

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary of Transportation**

**Notice of Funding Opportunity for the Department of Transportation’s National Infrastructure Investments (i.e., the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program) under the Infrastructure Investment and Jobs Act (“Bipartisan Infrastructure Law”), Amendment No. 2**

**AGENCY:** Office of the Secretary of Transportation, DOT

**ACTION:** Notice of Funding Opportunity

**SUMMARY:** The purpose of this notice is to solicit applications for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants. Funds for the FY 2023 RAISE grant program. will be awarded on a competitive basis, per statute, for surface transportation infrastructure projects that will improve: safety; environmental sustainability; quality of life; mobility and community connectivity; economic competitiveness and opportunity including tourism; state of good repair; partnership and collaboration; and innovation.<sup>1</sup> This notice is amended on January 3, 2023 to reflect additional funding made available under the Consolidated Appropriations Act, 2023 (Pub L. 117-328, “FY 2023 Appropriations Act”) and associated requirements.

**DATES:** Applications must be submitted by 11:59:59 PM Eastern on February 28, 2023.

**ADDRESSES:** Applications must be submitted through Grants.gov.

**FOR FURTHER INFORMATION CONTACT:** For further information concerning this notice, please contact the RAISE grant program staff via e-mail at [RAISEgrants@dot.gov](mailto:RAISEgrants@dot.gov), or call Howard Hill at 202-366-0301. A TDD is available for individuals who are deaf or hard of

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<sup>1</sup> 49 U.S.C.6702(d)(3)

hearing at 202-366-3993. In addition, DOT will regularly post answers to questions and requests for clarifications on the FAQ website at <https://www.transportation.gov/RAISEgrants/raise-application-faqs> as well as information about webinars for further guidance on DOT’s website at <https://www.transportation.gov/RAISEgrants/outreach>.

**SUPPLEMENTARY INFORMATION:** Each section of this notice contains information and instructions relevant to the application process for these RAISE grants, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

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### **A. Program Description**

#### **1. Overview**

The Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021, “Bipartisan Infrastructure Law,” or “BIL”) authorized and appropriated \$1.5 billion to be awarded by the Department of Transportation (“DOT”) for FY 2023 for Local and Regional Project Assistance Program Grants under National Infrastructure Investments. On December 29, 2022, the FY 2023 Appropriations Act appropriated an additional \$800 million for the FY 2023 RAISE Grant

Program. However, per Section 109B of the FY 2023 Appropriations Act, not less than \$1 million (but no greater than \$25 million) of the \$800 million made available for RAISE from the FY 2023 Appropriations Act, will be set aside for port infrastructure projects that received an award from the BUILD 2019 competition and rail infrastructure projects that received an award from the BUILD 2018 competition. Therefore, at least \$775 million (but no more than \$799 million) of the FY 2023 Appropriations Act is now available under this RAISE 2023 Notice of Funding Opportunity (NOFO). In total, the Department now has at least \$2.275 billion (but no more than \$2.299 billion) available for the FY 2023 RAISE Grant Program. Applicants should note that the two funding streams (BIL funding and FY 2023 Appropriations Act funding) have slightly different funding restrictions and requirements that may affect competitiveness. These differences are summarized below and further described in Section B of this Notice. This NOFO solicits applications for projects to be funded under the Local and Regional Project Assistance Program in BIL, known as the RAISE Grants program, and funding appropriated for the RAISE Grants program under the FY 2023 Appropriations Act.

RAISE Grants are for investments in surface transportation that will have a significant local or regional impact. Per the BIL, in addition to capital awards, DOT will award at least \$115 million for eligible planning, preparation or design of projects eligible for RAISE Grants that do not result in construction with FY2023 RAISE funding. At least \$75 million will be awarded from the BIL funding and at least \$40 million will be awarded from the FY 2023 Appropriations Act funding.

In addition, DOT will award at least \$35 million for projects located in areas of persistent poverty or historically disadvantaged communities. A minimum of \$15 million will be awarded from the BIL funding and a minimum of \$20 million will be awarded from the FY 2023 Appropriations Act funding. RAISE grants awarded with BIL funding may not be greater than

\$25 million, and grants awarded with FY 2023 Appropriations Act funding may not be greater than \$45 million.

Since 2009, \$12.1 billion has been awarded under National Infrastructure Investments for capital investments in surface transportation infrastructure over 14 rounds of competitive grants. These awards have supported projects that improve safety, economic strength and global competitiveness, equity, and climate and sustainability consistent with DOT's strategic goals.<sup>2</sup> FY 2023 RAISE grants will continue to align with these strategic goals. The FY 2023 RAISE round will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, *Implementation of the Infrastructure Investments and Jobs Act* (86 FR 64355), which are to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards, strengthen infrastructure resilience to all hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

The BIL included provisions for Metropolitan Planning Organizations to integrate transportation planning, housing, employment opportunities, and economic development strategies.<sup>3</sup> DOT strongly encourages applicants utilize these new planning coordination opportunities in their proposed projects and describe them in their applications. The Department also seeks to award projects under the RAISE Program that improve equity and environmental justice by addressing transportation-related disparities and climate change-related consequences consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009) and Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). The Department also seeks to

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<sup>2</sup> See U.S. Department of Transportation Strategic Plan FY 2022–2026 (March 2022) at <https://www.transportation.gov/dot-strategic-plan>.

<sup>3</sup> See BIL div. A § 11201., *Transportation Planning*, which amends 23 U.S.C. 134.

fund projects that, to the extent possible, target at least 40 percent of resources and benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or overburdened<sup>4</sup> communities.

Section E of this NOFO, which outlines FY 2023 RAISE Grant selection criteria, describes the process for selecting projects that further these goals. Section F.3 describes progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria.

## **2. Additional Information**

The RAISE grant program is described in the Federal Assistance Listings under the assistance listing program title "National Infrastructure Investments" and assistance listing number 20.933.

## **3. Changes from the FY 2022 NOFO**

This FY 2023 RAISE notice makes changes from FY 2022 RAISE to reflect the funding and provisions specified in the BIL for FY 2023 and the FY 2023 Appropriations Act.

Additionally, this NOFO refines the merit criteria rating rubric. For example, this NOFO continues to clarify the difference between the quality of life merit criterion (which focuses on increased affordable transportation choices and access to housing, jobs, opportunities and recreation) and the mobility and community connectivity merit criterion (which focuses on physical connections, bridging gaps, and universal design/ADA improvements). Partnership and Collaboration now includes meaningful engagement with residents to ensure equity

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<sup>4</sup> Overburdened Community: Minority, low-income, tribal, or indigenous populations or geographic locations in the United States that potentially experience disproportionate environmental harms and risks. This disproportionality can be as a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors. Increased vulnerability may be attributable to an accumulation of negative or lack of positive environmental, health, economic, or social conditions within these populations or places. The term describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities.<sup>5</sup>  
<https://www.transportation.gov/federal-interagency-thriving-communities-network>

considerations for underserved communities throughout the lifecycle of the project as well as capacity building through the Federal interagency Thriving Communities Network<sup>5</sup> which includes Department of Housing and Urban Development’s Thriving Communities Technical Assistance and the Environmental Protection Agency’s Environmental Justice Thriving Communities Technical Assistance Centers Program. Please see the merit criteria rating rubric in Section E.1.i. for more details.

This NOFO also provides minor updates regarding process improvements and increased evaluation transparency. For example, in prior years, the Project Readiness area of Technical Capacity Assessment was evaluated for all eligible applications, but in FY 2023 it will only be evaluated for the subset of applications advancing for additional analysis after merit reviews, similar to the other Project Readiness areas (Environmental Risk Assessment and Financial Capacity Assessment). More details are provided in Section D and E of this NOFO. As another example, NOFO Section D.2 lists the separate and distinct files that each applicant should be submit as part of an application package, and DOT provides the application “checklist” on the RAISE website and grants.gov for ease of reference.

Additionally, the FY 2023 NOFO also incorporates a new Reconnecting Communities Extra element. Applications for the FY 2023 RAISE grant program that have identical project scope to applications that were submitted and evaluated under the FY 2022 Reconnecting Communities Program and received the designation of Reconnecting Extra, will automatically advance for second-tier analysis if they receive an overall merit rating of “Recommended” and have at least one “High” rating in a priority criterion. (See Section E.2). The Department expects projects that rated well under the Reconnecting Communities Program criteria will do well under the FY 2023

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<sup>5</sup> <https://www.transportation.gov/federal-interagency-thriving-communities-network>

RAISE program criteria. Applicants should note in the RAISE Project Information Form whether their FY 2023 RAISE application was also submitted under the FY 2022 Reconnecting Communities Program and received a Reconnecting Extra designation. Section E.2 of this Notice also provides more detail on the way selection criteria ratings will be used in the decision-making process to advance projects to the Secretary for potential selection.

Applicants who are planning to re-apply for the RAISE program using materials prepared for prior competitions should ensure that their FY 2023 RAISE application fully addresses the criteria and considerations described in this Notice and that all relevant information is up to date and submitted in the proper format. (See Section D).

## **B. Federal Award Information**

### **1. Amount Available**

The BIL authorized and appropriated \$1.5 billion to be awarded by DOT for RAISE grants under the Local and Regional Project Assistance Program (49 U.S.C. 6702) for FY 2023. On December 29, 2022, the FY 2023 Appropriations Act appropriated an additional \$800 million for the FY 2023 RAISE Grant Program. However, per Section 109B of the FY 2023 Appropriations Act, not less than \$1 million (but no greater than \$25 million) of the \$800 million made available for RAISE from the FY 2023 Appropriations Act, will be set aside for port infrastructure projects that received an award from the BUILD 2019 competition and rail infrastructure projects that received an award from the BUILD 2018 competition. Therefore, at least \$775 million (but no more than \$799 million) of the FY 2023 Appropriations Act is now available under this RAISE 2023 NOFO. In total, the Department now has at least \$2.275 billion (but no more than \$2.299 billion) available for the FY 2023 RAISE Grant Program. Applicants should note that the two funding streams (BIL funding and FY 2023 Appropriations Act funding) have slightly different funding restrictions and requirements that may affect competitiveness of certain request amounts.

The grants are to be awarded on a competitive basis for surface transportation projects that will have a significant local or regional impact and improve transportation infrastructure. DOT will award at least \$115 million for the planning, preparation or design of eligible projects; this amount includes 5 percent from each of the two available funding sources (\$75 million (of the \$1.5 billion) from BIL funds and \$40 million (of the \$800 million) from the FY 2023 Appropriations Act). DOT refers to awards for the planning, preparation or design of eligible projects that do not result in construction with FY 2023 RAISE funding as planning grants. DOT will award at least \$35 million for projects located in historically disadvantaged communities or areas of persistent poverty; this amount includes \$15 million from available BIL funds and \$20 million from available FY 2023 Appropriations Act funds. The DOT may retain up to \$30 million from BIL funds and up to \$16 million from FY 2023 Appropriations Act funds for oversight and administration of grants and credit assistance made under the program. The Department does not anticipate awarding additional funding from prior rounds; however, if unobligated program funds are made available from prior rounds, they may be awarded under this solicitation to projects that can be obligated before the obligation deadline associated with the respective prior year funds. If this solicitation does not result in the award and obligation of all available funds, DOT may publish additional solicitations.

