

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary of Transportation****Notice of Funding Opportunity for the Department of Transportation's FY 2023-2024****Multimodal Project Discretionary Grant Opportunity (MPDG)****AGENCY:** Office of the Secretary of Transportation, U.S. Department of Transportation**ACTION:** Notice of Funding Opportunity (NOFO)**SUMMARY:**

<b>SUMMARY OVERVIEW OF KEY INFORMATION: Multimodal Project Discretionary Grant Opportunity</b>	
<b>Issuing Agency</b>	Office of the Secretary of Transportation, U.S. Department of Transportation
<b>Program Overview</b>	The MPDG opportunity contains three grant programs: the National Infrastructure Project Assistance grants program (Mega), the Nationally Significant Multimodal Freight and Highways Projects grants program (INFRA), and the Rural Surface Transportation Grant program (Rural). The funding opportunities are awarded on a competitive basis for surface transportation infrastructure projects—including highway and bridge, intercity passenger rail, railway-highway grade crossing or separation, wildlife crossing, public transportation, marine highway, and freight projects, or groups of such projects—with significant national or regional impact, or to improve and expand the surface transportation infrastructure in rural areas.
<b>Objective</b>	1) Invest in surface transportation infrastructure projects of national or regional significance and improve/expand infrastructure in rural areas; 2) Support projects that are consistent with the Department's strategic goals: improve safety, economic strength and global competitiveness, equity, and climate and sustainability.
<b>Eligible Applicants (Varies by program)</b>	<ul style="list-style-type: none"> <li>• a State or a group of States;</li> <li>• a metropolitan planning organization or a regional transportation planning organization; the</li> <li>• a unit of local government;</li> <li>• a political subdivision of a State;</li> <li>• a special purpose district or public authority with a transportation function, including a port authority;</li> <li>• a Tribal government or a consortium of Tribal governments;</li> </ul>

	<ul style="list-style-type: none"> <li>• Federal land management agency that applies jointly with a State or group of States;</li> <li>• a partnership between Amtrak and 1 or more entities described above</li> <li>• a group of entities described above</li> </ul> <p>(NOTE: Eligibility may vary by program. Section C.1 provides additional information)</p>
<p><b>Eligible Project Types</b> (Varies by program)</p>	<ul style="list-style-type: none"> <li>• A highway or bridge project on the National Multimodal Freight Network, National Highway Freight Network (NHFN), or National Highway System</li> <li>• A freight intermodal (including public ports) or freight rail project that provides public benefit</li> <li>• A highway freight project eligible under National Highway Freight Program</li> <li>• A railway highway grade separation or elimination project</li> <li>• A highway safety improvement project, including a project to improve a high-risk rural road as defined by the Highway Safety Improvement Program</li> <li>• An intercity passenger rail project</li> <li>• A public transportation project that is eligible under assistance under Chapter 53 of title 49 and is a part of any of the project types described above</li> <li>• A wildlife crossing project</li> <li>• A surface transportation project within the boundaries or functionally connected to an international border crossing that improves a facility owned by Fed/State/local government and increases throughput efficiency</li> <li>• A project for a marine highway corridor that is functionally connected to the NHFN and is likely to reduce road mobile source emissions</li> <li>• A highway, bridge, or freight project on the National Multimodal Freight Network</li> <li>• A project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area</li> <li>• A project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services</li> </ul> <p>(NOTE: Not all project types are eligible under all three programs. Section C.3 provides additional information.)</p>
<p><b>Funding</b></p>	<p>It is anticipated that this opportunity will award approximately \$5.45-5.575 billion for this round from FY 2023 and FY 2024 funding.</p>

	<ul style="list-style-type: none"> <li>• INFRA: \$3-3.1 billion</li> <li>• Mega: \$1.8 billion</li> <li>• Rural: \$650-675 million</li> </ul> <p>The Mega program has the ability to make multi-year awards including funding from future years. Subject to the availability of funding, Mega funding provided for FY 2025 and FY 2026 may also be allocated to projects identified in this competition.</p>
<b>Deadline:</b>	August 21, 2023, at 11:59 pm 59pm EDT: Application Due

**DATES:** Applications must be submitted by 11:59:59 p.m. EDT on August 21, 2023. The Grants.gov “Apply” function will open by June 22, 2023.

