

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Funding Opportunity for the Department of Transportation's Nationally Significant Federal Lands and Tribal Projects Program for Fiscal Year 2021

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT)

ACTION: Notice of Funding Opportunity

SUMMARY: This notice announces a funding opportunity and requests grant applications for the Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program. The Fixing America's Surface Transportation (FAST) Act (Pub. L. 114-94, as extended by Pub. L. 116-159) established the NSFLTP Program to provide Federal funding to projects of national significance for construction, reconstruction, or rehabilitation of transportation facilities within, adjacent to, or providing access to Federal or Tribal lands. The Consolidated Appropriations Act, 2021 (Pub. L. 116-260), appropriated \$100 million for this program, with a requirement that no less than \$25 million be awarded to Tribal governments. The FHWA will distribute these funds as described in this notice on a competitive basis in a manner consistent with the selection criteria.

DATES: Applications must be submitted by 11:59pm EST on January 9, 2022.

ADDRESSES: Applications must be submitted through [Grants.gov](https://www.grants.gov).

FOR FURTHER INFORMATION CONTACT:

Jeffrey Mann, Office of Program Development, FHWA, Office of Federal Lands Highway, 22001 Loudoun County Parkway, Building E1, Suite 150, Ashburn, VA 20147, Telephone: 703-404-6230 or email: Jeffrey.Mann@dot.gov.

Scott Johnson, Office of Program Development, FHWA, Office of Federal Lands Highway,

22001 Loudoun County Parkway, Building E1, Suite 150, Ashburn, VA 20147, Telephone: 703-404-6231 or email: Scott.Johnson@dot.gov.

In addition, FHWA will regularly post information about the NSFLTP Program on its Website at <https://flh.fhwa.dot.gov/programs/nsfltp/>.

SUPPLEMENTARY INFORMATION: Each section of this notice contains information and instructions relevant to the application process for NSFLTP Program grants. Applicants should read this notice in its entirety to submit eligible and competitive applications.

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A. PROGRAM DESCRIPTION

The Fixing America’s Surface Transportation Act (FAST Act) (Pub. L. 114-94, Section 1123) established the NSFLTP Program to fund nationally significant projects to construct, reconstruct, or rehabilitate transportation facilities within, adjacent to, or providing access to, Federal and Tribal lands. Assistance Listing 20.205, Highway Planning and Construction, applies.

B. FEDERAL AWARD INFORMATION

1. Amount Available – For FY 2021, per the Consolidated Appropriations Act, 2021 (Pub. L. 116-260), the Secretary may award up to \$100 million in grants on a competitive basis to Federal and Tribal lands projects of national significance that meet the requirements of Section 1123 of the FAST Act, with a requirement that no less than \$25 million is awarded to Tribal governments.
2. Award Size – The NSFLTP Program provides discretionary funding for projects that have an estimated construction cost of at least \$25 million, with construction projects with an estimated cost equal to or exceeding \$50 million receiving priority consideration in the selection process.
3. Availability of Funds – The funds provided for this program under the Consolidated Appropriations Act, 2021, are available for obligation until September 30, 2024.

C. ELIGIBILITY INFORMATION

1. Eligible Applicants

- a. Entities eligible to receive funds under the Federal Lands Access Program (23 U.S.C. 204), the Federal Lands Transportation Program (23 U.S.C. 203), the Tribal Transportation Program (23 U.S.C. 202), and the Federal Lands Planning Program (23 U.S.C. 201) may apply for funding under the NSFLTP Program, except that a State, county, or unit of local government may apply for funding under the NSFLTP Program only if sponsored by an eligible Federal land management agency (FLMA) or federally recognized Indian Tribe.
- b. FLMA and Tribes will provide a list of project applications they are sponsoring from their organization on behalf of State or local governments.
 - I. To promote effective communication and coordination, an FLMA or Tribe should identify one individual within their organization who will serve as Sponsorship Coordinator.
 - II. The Sponsorship Coordinator is responsible for providing the list of sponsored projects to the NSFLTP Program contacts listed on page 1 of this NOFO. The use of Grants.gov permits a wide range of eligible applicants to enter project applications. The Sponsorship Coordinator role ensures applications have been coordinated through and approved by FLMA and/or Tribal leaders.
 - III. The list of sponsored projects should provide enough detail so that FHWA can match the projects to those received via Grants.gov.