DOT may use up to 20 percent of available funds (or \$460 million) to be used by DOT to pay the subsidy and administrative costs of a project receiving credit assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) or Railroad Rehabilitation and Improvement Financing (RRIF) programs, particularly transit and transit-oriented development (TOD) projects. In October 2022, the Secretary approved the “TIFIA 49 Initiative” which authorizes transit and transit-oriented development (TOD) projects to borrow



up to 49 percent of eligible project costs for projects that meet eligibility requirements. TIFIA loans have historically been capped at 33 percent of eligible project costs.<sup>6</sup>

## **2. Award Size**

For capital grants, the BIL specifies that the minimum RAISE grant award is \$5 million in urban areas and \$1 million in rural areas (as defined in Section C.3.ii). There is no minimum award amount for planning grants for BIL funds or FY2023 Appropriations Act Funds.

Grants awarded under BIL funding may not be greater than \$25 million. Grants awarded under FY 2023 Appropriations Act funding may not be greater than \$45 million. Therefore, grant requests greater than \$25 million will be considered only for FY 2023 Appropriations Act funding; they will not be eligible to compete for BIL funding. In order to be considered under the full funding amount available of \$2.3 billion, the grant request may not exceed \$25 million.

## **3. Restrictions on Funding**

No more than 15 percent of the BIL funds made available for RAISE grants (or \$225 million) may be awarded to projects in a single State. No more than 15 percent of the FY 2023 Appropriations Act funding made available for RAISE grants (or \$120 million) may be awarded to projects in a single State. Therefore, the maximum amount that can be awarded to any single state is \$345 million.

Not more than 50 percent of the respective funding provided for RAISE grants shall be awarded to rural projects (as defined in section C.3.ii,) and not more than 50 percent of the respective funding provided for RAISE grants shall be awarded to urban projects (as defined in section C.3.ii).. Therefore, not more than \$1.15 billion will be awarded to urban and rural areas respectively; not more than \$750 million from the BIL funding and not more than \$400 million

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<sup>6</sup> Contact the Build America Bureau for more information on TIFIA and RRIF financing.  
<https://www.transportation.gov/buildamerica/>

from the FY 2023 Appropriations Act funding will be awarded to urban and rural areas respectively.

Federal funds awarded under this program may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

#### **4. Availability of Funds**

FY 2023 RAISE grant funds are available for obligation only through September 30, 2027. The FY 2023 Appropriations Act funding does not have this statutory requirement; however, to ensure that projects are started and completed in an efficient manner, the Department expects projects awarded with FY 2023 Appropriations Act funding to be obligated by the same date of September 30, 2027. Therefore, it shall be referred to in this Notice as the “obligation deadline” for all projects. Obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, such as transportation planning and environmental review requirements for capital construction projects. Unless authorized by DOT in writing after DOT’s announcement of FY 2023 RAISE awards, any costs incurred prior to DOT’s obligation of funds for a project (“pre-award costs”) are ineligible for reimbursement.<sup>7</sup> BIL requires that FY 2023 RAISE funds must be expended (the grant obligation must be liquidated or paid out to the grant recipient) by September 30, 2032. After this date, unliquidated funds are no longer available to the project. The FY 2023 Appropriations Act funding does not have this statutory requirement; however, to ensure that projects are started and completed in an efficient manner, the Department expects projects

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<sup>7</sup> Pre-award costs are only costs incurred directly pursuant to the negotiation and anticipation of the RAISE award where such costs are necessary for efficient and timely performance of the scope of work, as determined by DOT. Costs incurred under an advance construction (23 U.S.C. 115) authorization before the DOT announces that a project is selected for a FY 2023 RAISE award cannot be charged to FY 2023 RAISE funds. Likewise, costs incurred under an FTA Letter of No Prejudice under Chapter 53 of title 49 U.S.C. before the DOT announces that a project is selected for a FY 2023 RAISE award, cannot be charged to FY 2023 RAISE funds.

awarded with FY 2023 Appropriations Act funding to be liquidated by the same date of September 30, 2032. As part of the review and selection process described in Section E.2., DOT will consider a project's likelihood of being ready to proceed with an obligation of RAISE grant funds within the timeline described above. **DOT does not have the authority to extend the BIL deadlines.**

## **5. Previous RAISE/BUILD/TIGER Awards**

Recipients of RAISE/BUILD/TIGER grants may apply for funding to support additional phases of a project previously awarded funds in the RAISE/BUILD/TIGER program. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has met estimated project schedules and budget, as well as the ability to realize the benefits expected for the project. A previous RAISE/BUILD/TIGER award, or application, does not affect competitiveness under the FY 2023 RAISE competition.

### **C. Eligibility Information**

To be selected for a RAISE grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project.

#### **1. Eligible Applicants**

Eligible Applicants for RAISE grants are: States and the District of Columbia; any territory or possession of the United States; a unit of local government; a public agency or publicly chartered authority established by one or more States; a special purpose district or public authority with a transportation function, including a port authority; a Federally recognized Indian Tribe or a consortium of such Indian Tribes; a transit agency; and a multi-State or multijurisdictional group of entities that are separately eligible. Federal agencies are not eligible applicants for the FY 2023 RAISE program.

Multiple States or jurisdictions may submit a joint application and should identify a lead applicant as the primary point of contact and also identify the primary recipient of the award. Joint applications should include a description of the roles and responsibilities of each applicant.

DOT expects that the eligible applicant that submits the application will administer and deliver the project. If the applicant seeks a transfer of the award to another agency, that intention should be made clear in the application and a letter of support from the otherwise eligible, designated entity should be included in the application.

## **2. Cost Sharing or Matching**

The Federal share of the costs of an eligible project carried out using a grant provided under the RAISE grant program shall not exceed 80 percent unless the project is located in a rural area, a historically disadvantaged community (HDC), or an area of persistent poverty (APP). Urban area and rural area are defined in Section C.3.ii of this notice. HDCs and APPs are defined in Section C.3.iii.

Applicants should use the following equation when determining the cost share for their project:

$$\frac{(RAISE\ Grant\ Request\ +\ Other\ Federal\ Funds)}{Total\ Project\ Cost} = Federal\ Cost\ Share$$

Federal cost share may not exceed 80 percent for urban projects that are not located in an APP or HDC.

For the RAISE Program, Total Project Cost means the sum of future eligible Federal and Non-Federal costs that have not yet been incurred. This cannot include any previously incurred costs.

DOT does **not** use an applicant's cost share when evaluating applications on merit. The Department considers an applicant's cost share during the evaluation and selection process only to confirm eligibility for urban projects that are not located in an APP or HDC.

Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, or private funds. The BIL also allows for the following Federal funds to be considered "non-Federal" for the purpose of the RAISE program: (A) tribal transportation program funds under section 202 of title 23; (B) Federal lands transportation program funds under section 203 of title 23; (C) TIFIA program funds (as defined in section 601(a) of title 23); and (D) Railroad Rehabilitation and Improvement Financing Program under chapter 224. Toll credits under 23 U.S.C. 120(i) are considered a Federal source under the RAISE program and, therefore, cannot be used to satisfy the statutory cost sharing requirement of a RAISE award. Unless otherwise authorized by statute, funds used to satisfy the non-Federal cost-share requirements of a different Federal program may not be counted as the non-Federal cost-share for both the RAISE grant and another Federal grant program. DOT will not consider previously incurred costs or previously expended or encumbered funds towards the non-Federal cost-share requirement for any project. Non-Federal cost-share funds are subject to the same Federal requirements described in Section F.2. as awarded funds. If repaid from non-Federal sources, Federal credit assistance is considered non-Federal share.

See Section D.2.iii for information about documenting cost sharing in the application.

For each project that receives a RAISE grant award, the terms of the award will require the recipient to complete the project using at least the level of non-Federal funding that was specified in the application. If the actual costs of the project are greater than the costs estimated in the application, the recipient will be responsible for increasing the non-Federal contribution. If

the actual costs of the project are less than the costs estimated in the application, DOT will generally reduce the Federal contribution to ensure federal cost share limitations are met.

### **3. Other**

#### **i. Eligible Projects**

##### **(a) Capital Projects**

Eligible projects for RAISE grants are surface transportation capital projects within the United States<sup>8</sup> or any territory or possession of the United States that are: (1) highway, bridge, or other road projects eligible under title 23, United States Code; (2) public transportation projects eligible under chapter 53 of title 49, United States Code; (3) passenger and freight rail transportation projects; (4) port infrastructure investments (including inland port infrastructure and land ports of entry); (5) the surface transportation components of an airport project eligible for assistance under part B of subtitle VII of title 49, United States Code;<sup>9</sup> (6) intermodal projects; (7) projects to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species while advancing the goals of the RAISE program; (8) projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government; and (9) any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goals of the program.<sup>10</sup>

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<sup>8</sup> In addition to projects located in the United States, eligible projects for RAISE grants include projects that are necessary for reconstruction of the Alaska Highway from the Alaskan border at Beaver Creek, Yukon Territory, to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to Haines, Alaska, as provided in 23 U.S.C. 218.

<sup>9</sup> Eligible surface transportation components of eligible airport projects are those projects listed in “Appendix P: Road and Surface Transportation Projects” of the Airport Improvement Program (AIP) handbook, available at [https://www.faa.gov/airports/aip/aip\\_handbook/?Chapter=Appendix#PP00](https://www.faa.gov/airports/aip/aip_handbook/?Chapter=Appendix#PP00). For more details on airport project eligibility, please see the Frequently Asked Questions at <https://www.transportation.gov/RAISEgrants/raise-application-faqs>.

<sup>10</sup> Please note that DOT may award a RAISE grant to pay for the surface transportation components of a broader project that has non-surface transportation components, and applicants are encouraged to apply for RAISE grants to pay for the surface transportation components of these projects.

The Secretary considers the following projects necessary to advance the goals of the program, and therefore eligible: public road and non-motorized projects that are not otherwise eligible under title 23, United States Code; transit-oriented development projects; mobility on-demand projects that expand access and reduce transportation cost burden; and intermodal projects.

Under the FY 2023 RAISE program, if an application includes right-of-way acquisition, the project will be considered a capital project. Projects that include right-of-way acquisition should include a timeline for construction.

The following projects are not considered necessary to advance the goals of the program, and, therefore, they are ineligible: school bus electrification and broadband deployment as a standalone project. Improvements to Federally owned facilities are ineligible under the FY 2023 RAISE program, unless they are projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government. If a project type is not described as explicitly eligible or ineligible above, then applicants should explain in their application why the project is necessary to advance the goals of the program, and the Department will determine eligibility on a case-by-case basis.

Research, demonstration, or pilot projects are eligible only if they will result in long-term, permanent surface transportation infrastructure that has independent utility as defined in Section C.3.iv

#### (b) Planning Projects

Activities eligible for funding under RAISE planning grants are related to the planning, preparation, or design— for example environmental analysis, equity analysis, community engagement, feasibility studies, benefit-cost analysis, and other pre-construction activities—of

eligible surface transportation capital projects described in Section C.3.i.(a) and may not result in construction with RAISE FY 2023 funding.

In addition, activities eligible for RAISE planning grants include those related to multidisciplinary projects or regional planning, such as: (1) development of master plans, comprehensive plans, transportation corridor plans, and integrated economic development, land use, housing, and transportation plans; (2) zero emissions plan for transit fleet; (3) planning activities related to the development of a multimodal freight corridor, including those that seek to reduce conflicts with residential areas and with passenger and non-motorized traffic; (4) planning activities related to zero emissions goods movement; (5) development of port and regional port planning, including State-wide or multi-port planning within a single jurisdiction or region; and (6) risk assessments and planning to identify vulnerabilities and address the transportation system's ability to withstand probable occurrence or recurrence of an emergency or major disaster.

As stated above, projects that include right-of-way acquisition are capital projects and, therefore, not eligible for RAISE planning grants.