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

**FOR FURTHER INFORMATION CONTACT:** For further information regarding this notice, please contact the Office of the Secretary via email at [MPDGGrants@dot.gov](mailto:MPDGGrants@dot.gov), or call Paul Baumer at (202) 366-1092. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, up to the application deadline, the U.S. Department of Transportation (Department) will post answers to common questions and requests for clarifications on the Department’s website at <https://www.transportation.gov/grants/mpdg-frequently-asked-questions>.

**SUPPLEMENTARY INFORMATION:**

Each section of this notice contains information and instructions relevant to the application process for the MPDG grant program, 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. No. 117-58, November 15, 2021) (Bipartisan Infrastructure Law, or BIL) provided funds to the Department across three programs to invest in projects of national or regional significance – the National Infrastructure Project Assistance grants program, found under 49 U.S.C. § 6701 (Mega), the Nationally Significant Multimodal Freight and Highways Projects grants program, found at 23 U.S.C. § 117 (Infrastructure for Rebuilding America or INFRA), and the Rural Surface Transportation Grant program, found at 23 U.S.C. § 173 (Rural). The BIL makes available up to \$5 billion for the Mega program for the period of Fiscal Year (FY) 2022 through 2026; up to \$8 billion to the INFRA program for the period of FY 2022 through 2026; and up to \$2 billion for the Rural program for the period of FY 2022 through 2026, for a combined total of up to \$15 billion for FY 2022 through 2026.

To help streamline the process for applicants, the Department has combined solicitations for the Mega, INFRA, and Rural programs into the MPDG opportunity. Applicants may choose to apply to one, two, or all three of these grant programs. The FY 2023 and 2024 MPDG awards will be made for each of the three grant programs as appropriate and consistent with each grant program’s statutory language. The FY 2023–2024 MPDG round will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64355),<sup>1</sup> and will focus on supporting projects that improve safety, economic strength and global competitiveness, equity, and climate and sustainability consistent with the Department’s strategic goals.

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<sup>1</sup> The priorities of Executive Order 14052, *Implementation of the Infrastructure Investments and Jobs Act* are: to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards and equal employment opportunity, strengthen infrastructure resilience to all hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

Applicants are encouraged to apply for multiple programs, to maximize their potential of receiving Federal support. Applicants to MPDG will be considered across all three programs unless they opt out of a specific program. To support applicants through the application process, the Department will provide technical assistance and resources.<sup>2</sup>

The Department is committed to advancing safe, efficient transportation, including in the MPDG programs. The National Roadway Safety Strategy (NRSS), issued January 27, 2022, commits the Department to respond to the current crisis in roadway fatalities by ‘taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation’s roadways,’ in pursuit of the goal of achieving zero roadway deaths through a Safe System Approach. The outcomes that are anticipated from the roadway projects funded by the MPDG programs should align with the NRSS.

The Department seeks to fund projects that reduce greenhouse gas emissions and are designed with specific elements to address climate change impacts, projects that include nature-based solutions to increase the climate resilience and sustainability of the transportation system, consistent with recommendations in the Nature-Based Solutions Roadmap, responsive to Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* and Executive Order 14072, *Strengthening the Nation’s Forests, Communities and Local Economies*.

The Department seeks to award projects that address environmental justice, particularly for communities (including rural and Tribal communities) that may disproportionately experience consequences from climate change and pollutants. As part of the Department’s implementation of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), the Department seeks to fund projects that, to the extent possible, target 40 percent of the overall

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<sup>2</sup> For Technical Assistance for projects in rural areas, visit <https://www.transportation.gov/rural>.

benefits of certain federal investments in climate and, clean energy and other areas to disadvantaged communities. Such communities may include low-income communities and communities that are marginalized by underinvestment, including those underserved by affordable transportation, and overburdened by pollution.

Both the National Infrastructure Project Assistance grants program (Mega) and the Nationally Significant Multimodal Freight and Highways Projects grants program (INFRA)<sup>3</sup> are covered under the President's Justice40 Initiative which set a goal that 40 percent of the overall benefits from certain federal investments in climate and, clean energy and other areas, flow to disadvantaged communities.

