Urban Park and Recreation Recovery Act of 1978

Title X, P.L. 95-625
The Urban Park and Recreation Recovery Act of 1978 was passed by the 95th Congress as Title X of the National Parks and Recreation Act of 1978. On November 10, 1978, the President approved the legislation, and it became Public Law 95-625.

The Urban Park and Recreation Recovery Program established under the Act will be administered by the Heritage Conservation and Recreation Service. Our guiding goal is that in addition to very real and visible benefits to individual recreation systems, the Program will contribute to the establishment of national ideals and standards for urban recreation which every city and urban county in the country will strive to attain.

At the end of the five year Program, our expectation is that a number of communities will be close to these ideals, that many others will be making steady progress toward them, and that every urban resident, recreation professional and elected official in the Nation will be aware of such ideal goals as targets for their own recreation resources and programs.

Chris Therral Delaporte
Director
Heritage Conservation and Recreation Service
TITLE X—URBAN PARK AND RECREATION RECOVERY PROGRAM

SHORT TITLE

Sec. 1001. This title may be cited as the "Urban Park and Recreation Recovery Act of 1978".

FINDINGS

Sec. 1002. The Congress finds that—
   (a) the quality of life in urban areas is closely related to the availability of fully functional park and recreation systems including land, facilities, and service programs;
   (b) residents of cities need close-to-home recreational opportunities that are adequate to specialized urban demands, with parks and facilities properly located, developed, and well maintained;
   (c) the greatest recreational deficiencies with respect to land, facilities, and programs are found in many large cities, especially at the neighborhood level;
   (d) inadequate financing of urban recreation programs due to fiscal difficulties in many large cities has led to the deterioration of facilities, nonavailability of recreation services, and an inability to adapt recreational programs to changing circumstances; and
   (e) there is no existing Federal assistance program which fully addresses the needs for physical rehabilitation and revitalization of these park and recreation systems.

Program authorization.

Sec. 1003. The purpose of this title is to authorize the Secretary to establish an urban park and recreation recovery program which would provide Federal grants to economically hard-pressed communities specifically for the rehabilitation of critically needed recreation areas, facilities, and development of improved recreation programs for a period of five years. This short-term program is intended to complement existing Federal programs such as the Land and Water Conservation Fund and Community Development Grant Programs by encouraging and stimulating local governments to revitalize their park and recreation systems and to make long-term commitments to continuing maintenance of these systems. Such assistance shall be subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this title.

DEFINITIONS

Sec. 1004. When used in this title the term—
   (a) "recreational areas and facilities" means indoor or outdoor parks, buildings, sites, or other facilities which are dedicated to recreation purposes and administered by public or private nonprofit agencies to serve the recreation needs of community residents. Emphasis shall be on public facilities readily accessible to residential neighborhoods, including multiple-use community centers which have recreation as one of their primary purposes, but excluding major sports arenas, exhibition areas, and confer-
ence halls used primarily for commercial sports, spectator, or display activities;

(b) "rehabilitation grants" means matching capital grants to local governments for the purpose of rebuilding, remodeling, expanding, or developing existing outdoor or indoor recreation areas and facilities, including improvements in park landscapes, buildings, and support facilities, but excluding routine maintenance and upkeep activities;

(c) "innovation grants" means matching grants to local governments to cover costs of personnel, facilities, equipment, supplies, or services designed to demonstrate innovative and cost-effective ways to augment park and recreation opportunities at the neighborhood level and to address common problems related to facility operations and improved delivery of recreation service, and which shall exclude routine operation and maintenance activities;

(d) "recovery action program grants" means matching grants to local governments for development of local park and recreation recovery action programs to meet the requirements of this title. Such grants will be for resource and needs assessment, coordination, citizen involvement and planning, and program development activities to encourage public definition of goals, and develop priorities and strategies for overall recreation system recovery;

(e) "maintenance" means all commonly accepted practices necessary to keep recreation areas and facilities operating in a state of good repair and to protect them from deterioration resulting from normal wear and tear;

(f) "general purpose local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State, including the District of Columbia, and insular areas;

(g) "special purpose local government" means any local or regional special district, public-purpose corporation or other limited political subdivision of a State, including but not limited to park authorities; park, conservation, water or sanitary districts; and school districts;

(h) "private, nonprofit agency" means a community-based, nonprofit organization, corporation, or association organized for purposes of providing recreational, conservation, and educational services directly to urban residents on either a neighborhood or communitywide basis through voluntary donations, voluntary labor, or public or private grants;

(i) "State" means any State of the United States or any instrumentality of a State approved by the Governor; the Commonwealth of Puerto Rico, and insular areas; and

(j) "insular areas" means Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.