## **ii. Rural/Urban Definition**

For purposes of this notice, a project is designated as urban if it is located within (or on the boundary of) a Census-designated urbanized area<sup>11</sup> that had a population greater than 200,000 in the 2010 Census.<sup>12</sup> If a project is located outside a Census-designated urbanized area with a

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<sup>11</sup> Lists of 2010 UAs as defined by the Census Bureau are available on the Census Bureau website at <https://www.census.gov/geographies/reference-maps/2010/geo/2010-census-urban-areas.html>.

<sup>12</sup> For the purpose of this NOFO, the definition of urban and rural is based on the 2010 Census-designated urbanized areas. The Department is required by the BIL to use the most recent decennial census information; however urbanized areas have not been designated for the 2020 Census at the time of this NOFO publication. See <https://www.transportation.gov/RAISEgrants/urbanized-areas> for a list of 2010 Census-designated UAs.



population greater than 200,000, it is designated as a rural project. Rural and urban definitions differ in some other DOT programs, including TIFIA.

A project located in both an urban and a rural area will be designated as *urban* if the majority of the project's costs will be spent in urban areas. Conversely, a project located in both an urban area and a rural area will be designated as *rural* if the majority of the project's costs will be spent in rural areas. For RAISE planning grants, the location of the project being planned, prepared, or designed will be used for the urban or rural designation.

This definition affects four aspects of the program: (1) not more than 50 percent (or \$1.15 billion) of the funds provided for RAISE grants are to be used for projects in rural areas; (2) not more than 50 percent (or \$1.15 billion) of the funds provided for RAISE grants are to be used for projects in urban areas; (3) for a capital project in a rural area, the minimum award is \$1 million, while the minimum capital award for urban areas is \$5 million; and (4) the Secretary may increase the Federal share above 80 percent to pay for the eligible costs of a project in a rural area.

**iii. Areas of Persistent Poverty and Historically Disadvantaged Communities**

The Secretary may increase the Federal cost share above 80 percent for projects located in an Area of Persistent Poverty or a Historically Disadvantaged Community. Additionally, DOT must award at least \$35 million for projects located in historically disadvantaged communities or areas of persistent poverty.

A project located in both (1) APP or HDC areas and (2) areas that are neither APP nor HDC areas will be designated as APP or HDC if the majority of the project's costs will be spent in the area that qualifies as APP or HDC. For RAISE planning grants, the location of the project being planned, prepared, or designed will be used for the APP and HDC designations.

(a) Areas of Persistent Poverty means: (1) any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30-year period preceding November 15, 2021, as measured by the 1990 and 2000<sup>13</sup> decennial census and the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the census; (2) any census tract with a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Bureau of the Census;<sup>14</sup> or (3) any territory or possession of the United States. A county satisfies this definition only if 20 percent of its population was living in poverty in all three of the listed datasets: (a) the 1990 decennial census; (b) the 2000 decennial census; and (c) the 2021 Small Area Income Poverty Estimates.<sup>15</sup> DOT will list all counties and census tracts that meet this definition for Areas of Persistent Poverty on the RAISE website at [www.transportation.gov/RAISEgrants/raise-app-hdc](http://www.transportation.gov/RAISEgrants/raise-app-hdc).

(b) Historically Disadvantaged Communities – DOT has developed a definition of Historically Disadvantaged Communities as part of its implementation of the Justice40 Initiative and will use that definition for the purpose of this Notice. Consistent with OMB’s Interim Guidance for the Justice40 Initiative,<sup>16</sup> Historically Disadvantaged Communities include (a) certain qualifying census tracts, (b) any Tribal land, or (c) any territory or possession of the United States. DOT is providing a list of census tracts that meet the definition of Historically Disadvantaged Communities, as well as a mapping tool to assist applicants in identifying

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<sup>13</sup> See <https://www.census.gov/data/tables/time-series/dec/census-poverty.html> for county dataset.

<sup>14</sup> See <https://data.census.gov/cedsci/table?q=ACSST1Y2018.S1701&tid=ACSST5Y2018.S1701&hidePreview=false> for 2014-2018 five year data series from the American Community Survey

<sup>15</sup> On December 15, 2022, the 2021 Small Area Income Poverty Estimates (SAIPE) Dataset was published at <https://www.census.gov/data/datasets/2021/demo/saipe/2021-state-and-county.html>. The Department is updating its APP resources based on the 2021 SAIPE data.

<sup>16</sup> <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

whether a project is located in a Historically Disadvantaged Community, available at [www.transportation.gov/RAISEgrants/raise-app-hdc](http://www.transportation.gov/RAISEgrants/raise-app-hdc).

#### iv. Project Components

An application may describe a project that contains more than one component and may describe components that may be carried out by parties other than the applicant. DOT expects, and will impose requirements on fund recipients to ensure, that all components included in an application will be delivered as part of the RAISE project, regardless of whether a component includes Federal funding. The status of each component should be clearly described (for example, in the project schedule). DOT may award funds for a component, instead of the larger project, if that component: (1) independently meets minimum award amounts described in [Section B](#) and all eligibility requirements described in [Section C](#); (2) independently aligns well with the selection criteria specified in Section E.1; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of DOT funds even if no other improvements are made in the area and will be ready for intended use upon completion of that component's construction. All project components that are presented together in a single application must demonstrate a relationship or connection between them. See Section D.2. for Required Approvals.

Applicants should be aware that, depending upon the relationship between project components and applicable Federal law, DOT funding of only some project components may make other project components subject to Federal requirements as described in Section F.2.

DOT strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested RAISE grant funding for those components. If the application identifies one or more independent project

components, the application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal, of which the independent component is a part addresses, selection criteria.

**v. Application Limit**

Each lead applicant may submit no more than three applications. Unrelated project components should not be bundled in a single application for the purpose of adhering to the limit. If a lead applicant submits more than three applications as the lead applicant, only the first three received will be considered.

**D. Application and Submission Information**

**1. Address to Request Application Package**

Instructions for submitting applications can be found at <https://www.transportation.gov/RAISEgrants/apply> along with specific instructions for the forms and attachments required for submission.

**2. Content and Form of Application Submission**

The application must include the Standard Form 424 (Application for Federal Assistance), the “FY 2023 RAISE Project Information Form” available at [www.transportation.gov/RAISEgrants/raise-info](http://www.transportation.gov/RAISEgrants/raise-info), and individual application attachments as outlined in the table below. DOT expects the application will be submitted in the following order, using the following file names:

<b>Information</b>	<b>File Name</b>	<b>NOFO Section</b>	<b>Page Limit</b>
SF-424	SF-424	D.2	N/A
Project Information Form (in Excel)	FY 2023 RAISE Project Information Form	D.2	N/A
Project Description	Project Description	D.2.i	5 pages
Project Location File	Project Location File	D.2.ii	N/A
Project Budget	Project Budget	D.2.iii	5 pages

Funding Commitment Documentation	Funding Commitments	D.2.iii.e	N/A
Merit Criteria	Merit Criteria Narrative	D.2.iv and E.1.i	15 pages
Project Readiness	Project Readiness	D.2.v and E.1.ii	5 pages
Benefit-Cost Analysis Narrative (capital projects only)	BCA Narrative	D.2.vi and E.1. iii.	N/A
Benefit-Cost Analysis Calculations (capital projects only, could be in unlocked spreadsheet form)	BCA Calculations	D.2.vi. and E.1. iii.	N/A
Letters of Support (Optional)	Letters Of Support	D2.iv And E.1.i	N/A

DOT expects the application attachments/files be prepared with standard formatting preferences (a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins), and documents should be submitted in PDF, unless otherwise specified (i.e., project information form should be in Excel, and the BCA calculations could be submitted in Excel).

Instructions for each application file are below.

The application files should collectively include all information necessary for DOT to determine that the project satisfies project requirements described in Sections B and C and to assess the selection criteria specified in Section E.1. DOT expects applications to be complete upon submission. DOT may ask any applicant to supplement data in its application but is not required to do so. Unsupported claims related to the selection criteria (merits, project readiness, economic benefits, etc.) will negatively affect competitiveness of the application, as described throughout Section E.2.

Supporting documents may be attached in addition to the listed files, but evaluators are not required to review supporting documents as part of the review described in Section E. DOT expects application files to include the following detailed information

### **i. Project Description**

This file must provide a description of the project that is to be planned or constructed and should include a detailed statement of work that focuses on the technical and engineering aspects of the project, the current design status of the project, the transportation challenges that the project is intended to address, and how the project is expected address those challenges. This file may also discuss the project's history, including a description of any previously completed components. The applicant may use this file to place the project into a broader context of other transportation infrastructure investments being pursued by the project sponsor.

This file should also describe the project location in a narrative fashion, including a detailed geographical description of the proposed project and map(s) of the project's location, to supplement the geographic project map provided in the project location file. The project location description should narratively identify:

- (a) whether the project is located in an Area of Persistent Poverty, including the relevant County and/or census tract(s);
- (b) whether the project is located in a Historically Disadvantaged Community, including the relevant census tract(s);
- (c) the Census-designated urbanized area in which the project is located, if relevant;

### **ii. Project Location File**

Applicants should submit one of the following file types with project location identification. This will be used to verify the urban/rural designation and the APP/HDC designations described in the Project Description file. These location designations, together with budget information, could affect eligibility under the FY2023 RAISE grants program, as described in NOFO Section C. Therefore, accuracy in the location file is important. Acceptable file types are: Shapefile,

GEOJSON, KML/KMZ, or CSV. If an applicant needs to prepare one of these files, these are suggested instructions:

1. Open a publicly available online mapping tool for example, ([Google Earth](#) or [GEOJSON](#)).
2. Identify your project location. Use the tools to draw a line or make a point to represent the project area. The project area should include only the direct physical location of the infrastructure project; it should NOT include a broad service area or area of project impact.
3. Export, save, and attach to your application one of the acceptable formats (Shapefile, GEOJSON, KML/KMZ, CSV)

**iii. Project Budget**

This file should describe the budget for the RAISE project (i.e., the project scope that includes RAISE funding and matching funding if required), including information about the degree of design completion (e.g., 30 percent design) for which the cost was estimated.

Applicants should carefully consider the differing funding restrictions for the BIL funding and the FY 2023 Appropriations Act funding, which could affect competitiveness and are further described in Section B. If the budget presented in the application shows a grant request greater than \$25 million, the application will be competing for only the FY 2023 Appropriations Act funding. This budget should **not** include any previously incurred expenses. The budget should show how each source of funds will be spent. The budget should also show how each funding source will share in each major construction activity, and present that data in dollars and percentages. If applicable, the budget should identify Federal funds that have been previously authorized by a Federal agency. The budget should clearly identify any expenses expected to be incurred between time of award and obligation because these expenses are not eligible for

reimbursement, as described in Section B.4, or for non-Federal funds, as described in Section C.2. The budget details should sufficiently demonstrate that the project satisfies the statutory cost-sharing/matching funds requirements described in Section C.2. At a minimum, the project budget should include:

- (a) Total Project Costs for the FY 2023 RAISE project (see Section C.2 for definition of Total Project Cost);
- (b) FY 2023 RAISE grant funding request;
- (c) Specific source, amount, and type (grant, loan, etc.), of funds to be used for eligible project costs;
- (d) Specific sources and amounts of non-Federal funds, if included, to be used for eligible project costs;
- (e) Documentation of funding commitments for those non-Federal and other Federal funds; and
- (f) If the project is located in two or more census tracts or is located only partially within an urbanized area, the budget needs to separate the costs between the various census tracts or areas designated as urban and rural.