IV. A list of Sponsorship Coordinators can be obtained from the NSFLTP Program contacts listed on page 1 of this NOFO, or at the following Website – <https://flh.fhwa.dot.gov/programs/nsfltp/>.

- c. FLMAs and Tribes may sponsor applications on behalf of:
 - I. a State or group of States;
 - II. a metropolitan planning organization;
 - III. a unit of local government or group of local governments;
 - IV. a political subdivision of a State or local government;
 - V. a special purpose district or public authority with a transportation function, including a port authority;
 - VI. a group of FLMAs;
 - VII. a consortium of Tribal governments; or
 - VIII. a multi-State or multijurisdictional group of public entities.
- d. Recipients of NSFLTP Program funding are responsible for meeting reporting requirements.

2. Cost Sharing and Matching

- a. The Federal share of the cost of the project shall be up to 90 percent.
- b. The non-Federal share shall not be less than 10 percent of the cost of the project and can be:
 - I. Any other Federal funds, as long as they were not authorized under Title 23 or Title 49, U.S.C.;
 - II. Any private or public source, as long as the source did not receive the funds through programs authorized under Title 23 or Title 49,

U.S.C.; and

III. Donations of funds, materials, services, right-of-way acquisition, or utility relocation; or

IV. Tapered match, which is a form of Federal-aid matching flexibility that allows a project's Federal share to vary over the life of the project as long as the final contribution of Federal funds does not exceed the project's maximum authorized share. Indicate that a tapered match will be sought within the project narrative when describing how the non-Federal share will be funded.

- c. The application and project agreement must document the match requirement and any related commitments.
- d. Toll credits under 23 U.S.C. 120(i) are considered a Federal source under the NSFLTP Program and, therefore, cannot be used to satisfy the statutory cost sharing requirement of a NSFLTP award.

3. Other - To meet the minimum statutory requirements for eligibility, a project must meet all of the following conditions:

- a. The project is a single continuous project;
- b. The project meets at least one of the following definitions of transportation facilities from Section 101 of Title 23, U.S.C., except that such facilities are not required to be included in an inventory described in Section 202 or 203 of such title:

- I. "Federal lands transportation facility," which means a public highway, road, bridge, trail, or transit system that is located on, is

- adjacent to, or provides access to Federal lands for which title and maintenance responsibility is vested in the Federal Government;
- II. “Federal lands access transportation facility,” which means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title or maintenance responsibility is vested in a State, county, town, township, Tribal, municipal, or local government; or
- III. “Tribal transportation facility,” which means a public highway, road, bridge, trail, or transit system that is located on or provides access to Tribal land;
- c. The project demonstrates completion of all activities required under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) through:
- I. A record of decision, if the NEPA class of action is an environmental impact statement;
- II. A finding of no significant impact, if the NEPA class of action is an environmental assessment; or
- III. A determination that the project is a categorical exclusion (CE) under the lead Federal agency’s NEPA procedures;
- d. The project must have estimated construction costs, based on the results of preliminary engineering, equal to or greater than \$25,000,000, with priority consideration for projects with estimated construction costs equal to or exceeding \$50,000,000; and

- e. The project will use NSFLTP Program funds only for construction, reconstruction, or rehabilitation of transportation facilities. Project design activities are not eligible for NSFLTP Program funds.
4. The project may be in either an urban or rural area. For purposes of this notice, DOT defines "rural area" as an area outside an urbanized area, as designated by the U.S. Census Bureau. An "urban area" is defined as an area inside an urbanized area as designated by the U.S. Census Bureau. The Department will consider a project to be in a rural area if the entirety of the project is located outside of an urbanized area. Rural and urban definitions differ in some other DOT programs, including the Transportation Infrastructure Finance and Innovation Act and the Nationally Significant Freight and Highway Projects Program.

