

In such cases, express commitment to satisfy section 1010 substitution requirements within a specified period, normally not to exceed one year following conversion approval, must be received from the local government agency in the form of a grant amendment.

(d) *Obsolete facilities.* Recipients are not required to continue operation of a particular facility beyond its useful life. However, when a facility is declared obsolete, the site must nonetheless be maintained in public recreation use following discontinuance of the assisted facility. Failure to so maintain is considered to be a conversion. Requests regarding changes from a UPARR funded facility to another otherwise eligible facility at the same site that significantly contravene the original plans for the area must be made in writing to the Regional Director. NPS approval must be obtained prior to the occurrence of the change. NPS approval is not necessarily required, however, for each and every facility use change. Rather, a project area should be viewed in the context of overall use and should be monitored in this context. A change from UPARR-developed tennis courts to basketball courts, for example, would not require NPS approval. A change from a swimming pool to a less intense area of limited development such as picnic facilities, or vice versa, would, however, require NPS review and approval. To assure that facility changes do not significantly contravene the original project agreement, NPS shall be notified by the recipient of *all* proposed changes in advance of their occurrence. A primary NPS consideration in the review of requests for changes in use will be the consistency of the proposal with the Recovery Action Program and/or equivalent recreation plans. Changes to other than public recreation use require NPS approval and the substitution of replacement land in accordance with section 1010 of the UPARR Act and paragraphs (a) through (c) of this section.

§ 72.73 Residency requirements.

(a) *Background.* UPARR policy prohibits discrimination on the basis of residence (refer to § 72.65(b)) including preferential reservation or membership

systems on properties improved with UPARR assistance. This prohibition applies to both regularly scheduled and special events. The general provisions regarding non-discrimination at sites assisted under Interior programs and, thereby, all other recreation facilities managed by the recipient, are covered in 43 CFR part 17 which implements the provisions of title VI of the Civil Rights Act of 1964 for the Department.

(b) *Policy.* There shall be no discrimination for UPARR assisted programs or services on the basis of residence, except in reasonable fee differentials. Post-completion compliance responsibilities of the recipient should continue to ensure that discrimination on the basis of residency is not occurring.

(c) *Fees.* For parks or recreation properties or programs funded with UPARR assistance, fees charged to nonresidents cannot exceed twice that charged to residents. Where there is no charge for residents but a fee is charged to nonresidents, the non-resident fees cannot exceed fees charged at comparable State or local public facilities having fee systems. These fee provisions apply only to the approved 1010 areas applicable to the recipient. Reservation, membership, or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents. Recipients are prohibited from providing residents the option of purchasing annual or daily permits while at the same time restricting nonresidents to the purchase of annual permits only.

§§ 72.74–72.75 [Reserved]

APPENDIX A TO PART 72—CRITERIA FOR ELIGIBILITY

Jurisdictions were considered for eligibility if they were functioning general purpose local governments in one of three categories:

1. Central cities of Standard Metropolitan Statistical Areas in either 1970 or 1976 (1970 data derived from U.S. Bureau of the Census, Census of Population: 1970, 1976 data derived from U.S. Bureau of the Census, 1976 Revenue Sharing Estimates File).

2. Cities and townships with Populations of 40,000 or more in either 1970 or 1976 (1970 data derived from U.S. Bureau of the Census, Census of Population: 1970, 1976 data derived

from U.S. Bureau of the Census, 1976 Revenue Sharing Estimates File).

3. Counties with populations of 250,000 or more in either 1970 or 1976 (1970 data derived from U.S. Bureau of the Census, Census of Population: 1970; 1976 data derived from 1976 Revenue Sharing Estimates File).

Indicators (variables) of distress and need were selected to determine eligibility for the program and were chosen for timeliness, reliability, and relevance to the Act. Certain variables were not used due to duplication, others because they were not available for all jurisdictions, and some because they were unrelated to the purposes of the Act. (Section 1002 of the Act states that 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.)