In addition to the information enumerated above, this section should provide complete information on how all project funds may be used. For example, if a particular source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a particular source of funds is available for expenditure only during a fixed time period, the application should describe that restriction. Complete information about project funds will ensure that DOT's expectations for award execution align with any funding restrictions unrelated to DOT, even if



an award differs from the applicant’s request. Applicants are encouraged to include the following two tables below, filled out with project details:

Table 1:

	<b>[Component 1]</b>	<b>[Component 2]</b>	<b>Total Funding</b>
<b>Funding Source</b>	<b>Funding Amount</b>	<b>Funding Amount</b>	
RAISE Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Other Federal Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Non-Federal Funds:	[\$XXX]	[\$XXX]	[\$XXX]
<b>Total:</b>	<b>[\$XXX]</b>	<b>[\$XXX]</b>	<b>[\$XXX]</b>

If there is only a single component, remove “Component 2” column. If there are more than 2 components, add columns.

Table 2:

<b>Census Tract(s)</b>	<b>Project Costs per Census Tract</b>
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
	<b>Total Project Cost: \$</b>

Add more rows for additional census tracts, if needed.

DOT will use this table to determine which Census tracts include the majority of project costs in the context of making final APP and HDC designations.

The total project cost listed in Tables 1 and 2 should match total project cost listed throughout the application materials.

**iv. Merit Criteria**

This narrative file should demonstrate how the project aligns with the statutory merit criteria described in Section E.1 of this notice. DOT encourages applicants to address each criterion. Insufficient information to assess any criterion will negatively impact the project rating. Applicants should note that merit reviewers will focus on this file and will not be required

to reference the other files in the application package; therefore all relevant information to demonstrate alignment with the merit criteria as described in Section E.1.i should be included in this file. Applicants should describe the project merit criteria in the order in which they are described in the NOFO, and address each criterion separately. Guidance describing how DOT will evaluate projects against the Selection Criteria is in Section E.1 of this notice. Applicants should review that section before considering how to organize their application.

(a) Safety

This section of the merit criteria application file should describe how the project aligns with the safety criterion described in Section E.1.i.(a) of this notice.

(b) Environmental Sustainability

This section of the merit criteria application file should describe how the project aligns with the environmental sustainability criterion described in Section E.1.i.(b) of this notice.

(c) Quality of Life

This section of the merit criteria application file should describe how the project aligns with the quality of life criterion described in Section E.1.i.(c) of this notice.

(d) Improves Mobility and Community Connectivity

This section of the merit criteria application file should describe how the project aligns with the mobility and community connectivity criterion described in Section E.1.i.(d) of this notice.

(e) Economic Competitiveness and Opportunity

This section of the merit criteria application file should describe how the project aligns with the economic competitiveness and opportunity criterion described in Section E.1.i.(e) of this notice.

(f) State of Good Repair

This section of the merit criteria application file should describe how the project aligns with the state of good repair criterion described in Section E.1.i.(f) of this notice.

(g) Partnership and Collaboration

This section of the merit criteria application file should describe how the project aligns with the partnership and collaboration criterion described in Section E.1.i.(g) of this notice.

(h) Innovation

This section of the merit criteria application file should describe how the project aligns with the innovation criterion described in Section E.1.i.(h) of this notice.

v. Project Readiness

This file should include a detailed project schedule for all applications.

Capital project applications that receive second-tier analysis<sup>17</sup> will be reviewed for Project Readiness and assigned three separate readiness evaluation ratings: Environmental Risk Assessment, Technical Capacity Assessment, and Financial Completeness Assessment. Therefore, the Project Readiness file for capital project applications should include information that addresses the Environmental Risk Assessment and Technical Capacity Assessment considerations as described in Section E.1.ii.a and Section E.1.ii.b. The Financial Completeness Assessment will be based on information contained throughout the budget file of the application.

Planning project applications that receive second-tier analysis will be reviewed for Project Readiness and assigned two evaluation ratings: Technical Capacity Assessment and Financial Completeness Assessment. Therefore, the Project Readiness file for planning project applications should include information that addresses the Technical Capacity Assessment considerations as

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<sup>17</sup> The process for determining which applications receive second-tier analysis is described in Section E.2 of this notice.

described in Section E.1.ii.b. The Financial Completeness Assessment will be based on information contained throughout the budget section of the application. Environmental Risk Assessment will not be reviewed for planning applications, so planning applicants do not need to provide information related to this criterion.

The Project Readiness file should include the following sections:

(a) Environmental Risk (capital projects only)

This section of the application should include sufficient information for DOT to evaluate whether the project is reasonably expected to begin construction in a timely manner consistent with all applicable local, State, and Federal requirements. To assist DOT's project environmental risk review, the applicant should provide the information requested on project schedule, required approvals and permits, NEPA class of action and status, public involvement, right-of-way acquisition plans, risk and mitigation strategies, each of which is described in greater detail in the following sections. Applicants are not required to follow the specific format described here, but this organization, which addresses each relevant aspect of environmental risk, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, DOT encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

The guidance here is about what information applicants should provide and how the applicant should organize their application. Guidance describing how DOT will evaluate environmental risk is described in Section E.1.ii of this notice. Applicants should review that section when considering how to organize their application.

i. Detailed Project Schedule

All applications should include a detailed project schedule that identifies all major milestones. For capital project applications, examples of such milestones include State and local

planning approvals (e.g., programming on the Statewide Transportation Improvement Program); start and completion of NEPA and other Federal environmental reviews and approvals including permitting; design completion; right-of-way acquisition; approval of plans, specifications and estimates; procurement; State and local approvals; public involvement; project partnership and implementation agreements, including agreements with railroads; and construction. For planning projects, examples of milestones may include start dates, schedule for public engagement and completion dates. The schedule should be sufficiently detailed to demonstrate that:

1. all necessary activities will be complete to allow RAISE grant funds to be obligated<sup>18</sup> sufficiently in advance of the administrative deadline (June 30, 2027),<sup>19</sup> and that any unexpected delays will not put the funds at risk of expiring before they are obligated;
2. the capital project can begin construction upon obligation of grant funds and that those funds will be spent expeditiously once construction starts, with all funds expended by September 30, 2032;
3. 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 right-of-way acquisition is necessary; and
4. the applicant has meaningfully sought community input through public involvement, particularly engaging environmental justice communities or

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<sup>18</sup> Obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements.

<sup>19</sup> The statutory obligation deadline is September 30, 2027. The Department assesses risk against an earlier deadline of June 30, 2027 to allow time to complete administrative processing and address challenges before the statutory deadline.

disadvantaged communities that may be affected by the project where applicable.

ii. Required Approvals

1. Environmental Permits and Reviews. The capital project 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:

**A.** Information about the NEPA status of the project. If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the final Categorical Exclusion, Finding of No Significant Impact, Record of Decision, and any other NEPA documents prepared. If the NEPA process is underway, but not complete, the application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the last agency action with respect to NEPA documents occurred more than three 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.

**B.** Information on reviews, approvals, and permits by other agencies. An application should indicate whether the proposed project requires reviews or

approval actions by other agencies,<sup>20</sup> 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.

- C. Environmental studies or other documents, preferably through a website link, that describe in detail known project impacts, and possible mitigation for those impacts.
- D. A description of discussions with the appropriate DOT operating administration field or headquarters office regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.
- E. If applicable, for capital project right-of-way acquisition plans, with detailed schedule and compensation plan.
- F. A description of public engagement about the project that has occurred, proactively inclusive of historically disadvantaged communities, including details on compliance with environmental justice requirements and the degree to which public comments and commitments have been integrated into project development and design. Right-of-Way acquisition plans should be provided if applicable.

2. State and Local Approvals. The applicant should demonstrate receipt of

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<sup>20</sup> 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.

State and local approvals on which the capital project depends, such as State and local environmental and planning approvals and Statewide Transportation Improvement Program (STIP) or Transportation Improvement Program (TIP) funding.

3. Federal Transportation Requirements Affecting State and Local Planning.

The planning requirements applicable to the relevant operating administration apply to all RAISE grant projects,<sup>21</sup> including projects located at airport facilities.<sup>22</sup> Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the

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<sup>21</sup> Under 23 U.S.C. 134 and 135, all projects requiring an action by FHWA must be in the applicable plan and programming documents (e.g., metropolitan transportation plan, transportation improvement program (TIP) and statewide transportation improvement program (STIP)). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a RAISE grant until it is included in such plans. Plans that do not currently include the awarded RAISE project can be amended by the State and MPO. Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive a RAISE grant. Port, freight rail, and intermodal projects are not required to be on the State Rail Plans called for in the Passenger Rail Investment and Improvement Act of 2008, or in a State Freight Plan (unless National Highway Freight Program funding is identified as a source of other federal funding – States may modify their Freight Investment Plan of a State Freight Plan after award of discretionary grant funding; non-State applicants would need a letter from the State indicating intent to add to State Freight Plan for use of NHFP funding pursuant to selection). However, applicants seeking funding for freight projects are encouraged to demonstrate that they have done sufficient planning to ensure that projects fit into a prioritized list of capital needs and are consistent with long-range goals. Means of demonstrating this consistency would include whether the project is in a TIP or a State Freight Plan that conforms to the requirements 49 U.S.C. 70202 prior to the start of construction. The Port Planning and Investment Tool Kit is available at <https://www.maritime.dot.gov/grants-finances/marine-highways/port-planning-and-investment-toolkit-marine-highway-projects-module>

<sup>22</sup> Projects at or near airports must be compatible with any FAA-approved Airport Layout Plan for each associated airport, applicable airport safety and airspace standards, including aeronautical surfaces associated with the landing and takeoff of aircraft at the airport, 14 CFR Part 77, and compatible land-use. Additionally, projects at an airport: must be consistent with established Sponsor Grant Assurances, including (but not limited to) requirements for non exclusive-use aeronautical facilities, consultation with users, consistency with local plans including development of the area surrounding the airport, and consideration of the interest of nearby communities, among others; and must not adversely affect the continued and unhindered access of passengers to the terminal.



application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. To the extent possible, freight projects should be included in a State Freight Plan and supported by a State Freight Advisory Committee (49 U.S.C. 70201, 70202), if these exist. Applicants should provide links or other documentation supporting this consideration such as letters of support from the State DOT if the project is intended to be included in the State Freight Plan, or results from application of the FHWA Freight Mobility Tool ([https://ops.fhwa.dot.gov/freight/freight\\_analysis/mobility\\_trends/index.htm](https://ops.fhwa.dot.gov/freight/freight_analysis/mobility_trends/index.htm)).

iii. Assessment of Project Risks and Mitigation Strategies

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, unavailability of vehicles that either comply with Federal Motor Vehicle Safety Standards or are exempt from Federal Motor Vehicle Safety Standards in a manner that allows for their legal acquisition and deployment, unavailability of domestically manufactured equipment, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should provide a public involvement plan demonstrating meaningful engagement of the community affected by the project, to include environmental justice communities or disadvantaged communities, where applicable. 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.

If an applicant anticipates pursuing a waiver for relevant domestic preference laws, the applicant should describe steps that have been or will be taken to maximize the use of domestic goods, products, and materials in constructing its project. To the extent the applicant is unfamiliar with the Federal program, the applicant should contact the appropriate DOT operating administration field or headquarters offices, as found in contact information at [www.transportation.gov/RAISEgrants](http://www.transportation.gov/RAISEgrants), for information on the pre-requisite steps to obligate Federal funds in order to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

For more information on how Capital applications will be evaluated for Environmental Risk, see Section E.1.ii.a of this NOFO.

(b) Technical Capacity (capital and planning projects)

All applications should include a section in the Project Readiness file that describes their Technical Capacity to deliver the project as described in Section E.1.ii.b of this NOFO.

**vi. Economic Analysis (Benefit-Cost Analysis)**

This section describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) narrative and calculation file for capital projects only. Applicants should also review DOT's detailed guidance on how to conduct a BCA, which is available on the RAISE grant program website (see [www.transportation.gov/RAISEgrants/additional-guidance](http://www.transportation.gov/RAISEgrants/additional-guidance)).