Sec. 1005. (a) Eligibility of general purpose local governments for assistance under this title shall be based upon need as determined by the Secretary. Within one hundred and twenty days after the effective date of this title, the Secretary shall publish in the Federal Register, a list of the local governments eligible to participate in this program, to be accompanied by a discussion of criteria used in determining eligibility. "Such criteria shall be based upon factors which the Secretary..."
determines are related to deteriorated recreational facilities or systems, and physical and economic distress.\textsuperscript{a}

(b) Notwithstanding the list of eligible local governments established in accordance with subsection (a), the Secretary is also authorized to establish eligibility, at his discretion and in accord with the findings and purpose of this title, to other general purpose local governments in standard metropolitan statistical areas as defined by the census: Provided, That grants to these discretionary applicants do not exceed in the aggregate 15 per centum of funds appropriated under this title for rehabilitation, innovation, and recovery action program grants.

(c) The Secretary shall also establish priority criteria for project selection and approval which consider such factors as—

(1) population;
(2) condition of existing recreation areas and facilities;
(3) demonstrated deficiencies in access to neighborhood recreation opportunities, particularly for minority, and low- and moderate-income residents;
(4) public participation in determining rehabilitation or development needs;
(5) the extent to which a project supports or complements target activities undertaken as part of a local government's overall community development and urban revitalization program;
(6) the extent to which a proposed project would provide employment opportunities for minorities, youth, and low- and moderate-income residents in the project neighborhood and/or would provide for participation of neighborhood, nonprofit or tenant organizations in the proposed rehabilitation activity or in subsequent maintenance, staffing, or supervision of recreation areas and facilities; and
(7) the amount of State and private support for a project as evidenced by commitments of non-Federal resources to project construction or operation.

Sec. 1006. (a) The Secretary is authorized to provide 70 per centum matching rehabilitation and innovative grants directly to eligible general purpose local governments upon his approval of applications therefor by the chief executives of such governments.

(1) At the discretion of such applicants, and if consistent with an approved application, rehabilitation and innovation grants may be transferred in whole or in part to independent special purpose local governments, private nonprofit agencies or county or regional park authorities: Provided, That assisted recreation areas and facilities owned or managed by them offer recreation opportunities to the general population within the jurisdictional boundaries of an eligible applicant.

(2) Payments may be made only for those rehabilitation or innovative projects which have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of a project, except that the Secretary may, when appropriate, make advance payments on approved rehabilitation and innovative projects in an amount not to exceed 20 per centum of the total project cost.

(3) The Secretary may authorize modification of an approved project only when a grantee has adequately demonstrated that such modi-
fixation is necessary because of circumstances not foreseeable at the
time a project was proposed.

(b) Innovation grants should be closely tied to goals, priorities, and
implementation strategies expressed in local park and recreation
recovery action programs, with particular regard to the special con-
siderations listed in section 1007(b) (2).

LOCAL COMMITMENTS TO SYSTEM RECOVERY AND MAINTENANCE

Sec. 1007. (a) As a requirement for project approval, local govern-
ments applying for assistance under this title shall submit to the
Secretary evidence of their commitments to ongoing planning, rehabil-
itation, service, operation, and maintenance programs for their park
and recreation systems. These commitments will be expressed in local
park and recreation recovery action programs which maximize coordi-
nation of all community resources, including other federally supported
urban development and recreation programs. During an initial interim
period to be established by regulations under this title, this require-
ment may be satisfied by local government submissions of preliminary
action programs which briefly define objectives, priorities, and imple-
mentation strategies for overall system recovery and maintenance and
commit the applicant to a scheduled program development process.
Following this interim period, all local applicants shall submit to the
Secretary, as a condition of eligibility, a five-year action program for
park and recreation recovery that satisfactorily demonstrate:

(1) systematic identification of recovery objectives, priorities,
and implementation strategies;

(2) adequate planning for rehabilitation of specific recreation
areas and facilities, including projections of the cost of proposed
projects;

(3) capacity and commitment to assure that facilities provided
or improved under this title shall thereafter continue to be ade-
quately maintained, protected, staffed, and supervised;

(4) intention to maintain total local public outlays for park
and recreation purposes at levels at least equal to those in the year
preceding that in which grant assistance is sought beginning in
fiscal year 1980 except in any case where a reduction in park and
recreation outlays is proportionate to a reduction in overall spend-
ing by the applicant; and

(5) the relationship of the park and recreation recovery pro-
gram to overall community development and urban revitalization
efforts.

Where appropriate, the Secretary may encourage local governments
to meet action program requirements through a continuing planning
process which includes periodic improvements and updates in action
program submissions to eliminate identified gaps in program informa-
tion and policy development.