D. APPLICATION and SUBMISSION INFORMATION

- 1. Address to Request Application – Applications will be submitted to Grants.gov.
- 2. Content and Form of Application Submission – Include in the application package the following:
 - a. Standard Form 424 (Application for Federal Assistance);
 - b. Standard Form 424C (Budget Information for Construction Programs);
 - c. Standard Form 424D (Assurances for Construction Programs);
 - d. A cover page, including the following chart:

Project Name	
Previously Incurred Project Eligible Costs	\$
Future	\$

Eligible Project Costs	
Total Project Cost	\$
NSFLTP Program Grant Request Amount	\$
Federal (DOT) Funding including Program Funds Requested	\$
Is the project within, adjacent to, or accessing Federal and/or Tribal land	Yes/No
Is the project located (entirely or partially) in an Opportunity Zone?	Yes/No (Please reference https://www.cdfifund.gov/Pages/OpportunityZones.aspx) Please identify the specific 2011-2015 Low-Income Community Census Tract(s) (by number) that are Opportunity Zones.

- e. Completed NEPA document;
- f. A project narrative – The application must include information required for FHWA to determine that the project satisfies the eligibility requirements described in Section IV above. The FHWA recommends the project narrative adhere to the following basic guidelines to clearly address the

program requirements and make critical information readily apparent.

While applicants are not required to follow the specific format described here, this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, FHWA encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

- I. Project Description – Describe what activities the requested NSFLTP Program funds and matching funds will support, how the project is nationally significant based on authorized criteria and the Secretary’s objectives, information on the expected users of the project, a description of the transportation challenges the project aims to address, and how the project will address these challenges.
- II. Project Location – Provide a detailed description of the location of proposed project and geospatial data for the project, as well as a map of the project’s location and its connections to existing transportation infrastructure.
- III. Project Parties – Provide information about who is involved and their respective roles in supporting the project.
- IV. Grant Funds, Sources, and Uses of Project Funds –
 - i. Funding – Document the funding that will be used to construct this project, including past or pending Federal funding requests for this project. Include the size, nature,

and source(s) of the required match for those funds, if applicable. Demonstrate that the requested NSFLTP Program funds do not exceed 90 percent of project costs. Please note that funds spent prior to the award of the project most likely cannot be counted as match.

- ii. Budget – Provide a detailed project budget containing a breakdown of how the funds will be spent. The budget should estimate—by dollar amount and percentage of cost— the cost of construction work for each project component.
- iii. Criteria

- A. Statutory Criteria – The project narrative should include sufficient information for the Department to evaluate how well the project aligns with the statutory criteria described in Section E.1.a. below.

- B. Discretionary Criteria – The project narrative should include sufficient information for the Department to evaluate how well the project aligns with Discretionary Criteria described in Section E.1.b.

V. Indicate if this project is urban or rural, per the definition of these terms provided in Section C(3)(f).

VI. To the extent practicable, provide data and evidence of project merits in a form that is verifiable or publicly available. The FHWA

may ask any applicant to supplement data in its application, but expects applications to be complete upon submission.

VII. Include a table of contents, maps, and graphics, as appropriate, to make the information easier to review.

VIII. The FHWA recommends that the project narrative not exceed 10 pages, excluding supporting documentation and the benefit cost analysis, and be prepared with as a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins.

IX. Provide Website links to supporting documentation rather than copies of these supporting materials. If supporting documents are submitted, clearly identify the relevant portion of the project narrative that each document supports.

X. The FHWA recommends using appropriately descriptive names (e.g., “Project Narrative,” “Maps,” “Memoranda of Understanding and Letters of Support,” etc.) for all attachments.

XI. Project Readiness – This section of the application should include information that, when considered with the project budget information presented elsewhere in the application, is sufficient for the Department to evaluate whether the project is reasonably expected to begin construction in a timely manner. To assist the Department’s project readiness assessment, the applicant should provide the information requested on technical feasibility, project

schedule, project approvals, and project risks, each of which is described in greater detail in the following sections. The guidance here is about what information applicants should provide and how the applicant should organize their application. Guidance describing how the Department will evaluate a project's readiness is described in section E.1 of this notice. Applicants also should review that section before considering how to organize their application.