The purpose of the BCA is to enable DOT to evaluate the project's cost-effectiveness by comparing its expected benefits to its expected costs, relative to a no-build scenario. Capital project applicants should provide a Benefit-Cost Analysis narrative description of their analysis as well as the calculation or analysis files used for their BCA (such as unlocked spreadsheet

files). The BCA narrative 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. The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by DOT evaluators.

Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the expected outcomes of the project. While benefits should be quantified wherever possible, applicants may also describe other categories of benefits in the BCA that are more difficult to quantify and/or value in economic terms. The BCA narrative should include, at a minimum, a description of the benefits and costs to be monetized. Applicants may also provide a table similar to the one shown below summarizing the impacts of the project and how those impacts would translate into expected benefits. This is shown as an example only:

<b>Current Status/Baseline and Problem to be Addressed</b>	<b>Change to Baseline</b>	<b>Example Impacts</b>
A freeway divides two neighborhoods	A new street will be constructed to connect neighborhoods on each side of the freeway	Reduced travel time for pedestrians and cyclists by X miles per day due to a more direct route, as well as reduced emissions, vehicle operating costs, and travel time for vehicle occupants by lowering VMT by Y miles per year
A roadway with a high number of pedestrian fatalities has no sidewalks or marked crosswalks	Sidewalks, high visibility crosswalks, and upgraded lighting will be added to the roadway	Reduced pedestrian fatalities and injuries by X and Y per year, respectively, as well as amenity benefits of wider sidewalks for Z daily pedestrian trips

### **3. Unique Entity Identifier and System for Award Management (SAM)**

Each applicant must: 1) be registered in SAM before submitting its application; 2) provide a valid unique entity identifier in its application; and 3) 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. DOT may not make a RAISE 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 DOT is ready to make a RAISE grant, DOT may determine that the applicant is not qualified to receive a RAISE grant and use that determination as a basis for making a RAISE grant to another applicant.

#### **4. Submission Dates and Times**

Applications must be submitted through Grants.gov by 11:59:59 PM Eastern on February 28, 2023. Grants.gov attaches a time stamp to each application at the time that submission is complete. Applications with a time stamp after the deadline will not be considered. The Department does not accept applications via mailed paper, fax machine, email, or other means.

To submit an application through Grants.gov, applicants must:

- (1) Obtain a Unique Entity Identifier (UEI) number;<sup>23</sup>
- (2) Register with the System for Award Management (SAM) at [www.SAM.gov](http://www.SAM.gov);
- (3) Create a Grants.gov username and password; and
- (4) The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from Grants.gov and login at Grants.gov to authorize the applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

Please note that the SAM registration process takes a minimum of 2 weeks to complete. Failure to register for SAM or comply with Grants.gov applicant requirements in a timely manner will

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<sup>23</sup> On April 4, 2022 the Federal government stopped using the Data Universal Numbering System (DUNS) number to uniquely identify entities. Entities doing business with the Federal government must use a Unique Entity Identifier (UEI) created in SAM.gov. If your entity is currently registered in SAM.gov, your UEI has already been assigned and is viewable in SAM.gov. This includes inactive registrations.

not be considered for exceptions to the submission requirements and deadline. The Department is not able to assist with technical issues related to Grants.gov or SAM registration. 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.

## **5. Other Submission Requirements**

### **i. Submission Location**

Applications must be submitted to Grants.gov. The Department does not accept applications via mailed paper, fax machine, email, or other means.

### **ii. Consideration of Applications**

Only applicants who comply with all submission deadlines described in this notice and electronically submit valid, on-time applications through Grants.gov will be eligible for award.

### **iii. Late Applications**

Any applications that Grants.gov time stamps after 11:59:59 PM on February 28, 2023 will not be accepted. Applicants are strongly encouraged to make submissions days, if not weeks, in advance of the deadline, and applicants facing technical issues are advised to contact the Grants.gov helpdesk well in advance of the deadline.

### **iv. Compliance with Section 508 of the Rehabilitation Act of 1973**

The Department encourages applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973. Section 508 guidelines are available at <https://www.access-board.gov/ict/>.

## **E. Application Review Information**

### **1. Criteria**

This section specifies the criteria that DOT will use to evaluate applications. The Department will review merit criteria for all applications. A subset of competitive capital applications (described in Section E.2) will also receive second-tier analysis consisting of three Project Readiness reviews (Environmental Risk Assessment, Technical Capacity Assessment, and Financial Completeness Assessment) and an Economic (benefit-cost) Analysis. A subset of competitive planning applications (described in Section E.2) that receive second-tier analysis will be reviewed for two Project Readiness areas (Technical Capacity Assessment and Financial Completeness Assessment). Environmental Risk Assessment and Economic (benefit-cost) Analysis will not be reviewed for planning applications.

**The Department does not consider cost share (the *amount of non-Federal contribution*) as a selection criterion or a competitiveness factor.** However, general budget information (such as the nature of funding source or the availability of the funding) may be evaluated as part of the financial completeness in the readiness review, or under the Partnership or Innovation criteria in the merit review. See Section E.1.i.g, Section E.1.i.h, and Section E.1.ii.c for more details.

#### **i. Merit Criteria**

For each merit criterion, the Department will consider whether the anticipated benefits are clear, direct, data-driven, and significant, which will result in a rating of “high, “medium,” “low,” or “non-responsive” as described in the rubric below.

Planning grant applications will be evaluated against the same merit criteria as capital grants, however the information does not need to be as driven by data as a capital project, since data is often an outcome of the project to be planned. However, planning grant applications

should include data on the problem intended to be addressed. The Department will consider how the plan, once implemented, will ultimately further the merit criteria.

As further described in the rubric below, to receive a “high” criterion rating, the criterion must be addressed as a primary project purpose (not an ancillary or incidental consideration, except for the Partnership and Collaboration and Innovation criteria), must include clear, direct, data-driven (capital projects only), and significant benefits, and must align with at least one of the benefits described in the high column of the merit criteria rubric. To receive a “medium” criterion rating, the criterion may not be a primary project purpose, or the project benefits do not meet at least one of the requirements for a ‘high’ rating, as described in the merit criteria rubric. A “low” criterion rating means the application contains insufficient information to assess that criterion’s benefits. Projects that negatively affect the criterion or for which the application does not address the criterion will receive a “non-responsive” criterion rating.

The combination of individual criterion ratings will inform one overall Merit Rating: Highly Recommended, Recommended, Acceptable, or Unacceptable, as shown below.

- Highly Recommended if six or more of the eight merit criteria ratings are “high” and none of the merit criteria ratings are “non-responsive.”
- Recommended if at least one, but no more than five, of the merit criteria ratings are “high”, no more than three of the merit criteria ratings are “low”, and none are “non-responsive.”
- Acceptable if there is a combination of “high,” “medium,” “low,” or “non-responsive” ratings that do not fit within the definitions of Highly Recommended, Recommended, or Unacceptable.
- Unacceptable if there are three or more “non-responsive” ratings.

<b>Selection Criteria:</b>	<b>Non-Responsive</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
<b>Safety</b>	<p>Application did not address the Safety criterion</p> <p>OR</p> <p>Project negatively affects safety</p>	<p>Application contains insufficient information to assess safety benefit</p>	<p>The project has one or more of the following safety benefits, but safety may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Protect non-motorized or motorized travelers or communities from safety risks; or</li> <li>• Reduce any number of fatalities and/or serious injuries</li> </ul>	<p>Safety is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only), and significant benefits that targets a known, documented safety problem, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Protect non-motorized travelers and communities from safety risks; or</li> <li>• Reduce fatalities and/or serious injuries to bring them below the state-wide average for underserved communities; or</li> <li>• Incorporate and cite specific actions and activities identified in the Department’s National Roadway Safety Strategy plan</li> </ul>
<b>Environmental Sustainability</b>	<p>Application did not address the Environmental Sustainability criterion</p> <p>OR</p> <p>Project negatively affects environmental sustainability</p>	<p>Application contains insufficient information to assess environmental sustainability benefits</p>	<p>Project has one or more of the following environmental sustainability benefits, but environmental sustainability may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Reduce transportation-related air pollution and greenhouse gas emissions; or</li> <li>• Reduce vehicle miles traveled; or</li> <li>• Incorporate lower-carbon pavement/construction materials; or</li> <li>• Redevelop brownfield sites; or</li> <li>• Improve resilience of infrastructure to current and future weather and climate risks; or</li> <li>• Make basic stormwater improvements</li> </ul>	<p>Environmental sustainability is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only), and significant benefits that explicitly considers climate change and environmental justice, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Reduce transportation-related air pollution and greenhouse gas emissions in underserved communities; or</li> <li>• Address the disproportionately negative environmental impacts of transportation on underserved communities such as by reducing exposure to elevated levels of air, water, and noise pollution; or</li> <li>• Align with the applicant’s State, regional, county, or city decarbonization plan; or</li> <li>• Implement transportation-efficient land use and design, such as drawing on the features of historic towns and villages that had a mix of land uses, compact and walkable development patterns, accessible green space, and neighborhood centers; or</li> <li>• Reduce vehicle miles traveled specifically through modal shift to transit or active transportation; or</li> <li>• Reduce emissions specifically by shifting freight to lower-carbon travel modes; or</li> </ul>



Selection Criteria:	Non-Responsive	Low	Medium	High
				<ul style="list-style-type: none"> <li>• Incorporate energy efficient investments, such as electrification or zero emission vehicle infrastructure; or</li> <li>• Improve the resilience of at-risk infrastructure to withstand extreme weather events and natural disasters caused by climate change, such as by using best-available climate data sets, information resources, and decision-support tools, and incorporating best practices identified by the Department (for example in the Department’s Nature-Based Solutions for Coastal Highway Resilience Implementation Guide) and other Federal resources; or</li> <li>• Remove, replace, or restore culverts for the purpose of improving passage of aquatic species; or</li> <li>• Avoid adverse environmental impacts to air or water quality, wetlands, and endangered species</li> </ul>
<b>Quality of Life</b>	<p>Application did not address the Quality of Life criterion</p> <p>OR</p> <p>Project negatively affects quality of life</p>	<p>Application contains insufficient information to assess quality of life benefits</p>	<p>Project has one or more of the following quality of life benefits but quality of life may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Increase affordability for travelers; or</li> <li>• Reduces vehicle dependence</li> </ul>	<p>Quality of life is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only) and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Increase affordable transportation choices by improving and expanding active transportation usage or significantly reducing vehicle dependence, particularly in underserved communities; or</li> <li>• Reduce transportation and housing cost burdens by integrating mixed-use development and a diversity of housing types, including affordable housing, with multimodal transportation infrastructure; or</li> <li>• Coordinate and integrate land use, affordable housing, and transportation planning in order to create more livable communities and expand travel choices; or</li> <li>• Improve access to daily destinations like jobs, healthcare, grocery stores, schools, places of worship, recreation, or parks through transit and active transportation; or</li> <li>• Implement transit-oriented development that benefits existing residents and businesses, low-income and disadvantaged communities, and minimizes displacement; or</li> </ul>