The Department seeks to award projects that proactively address equity and barriers to opportunity, including automobile dependence as a form of barrier, or redress prior inequities and barriers to opportunity consistent with Executive Order 13985.

The Department also seeks to award projects that support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and workforce programs, in particular registered apprenticeships, labor management partnerships and Local Hire agreements, in project planning stages and program delivery.

In addition, consistent with the Department's Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative, the Department seeks to award funding to rural projects that address deteriorating conditions and disproportionately high fatality rates and transportation costs in rural communities.

Section E of this NOFO describes the process for selecting projects that further these

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<sup>3</sup> The INFRA program will be implemented in line with Administration policies and orders including the America the Beautiful initiative, the White House Council on Environmental Quality Guidance for Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors and the interagency Memorandum of Understanding (MOU) on Promoting Equitable Access to Nature in Nature-Deprived Communities signed by DOT.

goals under each of the three grant programs. 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. Changes from the FY 2022 MPDG NOFO*

While the six Outcome Area criteria from FY 2022 remain the same, the FY 2023-2024 NOFO has revised how each criterion will be rated, using a rubric that updates and distinguishes how an application will be assigned a 0, 1, 2, or 3 for each criterion.

Rural Program applicants who are requesting less than \$25 million need address only three of the outcome area criteria: (a) Safety; (b) Climate Change, Resiliency, and the Environment; and (c) Equity, Multimodal Options, and Quality of Life.

For the first time in FY 2023-2024, the Department is establishing a Cost Estimate Review team, who will evaluate in greater detail the cost estimates for any project requesting \$1 billion or more in funding from the MPDG opportunity.

The list of counties qualifying as Areas of Persistent Poverty has been updated from MPDG 2022 to reflect more recent Census data<sup>4</sup>. The definition of census tracts qualifying as Historically Disadvantaged Communities has also been updated, in accordance with the Climate & Economic Justice Screening Tool (CEJST), a new tool by the White House Council on Environmental Quality (CEQ), that aims to help Federal agencies identify disadvantaged communities as part of the Justice40 initiative to accomplish the goal that 40% of benefits from certain federal investment reach disadvantaged communities.

Applicants who are planning to reapply using materials prepared for prior competitions

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<sup>4</sup> The definition of a County that is an Area of Persistent Poverty is linked to the most recent SAIPE data. 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.



should ensure that their FY 2023-2024 application fully addresses the criteria and considerations described in this notice and that all relevant information is up to date.

### *3. Additional Information*

The Mega program is authorized at 49 U.S.C. § 6701. The INFRA program is authorized at 23 U.S.C. § 117. The Rural program is authorized at 23 U.S.C. § 173. They are described respectively in the Federal Assistance Listings under the assistance listing program titles “National Infrastructure Project Assistance” (assistance listing number 20.937), “Nationally Significant Freight and Highway Projects” (assistance listing number 20.934), and “Rural Surface Transportation Grant Program” (assistance listing number 20.938).

## **B. Federal Award Information**

### *1. Amount Available*

This notice solicits applications for up to \$5.575 billion in FY 2023 and FY 2024 MPDG opportunity funds. Up to \$1.8 billion from FY 2023–2024 will be made available for the Mega program, up to \$3.1 billion will be made available for the INFRA program, and up to \$675 million will be made available for the Rural program. In addition to the FY 2023 and FY 2024 funding, the Department may make award decisions in the MPDG FY 2023–2024 round to fund Mega project awards in future fiscal years, based on a potential awarded project’s schedule and availability of funding.<sup>5</sup> In addition to the FY 2023– and FY 2024 funds, prior year INFRA amounts, presently estimated at up to \$50 million, may be made available and awarded under this solicitation. Any award under this notice will be subject to the availability of funding. The Mega, INFRA, and Rural programs each have their own specific funding restrictions, including

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<sup>5</sup> 49 U.S.C. § 6701(j) authorizes the Department to enter multiyear grant agreements for Mega projects. Those agreements may include a commitment, contingent on amounts to be specified in law in advance for such commitments, to provide future year funds.

award size and types of projects. Refer to Section D.5 for greater detail on funding restrictions for each program.

**C. Eligibility Information**

To be selected for a grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project that meets the minimum project size requirement.