- i. **Technical Feasibility.** The applicant should demonstrate the technical feasibility of the project with engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the NSFLTP application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed.
- ii. **Project Schedule.** The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals (programming on the Statewide

Transportation Improvement Program), design completion; right of way acquisition; approval of plans, specifications and estimates; procurement; State and local approvals; project partnership and implementation agreements including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that:

- A. All necessary activities will be complete to allow NSFLTP funds to be obligated sufficiently in advance of the statutory deadline (September 30, 2024, for FY 2021 funds), and that any unexpected delays will not put the funds at risk of expiring before they are obligated;
- B. The project can begin construction quickly upon obligation of NSFLTP funds, and that the grant funds will be spent expeditiously once construction starts; and
- C. All real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no acquisition is necessary.

iii. Required Approvals.

A. Environmental Permits and Reviews. The application should demonstrate receipt (or reasonably anticipated receipt) of all environmental approvals and permits necessary for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all Federal, State, and local requirements and completion of the NEPA process. Specifically, the application should include:

B. Information about the NEPA status of the project. An applicant should indicate the date of completion of the NEPA process, and provide a Website link or other reference to the final CE, Finding of No Significant Impact, Record of Decision, and any other NEPA documents prepared. If the last agency action with respect to NEPA documents occurred more than 3 years before the application date, the applicant should describe why the project has been delayed and include a proposed approach for verifying and, if necessary, updating this material in accordance with applicable NEPA requirements.

- C. Information on reviews, approvals, and permits by other agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies¹, indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local requirements, and when such approvals are expected. Applicants should provide a Website link or other reference to copies of any reviews, approvals, and permits prepared.
- D. Environmental studies or other documents—preferably through a Website link—that describe in detail known project impacts, and possible mitigation for those impacts.
- E. A description of discussions with the appropriate FHWA field or Headquarters office regarding the project’s compliance with NEPA and other applicable Federal environmental reviews and approvals.

¹ Projects that may impact protected resources such as wetlands, species habitat, cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

F. A description of public engagement about the project that has occurred, including details on the degree to which public comments and commitments have been integrated into project development and design.

G. State and Local Approvals. The applicant should demonstrate receipt of State and local approvals on which the project depends, such as State and local environmental and planning approvals and state transportation improvement program (STIP) or transportation improvement program (TIP) funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

XII. Assessment of Project Risks and Mitigation Strategies.

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks. The applicant should assess the

greatest risks to the project and identify how the project parties will mitigate those risks.

XIII. Benefit-Cost Analysis - This section describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) as an appendix to the Project Narrative. BCA is a systematic process for identifying, quantifying, and comparing expected benefits and costs of a potential infrastructure project. General guidance for estimating some types of quantitative benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, are available in DOT's guidance for conducting BCAs for projects seeking funding under the Department's discretionary grant programs (see <https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance>). The results of the analysis should be summarized in the Project Narrative directly.

Applicants should delineate each of their project's expected outcomes in the form of a complete BCA to enable FHWA to consider cost-effectiveness (small projects), determine whether the project will be cost effective (large projects), estimate a benefit-cost ratio and calculate the magnitude of net benefits and costs for the project. In support of each project for which an applicant seeks funding, the applicant should submit a BCA that quantifies the

expected benefits and costs of the project against a no-build baseline. Applicants should use a real discount rate (i.e., the discount rate net of the inflation rate) of 7 percent per year to discount streams of benefits and costs to their present value in their BCA.

The primary economic benefits from projects eligible for NSFLTP grants are likely to result from improvements in safety, state of good repair, economic competitiveness, quality of life, and environmental sustainability. Key measures of those benefits may include savings in travel time costs, vehicle operating costs, and safety costs for both existing users of the improved facility and new users who may be attracted to it as a result of the project, as well as reduced damages from vehicle emissions, including greenhouse gases, and savings in maintenance costs to public agencies.

Applicants may describe other categories of benefits in the BCA that are more difficult to quantify and value in economic terms, such as improving the reliability of travel times or improvements to the existing human and natural environments (such as increased connectivity, improved public health, storm water runoff mitigation, and noise reduction), while also providing numerical estimates of the magnitude and timing of each of these additional impacts wherever possible. Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the

expected outcomes of the project.

The BCA should include the full costs of developing, constructing, operating, and maintaining the proposed project (including both previously incurred and future costs), as well as the expected timing or schedule for costs in each of these categories. The BCA may also consider the present discounted value of any remaining service life of the asset at the end of the analysis period (net of future maintenance and rehabilitation costs) as a deduction from the estimated costs. The costs and benefits that are compared in the BCA should also cover the same project scope.