Selection Criteria:	Non-Responsive	Low	Medium	High
				<ul style="list-style-type: none"> <li>• Improve public health by adding new facilities that promote walking, biking, and other forms of active transportation; or</li> <li>• Mitigate urban heat islands to protect the health of at-risk residents, outdoor workers, and others; or</li> <li>• Proactively addresses equity.</li> </ul>
<b>Mobility and Community Connectivity</b>	<p>Application did not address the Mobility and Community Connectivity criterion</p> <p>OR</p> <p>Project negatively affects mobility and community connectivity</p>	<p>Application contains insufficient information to assess mobility and community connectivity benefits</p>	<p>Project has one or more of the following mobility and community connectivity benefits, but mobility and community connectivity may not be a primary project purpose or does not meet the description(s) of a 'high' rating:</p> <ul style="list-style-type: none"> <li>• Increase accessible transportation choices; or</li> <li>• Include ADA improvements</li> </ul>	<p>Mobility and community connectivity is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only) and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Improve system-wide connectivity with access to transit, micro-mobility, and mobility on-demand; or</li> <li>• Implement plans, based on community participation and data, that identifies and addresses gaps in the existing network; or</li> <li>• Remove physical barriers for individuals by reconnecting communities to direct, affordable transportation options; or</li> <li>• Include transportation features that increase the accessibility for non-motorized travelers for underserved communities, such as through a Complete Streets approach; or</li> <li>• Incorporate Universal Design including details of how the improvements go beyond ADA requirements; or</li> <li>• Directly increasing intermodal and multimodal freight movement; or</li> <li>• Consider last-mile freight plans in a Complete Streets and multimodal approach</li> </ul>

Selection Criteria:	Non-Responsive	Low	Medium	High
<b>Economic Competitiveness and Opportunity</b>	<p>Application did not address the Economic Competitiveness and Opportunity criterion</p> <p>OR</p> <p>Project negatively affects economic competitiveness and opportunity</p>	<p>Application contains insufficient information to assess economic competitiveness and opportunity benefits</p>	<p>Project has one or more of the following economic competitiveness and opportunity benefits, but economic competitiveness and opportunity may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Improve travel time reliability; or</li> <li>• Improve movement of goods; or</li> <li>• Create jobs related to the project’s delivery and on-going operations</li> </ul>	<p>Economic competitiveness is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only), and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Improve intermodal and/or multimodal freight mobility, especially for supply chain bottlenecks; or</li> <li>• Facilitate tourism opportunities; or</li> <li>• Inclusive economic development such as the utilization of Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, and Veteran Owned Businesses; or</li> <li>• Promote wealth building; or</li> <li>• Promote long-term economic growth and other broader economic and fiscal benefits; or</li> <li>• Promote robust job creation by supporting good-paying jobs directly related to the project with free and fair choice to join a union, expand training programs, and implement policies such as targeted hiring preferences that will promote the entry and retention of underrepresented populations into those jobs including women, people of color, and people with convictions; or</li> <li>• Promote greater public and private investments in land-use productivity, including rural main street revitalization or locally driven density decisions that support equitable commercial and mixed-income residential development</li> </ul>
<b>State of Good Repair</b>	<p>Application did not address the State of Good Repair criterion</p> <p>OR</p> <p>Project negatively affects state of good repair</p>	<p>Application contains insufficient information to assess state of good repair benefits</p>	<p>Project has one or more of the following state of good repair benefits but state of good repair may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Routine or deferred maintenance; or</li> <li>• Create new infrastructure (not in a remote community) that will be maintained in a state of good repair; or</li> <li>• Identify the party responsible for maintenance and describe how the</li> </ul>	<p>State of good repair is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only) and significant benefits, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Restore and modernize (such as through road diets and complete streets approaches) the existing core infrastructure assets that have met their useful life; or</li> <li>• Reduce construction and maintenance burdens through efficient and well-integrated design; or</li> <li>• Create new infrastructure in remote communities that will be maintained in a state of good repair; or</li> <li>• Address current or projected system vulnerabilities for underserved communities; or</li> </ul>

Selection Criteria:	Non-Responsive	Low	Medium	High
			<p>new or improved asset(s) will be maintained in a state of good repair; or</p> <ul style="list-style-type: none"> <li>• Resolve the current or projected system vulnerabilities</li> </ul>	<ul style="list-style-type: none"> <li>• Prioritize improvement of the condition and safety of existing transportation infrastructure within the <u>existing</u> footprint</li> </ul>
<b>Partnership and Collaboration</b>	<p>Application did not address the Partnership and Collaboration criterion</p> <p>OR</p> <p>Project negatively affects partners or community members (e.g. negative impacts from ROW acquisition, lack of support for the project, etc.)</p>	<p>Application contains insufficient information to assess the partnership and collaboration benefits</p>	<p>Project has one or more of the following partnership and collaboration benefits but partnership and collaboration may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Collaborate with public and/or private entities; or</li> <li>• Document support from local, regional, or national levels</li> </ul>	<p>Project has, or demonstrates plans to, support and engage diverse people and communities that go above and beyond, by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Engage residents and community-based organizations to ensure equity considerations for underserved communities are meaningfully integrated throughout the lifecycle of the project, for example, by citing and describing how the project aligns with the Department’s Promising Practices for Meaningful Public Involvement in Transportation Decision-Making Guide; or</li> <li>• Coordinate with other types of projects such as economic development, commercial or residential development near public transportation, power/electric infrastructure projects, or broadband deployment; or</li> <li>• Partner with Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, and Veteran Owned Businesses; or</li> <li>• Partner with high-quality workforce development programs with supportive services to help train, place, and retain underrepresented communities in good-paying jobs or registered apprenticeships; or</li> <li>• Partner and engage with unions and/or worker organizations in the development of the project and the lifecycle of the project, including the maintenance or operation of the completed project; or</li> </ul>

Selection Criteria:	Non-Responsive	Low	Medium	High
				<ul style="list-style-type: none"> <li>• Partner with communities or community groups representative of historically underrepresented groups to develop workforce strategies; or</li> <li>• Establish formal public-private partnerships or joint ventures to expand or create new infrastructure or economic development capacity; or</li> <li>• Participate in a non-DOT Federal capacity-building program, such as the Department of Housing and Urban Development’s Thriving Communities Technical Assistance or the Environmental Protection Agency’s Environmental Justice Thriving Communities Technical Assistance Centers Program.</li> </ul>
<b>Innovation</b>	<p>Application did not address the Innovation criterion.</p> <p>OR</p> <p>Includes non-innovative practices or components</p>	<p>Application contains insufficient information to assess innovation benefits</p>	<p>Project has one or more of the following innovation benefits but does not meet the description(s) of a ‘high’ rating:</p> <ul style="list-style-type: none"> <li>• Deploy technologies, project delivery, or financing methods that are <u>new or innovative to the applicant or community</u></li> </ul>	<p>Project has, or demonstrates plans for, one or more of the following innovative benefits.</p> <ul style="list-style-type: none"> <li>• Innovative Technologies <ul style="list-style-type: none"> <li>○ Enhance the environment for electric, connected, and automated vehicles to improve the detection, mitigation, and documentation of safety risks; or</li> <li>○ Use low-carbon materials; or</li> <li>○ Use caps, land bridges, or underdecks</li> </ul> </li> <li>• Innovative Project Delivery <ul style="list-style-type: none"> <li>○ Use practices that facilitate accelerated project delivery such as single contractor design-build arrangements, congestion management, asset management, or long-term operations and maintenance</li> </ul> </li> <li>• Innovative Financing <ul style="list-style-type: none"> <li>○ Secure TIFIA, RRIF, or private activity bond financing; or</li> <li>○ Use congestion pricing or other demand management strategies</li> </ul> </li> </ul>

a. Safety

DOT will assess how the project targets a known safety problem and seeks to protect motorized or non-motorized travelers and communities from safety risks. Applicants are highly encouraged to include data-driven information when addressing the safety criterion such as the current and projected number or rate of crashes, fatalities and/or serious injuries among transportation users and how those compare to the statewide average; details about the transportation user that will reap the safety benefits such as whether the project addresses vulnerable roadway users<sup>24</sup> or whether the project addresses inequities in crash victims. If applicable, applicants should describe how the project incorporates specific actions and activities identified in DOT's National Roadway Safety Strategy.<sup>25</sup>

b. Environmental Sustainability

DOT will consider the extent to which the project incorporates considerations of climate change and environmental justice in the project planning or project delivery stage. Environmental justice, as defined by the Environmental Protection Agency, is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

DOT will evaluate whether and how the project demonstrates environmental sustainability benefits. For this assessment, DOT will consider, for example, how the project will significantly reduce transportation-related pollution like air pollution and greenhouse gas emissions; aligns with the applicant's State, regional, county or city carbon-reduction plan; address the

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<sup>24</sup> As defined by FHWA's Vulnerable Road User Safety Assessment Guidance, a vulnerable road user is a nonmotorist and may include people walking, biking, or rolling as well as highway workers on foot in a work zone.

<sup>25</sup> [www.transportation.gov/NRSS](http://www.transportation.gov/NRSS)

disproportionate negative environmental impacts of transportation such as exposure to elevated levels of air, water, and noise pollution; or implement transportation-efficient land use and design, such as drawing on the features of historic towns and villages that had a mix of land uses, compact and walkable development patterns, accessible green space, and neighborhood centers.

DOT will assess whether and how the project is expected to reduce emissions, such as shifts to lower emissions vehicles, transit, or active transportation; shift freight to lower-carbon travel modes to reduce emissions; improve the resiliency of at-risk infrastructure<sup>26</sup> to withstand extreme weather events and natural disasters caused by climate change such as by using best-available climate data sets, information resources, and decision-support tools, and incorporating best practices identified by the Department (for example, in the Department's Nature-Based Solutions for Coastal Highway Resilience Implementation Guide); or incorporates lower-carbon pavement/construction materials.

DOT will also consider whether and how the project will incorporate energy efficient investments such as electrification or zero emission vehicle infrastructure; redevelop brownfield sites; remove, replace or restore culverts to improve passage of aquatic species; or avoid adverse impacts to air or water quality, wetlands, and endangered species. If applicable, applicants are encouraged to make floodplain upgrades consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in Executive Order 14030, *Climate-Related Financial Risk* (86 FR 27967) and 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input* (80 FR 6425.)

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<sup>26</sup> For the RAISE program, at-risk infrastructure is defined as infrastructure that is subject to, or faces increased long-term future risks of, a weather event, a natural disaster, or changing conditions, such as coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

### c. Quality of Life

DOT will consider whether and how the project will improve quality of life, such as by increasing affordable transportation choices and expanding active transportation usage or significantly reducing vehicle dependence; reduce transportation and housing cost burdens by integrating mixed use development and a diversity of housing types (including affordable housing) with multimodal transportation infrastructure; coordinate and integrate land use, affordable housing, and transportation planning in order to create more livable communities and expand travel choices; reduce vehicle dependence and improve access to daily destinations such as jobs, healthcare, grocery store, schools, places of worship, recreation, or parks such as by adding new facilities that promote walking, biking; implement transit-oriented development that benefits existing residents and businesses; mitigate urban heat islands to protect the health of at-risk residents, outdoor workers, and others; or proactively address racial equity.<sup>27</sup>

### d. Mobility and Community Connectivity

DOT will assess whether and how the applicant will improve mobility and community connectivity. For this assessment, DOT will consider, for example, how the project will address system-wide connectivity with access to transit, micro-mobility, and mobility on-demand; implement plans, based on community participation and data, that identifies and addresses gaps in the existing network; remove physical barriers for individuals by reconnecting communities to direct, affordable transportation options; include transportation features that increase accessibility for non-motorized travelers, such as through a Complete Streets approach; incorporate Americans with Disabilities Act (ADA) or Universal Design improvements; directly

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<sup>27</sup> 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).



increase intermodal and multimodal freight movement; or considers last-mile freight plans in a Complete Streets and multimodal approach.

e. Economic Competitiveness and Opportunity

DOT will assess whether and how the project will improve economic competitiveness and opportunity. For this assessment, DOT will consider, for example, how the project will improve intermodal or multimodal freight mobility, especially for supply chain bottle necks; facilitate tourism; include inclusive economic development such as the utilization use of Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, and Veteran Owned Businesses; promote wealth building; promote long-term economic growth and other broader economic and fiscal benefits; promote robust job creation by supporting good-paying jobs with free and fair choice to join a union in project construction and in on-going operations and maintenance; invest in high-quality workforce training programs such as registered apprenticeship programs to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences<sup>28</sup> that will promote the entry and retention of local underrepresented populations into those jobs including women, people of color, and people with convictions; improve travel time reliability; improve the movement of goods; or support logistic jobs related to terminal, warehouse, or manufacturing industries. DOT will evaluate the extent to which the project will promote greater public and private investments in land-use productivity, including rural main street revitalization or locally driven density decisions that support equitable commercial and mixed-income residential development.