*1. Eligible Applicants*

Each of the three funding opportunities has slightly different statutory rules for what kinds of applicants are eligible to apply. Applicants should review this section in determining for which of the three programs they are applying.

<b>Eligible Applicants</b>		
<b>Mega</b>	<b>INFRA</b>	<b>Rural</b>
<ol style="list-style-type: none"> <li>1. a State or a group of States</li> <li>2. a metropolitan planning organization</li> <li>3. a unit of local government;</li> <li>4. a political subdivision of a State</li> <li>5. a special purpose district or public authority with a transportation function, including a port authority</li> <li>6. a Tribal government or a consortium of Tribal governments</li> <li>7. a partnership between Amtrak and 1 or more entities described in (1) through (6)</li> <li>8. a group of entities described in any of (1) through (7)</li> </ol> <p>(For the Mega program, “State” includes any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American</p>	<ol style="list-style-type: none"> <li>1. a State or group of States</li> <li>2. a metropolitan planning organization that serves an Urbanized Area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals</li> <li>3. a unit of local government or group of local governments</li> <li>4. a political subdivision of a State or local government</li> <li>5. a special purpose district or public authority with a transportation function, including a port authority</li> <li>6. a Federal land management agency that applies jointly with a State or group of States</li> <li>7. a Tribal government or a consortium of tribal governments</li> <li>8. a multistate corridor organization</li> <li>9. a multistate or multijurisdictional group of entities described in this paragraph</li> </ol> <p>(For the INFRA program, State includes any of the 50 states, the District of Columbia, or Puerto Rico. Otherwise</p>	<ol style="list-style-type: none"> <li>1. a State</li> <li>2. a regional transportation planning organization</li> <li>3. a unit of local government</li> <li>4. a Tribal government or a consortium of Tribal governments</li> <li>5. a multijurisdictional group of entities above</li> </ol> <p>(For the Rural program, State includes any of the 50 states, the District of Columbia, or Puerto Rico. Otherwise eligible entities located in or serving U.S. Territories are eligible.)</p>

Samoa, and any other territory or possession of the United States.)	eligible entities located in or serving U.S. Territories are eligible.)	
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i. Mega

Eligible applicants for Mega grants are: (1) a State or a group of States; (2) a metropolitan planning organization; (3) a unit of local government; (4) a political subdivision of a State; (5) a special purpose district or public authority with a transportation function, including a port authority; (6) a Tribal government or a consortium of Tribal governments; (7) a partnership between Amtrak and 1 or more entities described in (1) through (6); and (8) a group of entities described in any of (1) through (7). With regards to Mega grants, “State” includes any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

ii. INFRA

Eligible applicants for INFRA grants are: (1) a State or group of States; (2) a metropolitan planning organization that serves an Urbanized Area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals; (3) a unit of local government or group of local governments; (4) a political subdivision of a State or local government; (5) a special purpose district or public authority with a transportation function, including a port authority; (6) a Federal land management agency that applies jointly with a State or group of States; (7) a Tribal government or a consortium of Tribal governments; (8) a multistate

corridor organization; or (9) a multistate or multijurisdictional group of entities described in this paragraph. With regards to INFRA grants, “State” includes any of the 50 states, the District of Columbia, or Puerto Rico.

iii. Rural

Eligible applicants for Rural grants are: (1) a State; (2) a regional transportation planning organization; (3) a unit of local government; (4) a Tribal government or a consortium of Tribal governments; or (5) a multijurisdictional group of entities above. With regards to Rural grants, “State” includes any of the 50 states, the District of Columbia, or Puerto Rico.

iv. Joint Applications for Any Program

Multiple States or entities that submit a joint application should identify a lead applicant as the primary point of contact. Joint applications should include a description of the roles and responsibilities of each applicant and should be signed by each applicant. The applicant that will be responsible for financial administration of the project must be an eligible applicant.