The BCA should carefully document the assumptions and methodology used to produce the analysis, including a description of the baseline, the sources of data used to project the outcomes of the project, and the values of key input parameters. Applicants should provide all relevant files used for their BCA, including any spreadsheet files and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by FHWA evaluators.

3. Unique entity identifier and SAM –

a. Each applicant must:

- I. be registered in SAM before submitting its application;

- II. provide a valid unique entity identifier in its application; and
- III. continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Department may not make a grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Department is ready to make a grant, the Department may determine that the applicant is not qualified to receive a grant and use that determination as a basis for making a grant to another applicant.

4. Submission Dates and Times –

- a. Deadline – Applications must be submitted by 11:59 p.m. EST on January 9, 2022. Information regarding awards and available funding will be posted to the Website cited on page 1 of this NOFO.
- b. To submit an application through Grants.gov, applicants must:
 - I. Obtain a DUNS number;
 - II. Register with SAM at www.SAM.gov;
 - III. Create a Grants.gov username and password; and
 - IV. Respond to the registration email sent to the applicants E-Business point of contact (POC) from Grants.gov and login at Grants.gov to authorize the applicant as the Authorized Organization Representative (AOR).

- c. Please note there can be more than one AOR for an organization.
Applicants are encouraged to submit applications in advance of the application deadline; however, applications will not be evaluated, and awards will not be made until after the application deadline.
 - d. Please note the Grants.gov registration process usually takes 2-4 weeks to complete and the Department will not consider late applications that are the result of failure to register or comply with Grants.gov applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at <http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If applicants experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 1(800) 518-4726, Monday-Friday from 7:00 a.m. to 9:00 p.m. EST.
 - e. Consideration of Applications – Only applicants who comply with all submission deadlines described in this notice and electronically submit valid, sponsor-approved applications through Grants.gov will be eligible for award. Applicants are strongly encouraged to make submissions in advance of deadlines.
 - f. Late Applications – Applications received after the deadline will not be considered.
5. Intergovernmental Review – The NSFLTP Program is not subject to the Intergovernmental Review of Federal Programs.

6. Funding Restrictions – Developmental phase activities including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, design, and other preconstruction activities are not eligible for funding under the NSFLTP Program.

E. APPLICATION REVIEW INFORMATION

The FHWA will award the NSFLTP Program funds based on the selection criteria and policy considerations outlined below.

1. Criteria

a. Statutory Criteria – In accordance with the FAST Act, Section 1123, when selecting projects for funding under the NSFLTP Program, FHWA will consider the extent to which the project:

I. Furthers the goals of DOT, including safety, state of good repair, economic competitiveness, and quality of life. In evaluating this criterion, FHWA will rely on a thorough review of the applicant's BCA.

II. Improves the condition of critical transportation facilities, including multimodal facilities. FHWA will evaluate this criterion by considering both the extent to which the project improves the condition of a transportation facility and the critical nature of the facility. Examples may include but are not limited to: a bridge in poor condition that may be subject to closure in the absence of funds; or a primary transportation facility that provides access to critical community services, high use recreation destination areas, or other economic generators within Tribal and/or Federal lands.

III. Needs construction, reconstruction, or rehabilitation. FHWA will consider data provided by the applicant documenting any physical or operational deficiencies of the existing facility that would

warrant construction, reconstruction, or rehabilitation, and how the proposed project will address those deficiencies.

- IV. Has costs matched by funds that are not provided under the NSFLTP Program or Titles 23 or 49 by giving preference to;
- i. Projects with over 50 percent in non-NSFLTP Program funding, with additional preference given to projects that exceed even this threshold; followed by
 - ii. Projects with between 30 percent and 50 percent in non-NSFLTP Program funding; followed by
 - iii. Projects with between 10 percent and 29 percent in non-NSFLTP Program funding; followed by
 - iv. Projects with the minimum 10 percent in non-NSFLTP Program funding.
- V. Is included in or eligible for inclusion in the National Register of Historic Places. A project that meets this criterion will be more competitive than a project that does not.
- VI. Uses new technologies and innovations that enhance the efficiency of the project. FHWA will assess the extent to which the applicant uses innovative strategies promoted by the FHWA's Every Day Counts initiative <https://highways.dot.gov/federal-lands/programs-tribal/partners-resources/every-day-counts>.
- VII. Is supported by funds, other than funds received under the NSFLTP Program, to construct, maintain, and operate the facility. FHWA

will consider what other funds exist, besides those available for match, to aid in maintenance and operation of the facility, as well as the reasonable expectation that those funds will remain available. Historical trends, current policy, or future feasibility analyses can be used as evidence to substantiate or support the claims in the application.