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<sup>28</sup> IJJA div. B § 25019 provides authority to use geographical and economic hiring preferences, including local hire, for construction jobs, subject to any applicable State and local laws, policies, and procedures. Project labor agreement should be consistent with the definition and standards outlined in Executive Order 13502.

f. State of Good Repair

DOT will assess whether and to what extent the project improves state of good repair. For this assessment, DOT will consider, for example, how the project will mitigate current or projected system vulnerabilities; restore and modernize (such as through road diets and Complete Streets approaches) the existing core infrastructure assets that have met their useful life; reduce construction and maintenance burdens through efficient and well-integrated design; create new infrastructure *in remote communities* that will be maintained in a state of good repair; prioritize improvement of the condition and safety of existing transportation infrastructure within the existing footprint; conduct routine or deferred maintenance; create new infrastructure (*not in a remote community*) that will be maintained in a state of good repair; or identify the party responsible for maintenance and how the new or improved asset(s) will be maintained in a state of good repair.

The Department encourages applicants to improve the condition and safety of existing state and locally owned transportation infrastructure within the right-of-way before proposing projects that add new general purpose travel lanes serving single occupancy vehicles.

g. Partnership and Collaboration

DOT will consider the extent to which the project has or will support and engage diverse people and communities. For this assessment, DOT will consider, for example, how the project has or will collaborate with public and/or private entities; documents support from local, regional, and/or national levels; engage residents and community-based organizations to ensure equity considerations for underserved communities are meaningfully integrated throughout the project (for example, whether and how the project incorporates best practices from the Department's Promising Practices for Meaningful Public Involvement in Transportation

Decision-Making Guide);<sup>29</sup> coordinate with other types of projects such as economic development, commercial or residential development near public transportation, power/electric infrastructure projects, or broadband deployment; partners with Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, and Veteran Owned Businesses; partner with high-quality workforce development programs with supportive services<sup>30</sup> to help train, place, and retain underrepresented communities in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs that serve underrepresented groups, and proactive plans to prevent harassment; partner and engage with local unions or other worker-based organizations in the development and lifecycle of the project, including through evidence of project labor agreements and/or community benefit agreements; or partners with communities, or community groups representative of historically underrepresented groups, to develop workforce strategies; or establish formal public-private partnerships or joint ventures to expand or create new infrastructure or economic development capacity. DOT will assess the level of detail and description provided about the partnerships listed above. Applications that provide more details and descriptions about the project partnership will be rated higher than those that do not, in alignment with the merit rating rubric.

DOT will consider whether the applicant is participating in a non-DOT Federal capacity-building program as part of the Thriving Communities Network<sup>31</sup> which includes Department of

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<sup>29</sup> <https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making>

<sup>30</sup> Supportive services are critical to help women and people facing systemic barriers to employment be able to participate and thrive in training and employment. Recommended supportive services include childcare, tools, work clothing, application fees and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups like mentoring, support groups, and peer networking.

<sup>31</sup> <https://www.transportation.gov/federal-interagency-thriving-communities-network>

Housing and Urban Development’s Thriving Communities Technical Assistance<sup>32</sup> and the Environmental Justice Thriving Communities Technical Assistance Centers Program.<sup>33</sup>

Applications that include right-of-way acquisition plans that minimally disrupts communities and maintains community cohesion will be more competitive than right-of-way acquisition plans that disrupt communities. For projects involving other Federal agencies, or requiring action from other Federal agencies, DOT will consider the level of involvement and commitment from those agencies. For example, relevant port projects should demonstrate alignment with U.S. Army Corps of Engineers investment strategies.

#### h. Innovation

Consistent with DOT’s Innovation Principles to support workers, allow for experimentation and learn from failure, provide opportunities to collaborate, and be flexible and adapt as technology changes, DOT will assess the extent to which the applicant uses innovative strategies, including: (1) innovative technologies, (2) innovative project delivery, or (3) innovative financing. Applicants should provide enough detail to determine whether the innovations being deployed are new or innovative to the applicant or community. If an applicant is proposing to adopt innovative technology or other innovative practices, DOT will assess whether the applicant’s capacity to implement those innovations, the applicant’s understanding of applicable Federal requirements and whether the innovations may require extraordinary permitting, approvals, exemptions, waivers, or other procedural actions, and the effects of those innovations on the project delivery timeline. If this project is the first time the applicant or community will

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<sup>32</sup> [https://www.hud.gov/program\\_offices/spm/gmomgmt/grantsinfo/fundingopps/fy22\\_tc](https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/fundingopps/fy22_tc)

<sup>33</sup> <https://www.epa.gov/environmentaljustice/environmental-justice-thriving-communities-technical-assistance-centers>

deploy specific innovations, DOT will consider them innovative, regardless of whether other applicants or communities have incorporated these innovations into standard/routine practice.

If an applicant is proposing to deploy autonomous vehicles or other innovative motor vehicle technology, DOT will consider whether and how the applicant demonstrates that all vehicles will comply with applicable safety requirements, including those administered by the National Highway Traffic Safety Administration (NHTSA) and Federal Motor Carrier Safety Administration (FMCSA). Specifically, DOT will consider whether the vehicles acquired for the proposed project will comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carrier Safety Regulations (FMCSR). If the vehicles may not comply, DOT will consider applications that do one of the following more competitive than applications that do not: either (1) show that the vehicles and their proposed operations are within the scope of an exemption or waiver that has already been granted by NHTSA, FMCSA, or both agencies or (2) directly address whether the project will require exemptions or waivers from the FMVSS, FMCSR, or any other regulation and, if the project will require exemptions or waivers, present a plan for obtaining them.

#### 1. Innovative Technologies

DOT will consider how projects enhance the environment for connected, electric, and automated vehicles to improve the detection, mitigation, and documentation of safety risks. DOT will also assess the extent to which the project uses innovative technology that supports surface transportation to significantly enhance the operational performance of the transportation system. Please note that all innovative technology must be in compliance with 2 CFR § 200.216.<sup>34</sup>

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<sup>34</sup> <https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.216>

## 2. Innovative Project Delivery

DOT will consider the extent to which the project utilizes innovative practices in contracting (such as public-private partnerships and single contractor design-build arrangements), congestion management, asset management, or long-term operations and maintenance.

DOT also seeks projects that employ innovative approaches to improve the efficiency and effectiveness of the environmental permitting and review process to accelerate project delivery. DOT's objective is to achieve timely and consistent environmental review and permit decisions. Participation in innovative project delivery approaches will not remove any statutory requirements affecting project delivery.

## 3. Innovative Financing

DOT will assess the extent to which the project incorporates innovations in transportation funding and finance, for example through private sector funding or financing, using congestion pricing or other demand management strategies to address congestion, securing a TIFIA or RRIF loan, or receiving an allocation for private activity bonds through DOT's Build America Bureau.

### ii. Demonstrated Project Readiness

Capital project applications that receive second-tier analysis<sup>35</sup> will be reviewed for Project Readiness and assigned three evaluation ratings: Environmental Risk Assessment, Technical Capacity Assessment, and Financial Completeness Assessment. Planning project applications that receive second-tier analysis will be reviewed for Project Readiness and assigned two evaluation ratings: Technical Capacity Assessment and Financial Completeness Assessment. (Environmental Risk Assessment will not be performed for planning applications). Low ratings

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<sup>35</sup> The process for determining which applications receive second-tier analysis is described in Section E.2 of this notice.

in any of these readiness areas 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.

(a) Environmental Risk

Environmental Risk Assessment analyzes the project's environmental approvals and likelihood of the necessary approval affecting project obligation as described in Section D of the NOFO, and results in a rating of "high risk," "moderate risk," or "low risk".

(b) Technical Capacity

The Technical Capacity Assessment will assess the applicant's capacity to successfully deliver the project in compliance with applicable Federal requirements based on factors including, but not limited to, the recipient's experience working with Federal agencies, civil rights compliance, previous experience with DOT discretionary grant awards and/or the technical experience and resources dedicated to the project. This review is partially based on information submitted with the application and partially based on DOT Operating Administration knowledge of the applicant's performance. Technical Capacity ratings will be one of the following: "certain," "somewhat certain," or "uncertain." DOT will assign the highest rating of "certain," if the applications demonstrate that: the applicant has extensive experience with Federal funds; the applicant has extensive experience completing projects with similar scope; the applicant has the resources to deliver the project; the project has minimal or no incomplete ROW acquisition; and the project will comply with all applicable Federal requirements including but not limited to Buy America provisions, ADA regulations, Civil Rights requirements, Federal Motor Vehicle Safety Standards (FMVSS), and/or the Federal Motor Carrier Safety Regulations (FMCSR).

(c) Financial Completeness

The Financial Completeness Assessment reviews the availability of funding for the project and whether the applicant presented a complete funding package. Financial Completeness ratings are: “complete,” “partially complete,” or “incomplete.” DOT will assign the highest rating of “complete,” if the application identifies funding sources for the full project budget, indicates the funding level of commitment or availability, includes documented support such as letters of commitment, and indicates a plan to address potential cost overruns (by including an explicit contingency amount with a source, or otherwise). DOT will also consider whether the applicant indicated the level of design that the project is based on. Projects with funding estimates that are based on early stages of design (e.g., less than 30 percent design) or outdated cost estimates without specified budget contingencies may receive a lower rating. All applicants, including those requesting 100 percent grant funding, should describe a plan to address potential cost overruns.

**iii. Economic Analysis of Project Costs and Benefits**

For capital projects that receive second-tier analysis, DOT will consider the costs and benefits of projects seeking RAISE grant funding in determining whether a project is cost effective. To the extent possible, DOT will rely on quantitative, evidenced-based and data-supported analysis to assess how well a project addresses this criterion, including an assessment of the project’s estimated benefit-cost ratio (BCR) based on the applicant-supplied BCA described in Section D.2.vi.

To evaluate the costs and benefits of a proposed project, DOT will assign the project as either negative net benefits (costs exceed benefits) or positive net benefits (benefits exceed costs.) Projects with negative net benefit ratings will not be selected for an award, unless the



project has unquantified benefits that demonstrate clear outcomes for underserved communities, as identified by the Senior Review Team.<sup>36</sup>

**iv. Additional Considerations**

The BIL requires DOT to consider geographical and modal diversity when selecting RAISE grant awards.

**2. Review and Selection Process**

This section explicitly addresses the BIL requirement to describe the methodology for evaluation in the NOFO. The RAISE grant program review and selection process consists of Merit Criteria Review; Project Readiness Review (consisting of Technical Capacity Assessment, Environmental Risk Assessment, Financial Completeness Assessment); Economic Analysis; and Senior Review. The Secretary makes final project selections.

Teams comprising Department and contractor staff review all eligible applications received by the deadline for a Merit Review and assign ratings as described in Section E.1.i. Using the rubric described in section E.1.i, the combination of eight merit criteria ratings will result in one overall Merit Rating: Highly Recommended, Recommended, Acceptable, or Unacceptable.