The National Park Service asked the Bureau of the Census to assist in the analysis of national data in order to ensure that reliable, timely and applicable indicators of distress were used in determining eligibility for the program. NPS received comments from a number of interested individuals on what they considered, in their best judgment, to be the criteria that should be used in the program. NPS also received numerous position papers from national interest groups on what they thought were suitable indicators for the program. NPS then began a narrowing process intended to select the most appropriate criteria for eligibility in the program.

Listed below are the six variables selected for eligibility criteria:

Population Per Square Mile

This variable is commonly termed population density, and it is defined as the number of persons per square mile of land. It provides an indication of the extent to which an area is urbanized. Highly urbanized areas are most lacking in land set aside for recreation and park facilities and are experiencing difficulty in maintaining existing facilities.

Highly dense areas tend to have the greatest need for assistance in revitalization of their neighborhood park and recreation facilities. Therefore, jurisdictions having high values for density would be favored by this variable, based on 1975 data of the U.S. Bureau of the Census.

Net Change in Per Capita Income 1969-75

Per capita income is the estimated average amount of total money income per person. It is derived by dividing the total income of a particular group by the total population in that group. Comparison of change in per capita income between urban jurisdictions provides an indication of each jurisdiction's economic growth. If the income of a city is growing more slowly than another city, the city with slower growth is in a relatively weaker economic position. As cited in the "Report on the Fiscal Impact of the Economic Stimulus Package on 48 Large Urban Governments (1978)," income growth is a determinant of taxable wealth and level of economic activity, and indicates a jurisdiction's capability to finance its own recreation and other projects. This measure of financial capacity is related to the Act which stipulates that the Secretary of the Interior consider factors related to economic distress. Therefore, jurisdictions with either negative or low relative growth in per capita income would be favored by this variable, based on 1976 data of the U.S. Bureau of the Census.

Percent Unemployed, 1977

Percent unemployed, commonly termed the unemployment rate is defined as the number of people unemployed as a percent of the civilian labor force. The unemployment data are the product of a Federal/State cooperative program in which State Employment Security agencies prepare labor force and unemployment estimates using concepts, definitions, and technical procedures established by the Bureau of Labor Statistics. The *National Urban Recreation Study* found that recreation and leisure time opportunities are most limited for the economically disadvantaged, including the unemployed. The 17 field studies of the *National Urban Recreation Study* reveal that low-income neighborhoods have less program diversity, little, if any, commercial recreation opportunities, and fewer year-round programs than higher income neighborhoods. Consideration of this variable is consistent with the mandate of the Act which requires that criteria be considered related to physical and economic distress. Therefore, this variable would tend to favor jurisdictions having high unemployment rates.

Percent of Households Without Automobiles Available, 1970

Automobile availability, as defined by the Bureau of the Census, represents the number of passenger automobiles, including station wagons, which are owned or regularly used by any member of the household and which are ordinarily kept at home. Taxicabs, pickups, or larger trucks were not counted. Lack of automobile availability is closely related to lack of recreation opportunity. The Recreation Access Study (U.S. Department of Transportation, 1975) found that access to a diversity of recreation opportunities is generally assured for those who have automobiles and are willing to travel reasonable distances, but such opportunities are often severely limited for people without cars. In addition, the 17 field studies of the *National Urban Recreation Study* concluded that most recreation opportunities for those without access to a personal auto is limited to immediate neighborhoods or place of residence. This variable is relevant to the Act in that the transportation disadvantaged households are the group that has the greatest need for expanded opportunities to enjoy their close to home resources.

Therefore, jurisdictions having a high proportion of households without automobiles would be favored by this variable, based on 1970 data of the U.S. Bureau of the Census.