VIII. Spans two or more States. A project that meets this criterion will be more competitive than a project that does not.

IX. Serves land owned by multiple Federal Agencies or Indian Tribes.

A project that meets this criterion will be more competitive than a project that does not.

b. Discretionary criteria – After applying the above preferences, the FHWA will take into account the following key objectives:

I. The extent to which the project supports economic vitality at the national and regional level.

i. FHWA will consider the extent to which a project would support the economic vitality of either the Nation or a region. To the extent possible, FHWA will rely on quantitative, data-supported analysis to assess how well a project addresses this criterion, including an assessment of the applicant-supplied benefit-cost analysis described in Section D.2.f. In addition to considering the anticipated outcomes of the project that align with this criterion, the

Department will consider estimates of the project's benefit-cost ratio and net quantifiable benefits.

- ii. Based on FHWA's assessment, FHWA will group projects into ranges based on their estimated benefit cost ratio (BCR), and assign a level of confidence associated with each project's assigned BCR.

- A. The Department will use these ranges for BCR:

- Less than 1;

- 1–1.5;

- 1.5–3; and

- greater than 3.

- B. The confidence levels are high, medium, and low.

- II. Whether the project is located in a underserved community, as defined in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Sections 2 (a) and (b).

- III. The project's demonstrated project readiness. During application evaluation, FHWA will consider project readiness to assess the likelihood of a successful project. In that analysis, FHWA will consider three evaluation ratings: Environmental Risk, Technical Capacity, and Financial Capacity. Environmental Risk assessment analyzes the project's environmental approvals and likelihood of the necessary approval affecting project obligation. The Technical

Capacity will be reviewed for all eligible applications and will assess the applicant's capacity to successfully deliver the project in compliance with applicable Federal requirements based on factors including the recipient's experience working with Federal Agencies, previous experience with DOT discretionary grant awards, and the technical experience and resources dedicated to the project. The Financial Capacity assessment reviews the availability of matching funds and whether the applicant presented a complete funding package. Risks do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks or with a risk mitigation plan is more competitive than a comparable project with unaddressed risks.

IV. The extent to which a project would improve roadways that:

- i. have a higher than average daily use by commuters and non-recreation visitation; and
- ii. in the prior fiscal year, have been closed or had speed restrictions due to unsafe travel conditions as a result of the roadway's infrastructure condition and maintenance.

V. The extent to which the project supports the ROUTES initiative and addresses the unique challenges of rural transportation networks in safety, infrastructure condition, and passenger and freight usage, should the project serve a rural location.

VI. The extent to which the project reduces climate pollution and addresses environmental justice impacts. The Department encourages applicants to consider climate change and environmental justice in project planning efforts and to incorporate project elements dedicated to mitigating or reducing impacts of climate change.

i. The project will be assigned a Climate Change and Environmental Justice rating based on how it addresses these areas.

A. Applications that incorporate climate change or environmental justice in both planning activities and specific project elements will receive a high rating.

B. Applications that incorporate climate change or environmental justice in planning activities or project elements, but not both, will receive a medium rating.