The Senior Review Team (SRT) reviews all “Recommended” projects to determine if the benefits of a particular criterion are so significant that the project merits advancing for second-tier analysis. The SRT can advance a “Recommended” project only if

- (1) the project received a “high” in one or more of the priority criteria of safety, environmental sustainability, mobility and community connectivity, or quality of life, and the benefits in that criterion are exceptional; or

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<sup>36</sup> The Senior Review Team, and its role in the application evaluation and selection process, is described in section E.2 of this notice.

(2) if the SRT provides additional information to demonstrate that a criterion has benefits that are aligned with a “high” rating for one or more of the priority merit criteria listed above (whether or not the Merit Review Team assigned a “high” rating) and the benefits in that criterion would be exceptional.

Senior Operating Administration staff and OST staff may make recommendations to the SRT for which projects should advance based on exceptional benefits of a particular priority criterion.

“Highly Recommended” projects automatically advance for second-tier analysis.

“Recommended” projects designated a “Reconnecting Extra” project under the FY 2022 Reconnecting Communities Program competition that receive at least one “High” in a priority criterion during the FY 2023 RAISE application evaluation process will automatically advance for second-tier analysis.

Second-tier analysis for capital projects consists of (1) an Economic Analysis; (2) an Environmental Risk Assessment; (3) a Financial Completeness Assessment and (4) Technical Capacity Assessment.

Second-tier analysis for planning projects consists of (1) a Financial Completeness Assessment and (2) a Technical Capacity Assessment.

Following completion of second-tier analysis, the SRT determines which projects are designated as Highly Rated. The Secretary selects projects from the Highly Rated List for award, consistent with the selection criteria and statutory requirements for geographic and modal diversity.

The BIL mandates that RAISE grant award selections be announced by June 28, 2023.

Consistent with past practice, the Department offers debriefs to applicants not selected for award to receive information about the RAISE project’s evaluation. Due to overwhelming

demand, the Department is unable to provide a RAISE award to every competitive project that applies. The Department will identify “Projects of Merit” with the aim of encouraging sponsors with competitive projects that do not receive an FY 2023 RAISE award to consider applying in future rounds of funding. Projects for which a RAISE application is advanced by the Senior Review Team on the Highly Rated List, but that are not awarded, are automatically designated as “Projects of Merit.” This designation provides the sponsors of these projects the opportunity to receive additional technical assistance that encourages sponsors with competitive projects to apply in the future.

### **3. Additional Information**

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. DOT must review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS), the designated integrity and performance system accessible through SAM. An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. DOT 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 Notice**

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects at [www.transportation.gov/RAISEgrants](http://www.transportation.gov/RAISEgrants). Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following

that announcement, the relevant operating administration will contact the point of contact listed in the SF-424 to initiate negotiation of the grant agreement for authorization.

Recipients of RAISE Grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, RAISE funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted.

Unless authorized by DOT in writing after DOT's announcement of FY 2023 RAISE awards, any costs that a recipient incurs before DOT executes a grant agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

## **2. Administrative and National Policy Requirements**

### **i. Administrative Requirements**

Please visit <https://www.transportation.gov/policy-initiatives/raise/raise-grant-agreements> for the General Terms and Conditions for FY 2022 RAISE awards. The FY 2023 RAISE Terms and Conditions will be similar to the FY 2022 RAISE Terms and Conditions, but it will include relevant updates consistent with this notice.

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 C.F.R part 200, as adopted by DOT at 2 C.F.R part 1201. Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, U.S.C., apply to all projects receiving funds under this program, and apply to all parts of the project, whether funded with RAISE Grant funds, other Federal funds, or non-Federal funds.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal

law, including, without limitation, the Constitution of the United States; the conditions of performance, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

Additionally, applicable Federal laws, rules and regulations of the relevant operating administration administering the project will apply to the projects that receive RAISE grant awards, including planning requirements, Service Outcome Agreements, Stakeholder Agreements, Buy America compliance, and other requirements under DOT's other highway, transit, rail, and port grant programs. For projects that are eligible under RAISE but are not eligible under DOT's other programs or projects that are eligible under multiple DOT programs, the RAISE program will determine the appropriate requirements to ensure the project is delivered consistent with program and Department goals. In particular, Executive Order 14005 directs the Executive Branch Departments and agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. RAISE grant projects involving vehicle acquisition must

involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards and Federal Motor Carriers Safety Regulations, or vehicles that are exempt from Federal Motor Vehicle Safety Standards or Federal Motor Carrier Safety Regulations in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

For projects administered by FHWA, applicable Federal laws, rules, and regulations set forth in Title 23 U.S.C. and Title 23 C.F.R generally apply, including the 23 U.S.C. 129 restrictions on the use of toll revenues, and Section 4(f) preservation of parklands and historic properties requirements under 23 U.S.C. 138. For an illustrative list of the other applicable laws, rules, regulations, executive orders, polices, guidelines, and requirements as they relate to a RAISE grant project administered by the FHWA, please see

<https://www.transportation.gov/grants/raise/raise-fy2022-fhwa-exhibits-october-18-2022>.

For RAISE projects administered by the Federal Transit Administration and partially funded with Federal transit assistance, all relevant requirements under chapter 53 of title 49 U.S.C. apply. For transit projects funded exclusively with RAISE grant funds, some requirements of chapter 53 of title 49 U.S.C. and chapter VI of title 49 CFR apply.

For projects administered by the Federal Railroad Administration, FRA requirements described in 49 U.S.C. Subtitle V, Part C apply.

**ii. Program Requirements**

**(a) Climate Change and Environmental Justice Impact Consideration**

Each applicant selected for RAISE grant funding must demonstrate effort to consider climate change and environmental justice impacts as described in Section A. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds for construction, consistent

with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). In the grant agreement, applicants will be required to certify that they have taken one or more of the activities in Section E (b) or will be required to propose a new activity to be completed prior to obligation of construction funds that addresses climate change and environmental justice.

(b) Racial Equity and Barriers to Opportunity

Each applicant selected for RAISE grant funding must demonstrate effort to improve racial equity and reduce barriers to opportunity as described in Section A. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds for construction, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). In the grant agreement, applicants will be required to certify that they have taken one or more of the activities listed in Section E.1.i.c, or will be required to propose a new activity to be completed prior to obligation of construction funds that addresses racial equity and barriers to opportunity.

(c) Labor and Work

Each applicant selected for RAISE grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of strong labor standards as described in Section E. Projects that have not sufficiently considered job quality and labor rights, standards, and protections in their planning, as determined by the Department, will be required to do so, to the full extent possible under the law, before receiving funds for construction, consistent with Executive Order 14025, *Worker Organizing and Empowerment* (86 FR 22829), and Executive Order 14052,

*Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).* RAISE funds may not be used to support or oppose union organizing.

(d) Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for Federal funding under this notice must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department, will be required to do so before receiving funds for construction, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security Presidential Improving Cybersecurity for Critical Infrastructure Control Systems. Information on cybersecurity performance goals can be found at <https://www.cisa.gov/cpg>. These performance goals provide a baseline set of cybersecurity practices broadly applicable across critical infrastructure with known risk-reduction value, a benchmark for critical infrastructure operators to measure and improve their cybersecurity maturity, and a combination of recommended practices for IT and OT owners, including a prioritized set of security practices. Additionally, funding recipients must comply with 2 CFR § 200.216 and the prohibition on certain telecommunications and video surveillance services or equipment.

(e) Domestic Preference Requirements

As expressed in Executive Order 14005, 'Ensuring the Future Is Made in All of America by All of America's Workers' (86 FR 7475), the executive branch should maximize, consistent with



law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to domestic preference requirements based on the Operating Administration that administers the project, including 23 U.S.C. 313 (FHWA projects); 49 U.S.C. 5323(j) (FTA projects); 49 U.S.C. 22905(a) (FRA projects); and section 70914(a) of the Build America, Buy America Act (all projects). The Department expects all applicants to comply without needing a project-specific waiver for domestic preference requirements.

(f) Civil Rights and Title VI

As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR part 21), the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI program plan, completed Community Participation Plan (alternatively called a Public Participation Plan), and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. DOT's and the applicable Operating Administrations' Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements. Recipients are encouraged to demonstrate that they have a plan in place that demonstrates action to create an inclusive workplace environment with a commitment to equal opportunity and freedom from harassment.<sup>37</sup>

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<sup>37</sup> This could include provisions that prohibit unlawful discrimination against people with former justice involvement; efforts to prevent hostility and harassment based on race, color, religion, sex, sexual orientation, gender identity, national origin, and disability; training on anti-harassment and third-party reporting procedures, and robust anti-retaliation measures, covering employees and contractors.

(g) Federal Contract Compliance

As a condition of grant award and consistent with EO 11246, Equal Employment Opportunity (30 FR 12319, and as amended), all Federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on geography for construction work hours and for work being performed by people of color. Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of Federally assisted projects over which OFCCP has jurisdiction and that have a project cost above \$35 million. DOT will require project sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award. Under that partnership, OFCCP will ask these project sponsors to make clear to prime contractors in the pre-bid phase that project sponsor's award terms will require their participation in the Mega Construction Project Program. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined

under “Scheduling” on the Department of Labor website:

<https://www.dol.gov/agencies/ofccp/faqs/construction-compliance>.

### **3. Reporting**

#### **i. Progress Reporting on Grant Activities**

Each applicant selected for RAISE grant funding must submit quarterly progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the RAISE grant program.

#### **ii. Performance Reporting**

Each applicant selected for RAISE grant funding must collect and report to the DOT information on the project’s performance based on performance indicators DOT identifies related to program goals (e.g., travel time savings, greenhouse gas emissions, passenger counts, level of service, etc.) and other information as requested by DOT. Performance indicators should include measurable goals or targets that DOT will use internally to determine whether the project meets program goals, and grant funds achieve the intended long-term outcomes of the RAISE Grant Program. To the extent possible, performance indicators used in the reporting should align with the measures included in the application and should relate to at least one of the selection criteria defined in Section E.1. Performance reporting continues for several years after project construction is completed, and DOT does not provide RAISE grant funding specifically for performance reporting.

#### **iii. Program Evaluation**

As a condition of grant award, RAISE grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or

outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. The Department may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and sub-recipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115–435 (2019) urges Federal awarding agencies and Federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency” (codified at 5 U.S.C. § 311). For grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR § 200)

#### **iv. Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of a selected applicant’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 currency of information reported to the SAM that is made available in the designated integrity and performance system (currently 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 Contacts**

For further information concerning this notice please contact the RAISE grant program staff via e-mail at [RAISEgrants@dot.gov](mailto:RAISEgrants@dot.gov), or call Howard Hill at 202-366-0301. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will post answers to questions and requests for clarifications on DOT's website at [www.transportation.gov/RAISEgrants](http://www.transportation.gov/RAISEgrants). To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions. DOT staff may also conduct briefings on the RAISE grant selection and award process upon request.

#### **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 methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the

applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) state on the cover of that document that it “Contains Confidential Business Information (CBI);” (2) mark each page that contains confidential information with “CBI;” (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT will follow the procedures described in its FOIA regulations at 49 CFR § 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under § 7.29 will be exempt from disclosure under FOIA.

## **2. Publication/Sharing of Application Information**

Following the completion of the selection process and announcement of awards, DOT intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1., DOT may make application narratives publicly available or share application information within DOT or with other Federal agencies if DOT determines that sharing is relevant to the respective program’s objectives.

Pete Buttigieg

Issued in Washington D.C. on January 3, 2023