Total Population Under 18 Years of Age, and 60 Years and Over, 1970

This variable identifies those persons most likely to be the most frequent users of public park and recreation facilities. While many senior citizens have adequate incomes, they tend to be considerably less affluent and less mobile than the general population. Younger and older children also need public recreation facilities, especially in highly urbanized areas, where recreation facilities are most lacking. This variable was selected to favor areas with greater concentrations of the dependent population where need for recreation would be the greatest, and where rehabilitation of existing facilities the most pressing, in accordance with the Act. The variable was used in its absolute rate to give an indication of the size of the client populations in each jurisdiction, based on 1970 data of the U.S. Bureau of the Census.

Percent Persons With Income Below 125 Percent Poverty Level, 1970

In 1970, percent of population below poverty level was calculated by the Bureau of the Census as the proportion of the total population which reported income below the poverty level. This variable is the most current available indicator of poverty status for the jurisdictions in question. To accommodate the needs of economically disadvantaged people whose incomes are somewhat

above the poverty level, such as those employed part-time, or those in very low-paid jobs, persons with incomes up to 125% of poverty are included in this variable. The poor and near-poor have the greatest need for public recreation opportunities and services in proximity to their homes. This variable is also related to that part of the Act which stipulates that the Secretary of the Interior consider "deficiencies in access to neighborhood recreation facilities, particularly for . . . low- and moderate-income residents," and the extent to which park and recreation recovery efforts would provide employment opportunities for low- and moderate-income residents. Rehabilitation of parks is a relatively labor intensive activity having the potential for providing short-term jobs with low-skill requirements. Persons with poverty level incomes tend to lack skills and jobs. Therefore, this variable was selected to favor jurisdictions having a large percentage of its population in poverty. The poverty level of income is based on an index developed by the Social Security Administration in 1964 and subsequently modified by a Federal Inter-agency Committee. In 1969, the poverty thresholds ranged from \$1,487 for a female unrelated individual 65 years old and over living on a farm to \$6,116 for a nonfarm family with a male head and with seven or more persons. The average poverty threshold for a nonfarm family of four headed by a male was \$3,745.

Determination of Eligibility

The method used to combine the variables had four steps. First, all values for each of the six variables were expressed in common or standard units. Second, for each jurisdiction, the standardized values for the six variables were added to produce a score. Third, the scores were ranked from high values (most eligible) to low values (least eligible). Fourth jurisdictions having scores above the median score for all jurisdictions were designated "eligible."

County Eligibility

The Administration stated before the Senate Subcommittee on Parks and Recreation on June 27, 1978, that it would ensure fair consideration of urban counties for eligibility under the Urban Park and Recreation Recovery Program. The Administration has kept this commitment by subjecting urban county data to the same eligibility standards as cities and including urban counties which meet those standards on the eligibility list. All urban counties with a population over 250,000 were considered under the same criteria (indicators of distress and need) as the city counterparts. Counties within and SMSA not on the eligibility list may compete for assistance as discretionary applicants.

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The history of the Administration's UPARR proposal clearly indicates that this program is part of an overall national urban policy. Therefore, in accordance with the legislative mandate, project selection criteria will require that county projects be justified in terms of direct service to identifiable urban neighborhoods (residential areas), and that there must be evidence of cooperation between a county and its major city.

Discretionary Grants

Section 1005(b) of the Bill states that at the Secretary's discretion, up to 15 percent of the program funds annually may be granted to local governments which do not meet eligibility criteria, but are located in Standard Metropolitan Statistical Areas, provided that these grants to general purpose governments are in accord with the intent of the program. These governments may apply for grants under the program regardless of whether or not they are included on the list of eligible jurisdictions.