C. Applications that address this criterion in neither planning activities nor project elements will receive a low rating.

ii. Applicants intending to address the planning portion of the climate change and environmental justice criterion should describe in detail, provide supporting

documentation, or otherwise demonstrate how they meet at least one of the options below:

- A. A Local/Regional/State Climate Action Plan that results in lower greenhouse gas emissions has been prepared and the project directly supports that Climate Action Plan;
- B. A Local/Regional/State Equitable Development Plan has been prepared and the project directly supports that Equitable Development Plan;
- C. The project sponsor has used environmental justice tools such as the EJSCREEN to minimize impacts to environmental justice communities (<https://ejscreen.epa.gov/mapper/>); or
- D. A Local/Regional/State Energy Baseline Study has been prepared and the project directly supports that study.

iii. Applicants intending to address the project components portion of the climate change and environmental justice criterion should describe how they meet at least one of the options below:

- A. The project supports a modal shift in freight or passenger movement to reduce vehicle miles traveled;

- B. The project incorporates electrification infrastructure, zero-emission vehicle infrastructure, or both;
- C. The project utilizes one or more demand management strategies to reduce congestion and greenhouse gas emissions;
- D. The project supports the installation of electric vehicle charging stations along the NHS;
- E. The project promotes energy efficiency, for example through reduction in vessel dwell time or use of cold ironing technology at ports;
- F. The project serves the renewable energy supply chain;
- G. The project improves disaster preparedness and resiliency;
- H. The project supports bringing existing idle or dilapidated infrastructure that is currently causing environmental harm into a state of good repair (e.g. brownfield redevelopment);
- I. The project supports or incorporates the construction of energy- and location-efficient buildings;

- J. The project includes new or improved pedestrian/cycling connections or multi-modalism as part of a highway or grade separation project; or
- K. The project proposes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both.

VII. The extent to which the project will advance the Racial Equity and Barriers to Opportunity Program objective -

- i. The Department encourages applicants to describe credible planning and actions to address potential inequities and barriers to equal opportunity in the project as reflected in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Section A.2.c of this NOFO. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.
- ii. The application will be assigned a Racial Equity and Barriers to Opportunity rating based on how it addresses racial equity and barriers to equal opportunity in (1) planning and policies and (2) project investments.

- A. Applications that address both planning and policies and project investments will receive a high rating.
 - B. Applications that address either planning and policies or project investment receive a medium rating.
 - C. Applications that do not address racial equity and barriers to opportunity in either their sponsors' planning and policies or project investment will receive a low rating.
- iii. Applicants intending to address the planning and policies component portion of the racial equity and barriers to opportunity criterion will have addressed this area if the NSFLTP application incorporates any of the following, but these are not the only bases that the Department may use to determine an application addresses this area:
- A. A racial equity impact analysis for the project;
 - B. Documentation of equity-focused community outreach and public engagement in the project's planning in underserved communities;
 - C. Construction, inspection, or other activities designed to ensure racial equity in the overall project delivery and implementation.

iv. Applicants intending to address the planning and policies component portion of the racial equity and barriers to opportunity criterion will need to explain how the project either proactively address racial equity and barriers to opportunity or redress prior inequities and barriers to opportunity, and whether those investments are documented by previously incurred and/or future costs of the project. Examples of Racial Equity and Barriers to Opportunity Project Investment include, but are not limited to:

A. Project investments that improve or newly connect underserved communities to proactively address barriers to opportunity or redress past inequities and barriers to opportunity. For example:

Physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that are directly related to the project and either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities;

New or improved walking, biking, and rolling access for the disabled to reverse

the disproportional impacts of crashes on people of color, and mitigate neighborhood bifurcation; and

New or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities.

- B. Project investments that directly partner with underserved communities to proactively address barriers to opportunity or redress past inequities and barriers to opportunity. For example:

- Project sponsor partnerships with land banks or land trusts for equitable and fair transfer of excess right-of-way, and other properties directly related to the project;

- Project sponsor partnerships with, or investments in, multimodal mobility providers to proactively address potential racial equity and barriers to opportunity or redress past inequities and barriers to

- opportunity directly related to the project;

- Project that result in hiring from local communities.

C. Definitions for “racial equity” and “underserved communities” are found in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Sections 2 (a) and (b).

2. Review and Selection Process – The FHWA will review all eligible applications received by the deadline. The review and selection process will consist of a Technical Review and Senior Review. All eligible applications will be rated first with statutory criteria. After that, they will be evaluated with discretionary criteria. All statutory criteria will receive equal weight during review. All discretionary criteria will receive equal weight during review.

a. Technical Review - In the Technical Review, a team comprising technical staff from FHWA will review all eligible applications and rate each project’s alignment with the selection criteria, using the following guidelines.

