirt and Gravel Road funds.

For the purposes of the Low Volume Road Program, a “paved” road is defined to include any road surfaced with asphalt, “tar and chip”, “chip seal”, bitumen, concrete, or other asphalt-like coating.

The focus of road projects in the Low Volume Road (LVR) program portion of the Program should be on similar Environmentally Sensitive Maintenance principles that have been used in the Dirt and Gravel Road Program since its inception. Projects in the LVR Program must contain benefits to both the road systems (improved drainage, reduced surface, ditch & bank erosion, smoother surface, more durable surface, reduced maintenance costs, etc.) and the environmental systems (water quality, stream quality, reduced stormwater flows, improved air quality, increased infiltration). The balance between road improvements and environmental benefits should be considered in the local QAB/District project ranking criteria and funding decisions.

Similar to Dirt and Gravel Projects, the focus of LVR projects should be on long term road and environmental improvement projects.

- Routine maintenance of LVR or storm water systems such as cleaning inlets, street sweeping, crack sealing, etc. is not eligible for funding under this program.
- Program funds will not be used to pay for deferred or neglected maintenance on drainage/storm water systems.
- Program funds should not be used to fund any LVR issues that do not provide a long term benefit

to the road and to the environment.

The LVR portion of the Program is not JUST a storm water program. Projects, especially in urban areas, need to strike a balance between environmental improvements and road improvements. It will be up to the Conservation District and QAB to determine the proper balance for projects in the county.

The commission recognizes the fact that many LVR component projects will have higher levels of daily traffic and higher levels of posted speed than projects on unpaved roads. Project applicants are required to follow the same safety protocols as with all other road work (flaggers, signs, etc.), please refer to PennDOT Publication 213: Temporary Traffic Control Guidelines for guidance. The funding of any traffic control and safety components of a DGLVR Program project is the responsibility of the municipality and can be considered as part of the in-kind contributions.

### **Traffic Counts for Low Volume Roads**

Before an application can be submitted for a Low Volume Road project, the applicant is responsible for validating that the road has 500 vehicles per day or less consistent with Commission and any local QAB policy. The traffic count verification form must be included with the application.

- Conservation District is responsible for verifying that a traffic count exists, and that the count meets the criteria established in state and local policy.
- Traffic counts are considered valid for a period of 5 years, provided there are no new significant changes in traffic flow volumes or patterns.
- Documentation of traffic counts using a signed "Traffic Count Validation Form" must be retained with project files according to the Commission's record retention policy. Districts may opt to include the completed traffic count validation form as an attachment to the project Contract.

### **Paying for Asphalt or Other Surfacing**

Resurfacing paved roads (sealing or paving) roads is not a primary focus of the LVR Program component. Resurfacing costs can be considered by the QAB as a component part of a larger ESM project. It is at the discretion of the Conservation District and QABs whether resurfacing costs (sealing or paving) will be funded through the Program, either on individual projects or as countywide policy. Cumberland County Conservation District will only pay for resurfacing material or paving for the disturbed area needed to complete an ESM best management practices. (i.e. Paved or sealed road area torn up to replace culvert). Before funding any resurfacing work on projects the following ESM principals must be addressed:

- Drainage issues must be properly addressed.
- Base instability issues must be properly addressed
- Other necessary and appropriate issues such as bank stability, road entrenchment, vegetation, etc. must be properly addressed.

## **Surfacing Unpaved Roads**

It is not the intent of the DGLVR program to encourage the sealing or paving of existing dirt or gravel roads and converting them to sealed or paved low volume roads. While eligible entities may choose to seal or pave a DGR project on their own at some future point in time, no Program funds should be utilized for the specific purpose of converting unpaved roads to paved or "tar and chip".

## **Reclaiming Paved or Sealed Roads to D&G**

The DGLVR Program recognizes the value of converting a poorly constructed or poorly maintained LV road into a high quality DGR through full depth reclamation or other similar processes. The Conservation district may utilize either LVR or D&G low volume program component funds for these purposes.

## **Prevailing Wage**

Projects funded by Dirt, Gravel, and Low Volume Roads funds that are bid out to contractors in which the estimated cost of the total project (materials, equipment, and labor) exceeds prevailing wage limits (\$25,000.00) are subject to provisions of Pennsylvania's Prevailing Wage Act (1961, August 15, P.L. 987, No. 442, 43 P.S. Section 165-1 et seq.)

It is the responsibility of the grant recipient to obtain the Prevailing Wage Scale and can be obtained from the Prevailing Wage Division of the Pennsylvania Department of Labor and Industry.

Bid request advertisements should note the Prevailing Wage Act.

Applicants should follow standard procedures regarding project bidding with sub-contractors.

The District will reimburse the final payment to the grant recipient, not directly to the grant recipient's sub-contractors.