(b) Action programs shall address, but are not limited to the follow-
ing considerations:

(1) Rehabilitation of existing recreational sites and facilities,
including general systemwide renovation; special rehabilitation
requirements for recreational sites and facilities in areas of high
population concentration and economic distress; and restoration
of outstanding or unique structures, landscaping, or similar fea-
tures in parks of historical or architectural significance.
(2) Local commitments to innovative and cost-effective programs and projects at the neighborhood level to augment recovery of park and recreation systems, including but not limited to recycling of abandoned schools and other public buildings for recreational purposes; multiple use of operating educational and other public buildings; purchase of recreation services on a contractual basis; use of mobile facilities and recreational, cultural, and educational programs or other innovative approaches to improving access for neighborhood residents; integration of recovery program with federally assisted projects to maximize recreational opportunities through conversion of abandoned railroad and highway rights-of-way, waterfront, and other redevelopment efforts and such other federally assisted projects as may be appropriate; conversion of recreation use of street space, derelict land, and other public lands not now designated for neighborhood recreational use; and use of various forms of compensated and uncompensated land regulation, tax inducements, or other means to encourage the private sector to provide neighborhood park and recreation facilities and programs.

The Secretary shall establish and publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs.

(c) Recovery Action Program Grants.—The Secretary is authorized to provide up to 50 per centum matching grants to eligible local applicants for program development and planning specifically to meet the objectives of this title.

STATE ACTION INCENTIVE

Sec. 1008. The Secretary is authorized to increase Federal implementation grants authorized in section 1006 by providing an additional match equal to the total match provided by a State of up to 15 per centum of total project costs. In no event may the Federal matching amount exceed 85 per centum of total project cost. The Secretary shall further encourage the States to assist him in assuring that local recovery plans and programs are adequately implemented by cooperating with the Department of the Interior in monitoring local park and recreation recovery plans and programs and in assuring consistency of such plans and programs, where appropriate, with State recreation policies as set forth in statewide comprehensive outdoor recreation plans.

MATCHING REQUIREMENTS

Sec. 1009. The non-Federal share of project costs assisted under this Title may be derived from general or special purpose State or local revenues. State categorical grants, special appropriations by State legislatures, donations of land, buildings, or building materials and/or in-kind construction, technical, and planning services. No moneys from the Land and Water Conservation Fund (77 Stat. 49), as amended, or from any other Federal grant program other than general revenue sharing and the community development block grant programs shall be used to match Federal grants under this program. Reasonable local costs of action program development to meet the requirements of section 1007(a) of this title may be used as part of the local match only when local applicants have not received program development grants under the authority of section 1007(c) of this title. The Secretary shall...
encourage States and private interests to contribute, to the maximum extent possible, to the non-Federal share of project costs.

CONVERSION OF RECREATION PROPERTY

Sec. 1010. No property improved or developed with assistance under this title shall, without the approval of the Secretary, be converted to other than public recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the current local park and recreation recovery action program and only upon such conditions as he deems necessary to assure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.

COORDINATION OF PROGRAM

Sec. 1011. The Secretary shall (a) coordinate the urban park and recreation recovery program with the total urban recovery effort and cooperate to the fullest extent possible with other Federal departments and agencies and with State agencies which administer programs and policies affecting urban areas, including but not limited to, programs in housing, urban development, natural resources management, employment, transportation, community services, and voluntary action; (b) encourage maximum coordination of the program between appropriate State agencies and local applicants; and (c) require that local applicants include provisions for participation of community and neighborhood residents and for public-private coordination in recovery planning and project selection.

AUDIT REQUIREMENTS

Sec. 1012. Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of project undertakings in connection with which assistance under this title is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The Secretary, and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title.

AUTHORIZATION OF APPROPRIATIONS

Sec. 1013. There are hereby authorized to be appropriated for the purposes of this title, not to exceed $150,000,000 for each of the fiscal years 1979 through 1982, and $125,000,000 in fiscal year 1983, such sums to remain available until expended. Not more than 3 per centum of the funds authorized in any fiscal year may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c), and not more than 10 per centum may be used for innovation grants pursuant to section 6 of this title. Grants made under this title for projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated in any fiscal year. For

16 USC 2509.

16 USC 2510.

Recordkeeping. 16 USC 2511.

92 STAT. 3544

16 USC 2512.
the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

Notwithstanding any other provision of this Act, or any other law, or regulation, there is further authorized to be appropriated $250,000 for each of the fiscal years 1979 through 1983, such sums to remain available until expended, to each of the insular areas. Such sums will not be subject to the matching provisions of this section, and may only be subject to such conditions, reports, plans, and agreements, if any, as determined by the Secretary.

LIMITATION OF USE OF FUNDS

Sec. 1014. No funds available under this title shall be used for the acquisition of land or interests in land.

SUNSET AND REPORTING PROVISIONS

Sec. 1015. (a) Within ninety days of the expiration of this authority, the Secretary shall report to the Congress on the overall impact of the urban park and recreation recovery program.

(b) On December 31, 1979, and on the same date in each year that the recovery program is funded, the Secretary shall report to the Congress on the annual achievements of the innovation grant program, with emphasis on the nationwide implications of successful innovation projects.
United States Department of the Interior
Cecil D. Andrus, Secretary of the Interior
Robert Herbst, Assistant Secretary for Fish and Wildlife and Parks
Heritage Conservation and Recreation Service
Chris Therral Delaporte, Director