I. Highly Recommended – The project aligns extremely well with the objectives of the statutory criteria under consideration. Projects with three or more criteria rated as “Strong Alignment” are likely to receive this rating, as well as projects that have “Alignment” with all of the statutory criteria.

II. Recommended – The project aligns well with the objectives of the statutory criteria. Projects with at least one criterion rated as “Strong Alignment” or that have “Alignment” with most of the

statutory criteria are likely to receive this rating.

III. Acceptable – The project somewhat aligns well with the objectives of the statutory criterion under consideration. Projects with no criteria rated as “Strong Alignment” but with a several criteria rated as “Alignment” are likely to receive this rating.

IV. Not Recommended – The project does not align well with objectives of the statutory criterion under consideration or does not align with eligibility criteria.

- b. The Senior Review Team, comprising senior leadership from FHWA, will determine which projects rated as Acceptable and higher by the Technical Review Team to advance to the Secretary.
- c. The final funding decisions will be made by the ~~Under~~ Secretary of Transportation ~~for Policy~~.
- d. Additional Information – Prior to award, each selected applicant will be subject to a risk assessment required by 2 CFR 200.206. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM, currently the Federal Awardee Performance and Integrity Information System (FAPIIS). An applicant may review information in FAPIIS and comment on any information about itself. The Department will consider comments by the applicant in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of

risk posed by applicants.

F. FEDERAL AWARD ADMINISTRATION INFORMATION

1. Federal Award Notices – The FHWA will announce awarded projects by posting a list of selected projects at <https://flh.fhwa.dot.gov/programs/nsfltp/>. Following the announcement, FHWA will contact the POC listed in form SF-424 to initiate negotiation of a project-specific agreement.
2. Administrative and National Policy Requirements – All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by DOT at 2 CFR 1201. In addition, applicable Federal laws, rules and regulations of FHWA will apply to the projects that receive NSFLTP Program funds, including planning requirements, agreements, Buy America compliance, and other grant program requirements.
3. Reporting – Each recipient of NSFLTP Program funding must submit the Federal Financial Report (SF-425) on the financial condition of the project and the project’s progress bi-annually, as well as an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial transparency in the NSFLTP Program. The FHWA reserves the right to request additional information, if deemed needed, to better understand the status of the project. The successful applicant will provide additional financial reporting beyond the semi-annual reporting, if such statements are necessary to address the Department’s Stewardship and Oversight responsibility of the funds. The successful applicant also agrees to allow periodic project inspections and the

Department will provide notice for such inspections.

4. Reporting Matters Related to Integrity and Performance – If the total value of a selected recipient’s currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the information reported to SAM and FAPIIS, about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under Section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by Section 3010 of Public Law 111- 212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

G. FEDERAL AWARDING AGENCY CONTACT(S)

For further information concerning this notice please contact:

1. Jeffrey Mann, NSFLTP Program Manager, via email at jeffrey.mann@dot.gov, or by telephone at 703-404-6230. Office hours are from 7:00 a.m. to 3:30 p.m. EDT., Monday through Friday, except Federal holidays.
2. Scott Johnson, Director Office of Program Development, via email at scott.johnson@dot.gov, or by phone at 703-404-6231. Office hours are from 7:00 a.m. to 3:30 p.m. EDT., Monday through Friday, except Federal holidays.
3. For legal questions, please contact Mr. Milton Hsieh, Office of the Chief Counsel, via email at milton.hsieh@dot.gov, or by phone at (703) 404-6206. Office hours

are from 7:00 a.m. to 3:30 p.m. EDT., Monday through Friday, except Federal holidays.

4. All three can also be reached by mail at the Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

H. OTHER INFORMATION

1. Protection of Confidential Business Information – All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methods that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) note on the front cover that the submission “Contains Confidential Business Information (CBI)”; (2) mark each affected page “CBI”; and (3) highlight or otherwise denote the CBI portions. The FHWA protects such information from disclosure to the extent allowed under applicable law. In the event FHWA receives a Freedom of Information Act (FOIA) request for the information, FHWA will follow DOT procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

Authority: Section 1123 of [Public Law 114-94](#)

Issued On:

Stephanie Pollack
Acting FHWA Administrator