[44 FR 58091, Oct. 9, 1979. Redesignated at 46 FR 34329, July 1, 1981, and correctly redesignated at 46 FR 43045, Aug. 26, 1981]

APPENDIX B TO PART 72—LIST OF ELIGIBLE JURISDICTIONS

The following are those jurisdictions eligible for the Urban Park and Recreation Recovery Program:

Cities Eligible for the Urban Park and Recreation Recovery Program

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|----------------------------|--------------------------|-----------------------------------|-------------------------------|
| Akron, Ohio | Baldwin Park, California | Bridgeport, Connecticut | East Orange, New Jersey |
| Albany, Georgia | Baltimore, Maryland | Bridgeton, New Jersey | East Providence, Rhode Island |
| Albany, New York | Baton Rouge, Louisiana | Bristol, Tennessee | East St. Louis, Illinois |
| Alexandria, Louisiana | Battle Creek, Michigan | Brockton, Massachusetts | Easton, Pennsylvania |
| Alhambra, California | Bayamon, Puerto Rico | Brookline Township, Massachusetts | Edinburg, Texas |
| Allentown, Pennsylvania | Bay City, Michigan | Brownsville, Texas | El Monte, California |
| Altoona, Pennsylvania | Bayonne, New Jersey | Buffalo, New York | El Paso, Texas |
| Aguadilla, Puerto Rico | Bellingham, Washington | Caguas, Puerto Rico | Elizabeth, New Jersey |
| Anniston, Alabama | Berkeley, California | Camden, New Jersey | Elmira, New York |
| Arecibo, Puerto Rico | Biloxi, Mississippi | Canton, Ohio | Erie, Pennsylvania |
| Asbury Park, New Jersey | Binghamton, New York | Carolina, Puerto Rico | Evanston, Illinois |
| Asheville, North Carolina | Birmingham, Alabama | Carson, California | Evansville, Indiana |
| Athens, Georgia | Bloomfield, New Jersey | Cayey, Puerto Rico | Everett, Massachusetts |
| Atlanta, Georgia | Bloomington, Indiana | Charleston, South Carolina | Everett, Washington |
| Atlantic City, New Jersey | Boston, Massachusetts | Charlottesville, Virginia | Fall River, Massachusetts |
| Auburn, Maine | Bradenton, Florida | Chattanooga, Tennessee | Fayetteville, North Carolina |
| Augusta, Georgia | | Chester, Pennsylvania | Fitchburg, Massachusetts |
| Babylon Township, New York | | Chicago, Illinois | Flint, Michigan |
| | | Chicago Heights, Illinois | Florence, Alabama |
| | | Chicopee, Massachusetts | Ft. Myers, Florida |
| | | Chula Vista, California | Freeport, New York |
| | | Cicero, Illinois | Fresno, California |
| | | Cincinnati, Ohio | Gadsden, Alabama |
| | | Clarksville, Tennessee | Gainesville, Florida |
| | | Cleveland, Ohio | Galveston, Texas |
| | | Cocoa, Florida | Gary, Indiana |
| | | Columbia, South Carolina | Gastonia, North Carolina |
| | | Columbus, Georgia | Grand Rapids, Michigan |
| | | Columbus, Ohio | Granite City, Illinois |
| | | Compton, California | Greenville, Mississippi |
| | | Corpus Christi, Texas | Greenville, South Carolina |
| | | Covington, Kentucky | Guayama, Puerto Rico |
| | | Danville, Illinois | Guaynabo, Puerto Rico |
| | | Danville, Virginia | Gulfport, Mississippi |
| | | Dayton, Ohio | Hamilton, Ohio |
| | | Daytona Beach, Florida | Harlingen, Texas |
| | | Denison, Texas | Harrisburg, Pennsylvania |
| | | Denver, Colorado | Hartford, Connecticut |
| | | Detroit, Michigan | Hattiesburg, Mississippi |
| | | District of Columbia | Haverhill, Massachusetts |
| | | Dothan, Alabama | Hawthorne, California |
| | | Duluth, Minnesota | Hazelton, Pennsylvania |
| | | Durham, North Carolina | Hemstead Township, New York |
| | | East Chicago, Indiana | Hialeah, Florida |
| | | East Lansing, Michigan | |