2. *Cost Sharing or Matching*

i. Mega

Mega grants may be used for up to 60 percent of future eligible project costs. Other Federal assistance may satisfy the non-Mega share requirement for a Mega grant, but total Federal assistance for a project receiving a Mega grant may not exceed 80 percent of future total eligible project costs.

ii. INFRA

INFRA grants may be used for up to 60 percent of future eligible project costs. Other Federal assistance may satisfy the non-INFRA share requirement for an INFRA grant, but total Federal assistance for a project receiving an INFRA grant may not exceed 80 percent of future

total eligible project costs, except that, for States with a population density of not more than 80 persons per square mile of land area, based on the 2010 census, the maximum share of the total Federal assistance provided for a project receiving a grant under this section shall be the applicable share under 23 U.S.C. § 120(b). The following chart identifies the states that with a population of fewer than 80 persons per square mile, based on the 2010 census. If your project is located in one of the States below, please consult the following link to determine which sliding scale applies to you: <https://www.fhwa.dot.gov/legsregs/directives/notices/n4540-12.cfm>.

<b>State</b>
Alaska
Arizona
Arkansas
Colorado
Idaho
Iowa
Kansas
Maine
Minnesota
Mississippi
Montana
Nebraska
Nevada
New Mexico
North Dakota
Oklahoma
Oregon
South Dakota
Utah
Vermont
West Virginia
Wyoming

If a Federal land management agency applies jointly with a State or group of States, and that agency carries out the project, then Federal funds that were not made available under titles 23 or 49 of the U.S.C. may be used for the non-Federal share.

iii. Rural

Rural grants may be used for up to 80 percent of future eligible project costs, except eligible projects that further the completion of a designated segment of the Appalachian Development Highway System under 40 U.S.C. § 14501 or address a surface transportation infrastructure need identified for the Denali access system program under section 309 of the Denali Commission Act of 1998 may apply for up to 100 percent of the project costs. Other Federal assistance may satisfy the non-Rural share requirement for a Rural grant up to 100 percent of project costs.

Please note that the Rural Program has a higher statutory maximum Federal share than Mega and INFRA. Applications which seek funding above the statutory maximum share for MEGA and INFRA will only be eligible for an award from the Rural program.

iv. Universal Cost Sharing or Matching Guidance

Unless otherwise authorized by statute, non-Federal cost-share may not be counted as non-Federal share for both the programs under MPDG and another Federal program. For any project under MPDG, the Department cannot consider previously incurred costs or previously expended or encumbered funds towards the matching requirement. Matching funds are subject to the same Federal requirements described in Section F.2.iii as awarded funds. See Section D.2 for information about documenting cost sharing in the application.

Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, private funds, or other funding sources of non-Federal origin.

For the purpose of evaluating eligibility under the statutory limit on total Federal assistance in the Mega and INFRA programs, funds from TIFIA and RRIF credit assistance programs are considered Federal assistance and, combined with other Federal assistance,

may not exceed 80 percent of the future eligible project costs, except as indicated for the INFRA program (see Section C.2.ii).

v. Coronavirus State and Local Fiscal Recovery Funds (SLFRF)

Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program funds available under sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act (42 U.S.C §§ 802–803) may be used for the provision of government services. A recipient State or local government may use those amounts from their SLFRF funds as non-Federal share of an INFRA or Mega grant. For the applicants seeking funding from the Rural program, if the recipient’s SLFRF payment exceeded their reduction in revenue due to the emergency, the excess amounts cannot be used as non-Federal share.

3. *Eligible Projects*

Each of the three funding opportunities has different statutory rules for what kinds of projects are eligible for funding. Applicants should review this section in determining for which of the three programs they are applying, given the type of project being proposed. Projects may be eligible for funding under multiple MPDG programs and applicants may apply for any program for which their project is eligible.<sup>6</sup>

<b>Eligible Project Types</b>		
<b>Mega</b>	<b>INFRA</b>	<b>Rural</b>
1. A highway or bridge project on the National Multimodal Freight Network 2. A highway or bridge project on the National Highway Freight Network 3. A highway or bridge project on the National Highway System 4. A freight intermodal (including public ports) or	1. A highway freight project on the National Highway Freight Network 2. A highway or bridge project on the National Highway System 3. A freight intermodal, freight rail, or freight project within the boundaries of a public or private freight rail, water (including ports), or	1. A highway, bridge, or tunnel project eligible under National Highway Performance Program 2. A highway, bridge, or tunnel project eligible under Surface Transportation Block Grant 3. A highway, bridge, or tunnel project eligible under Tribal Transportation Program

<sup>6</sup> Project sponsors should also consider using the DOT Discretionary Grant Dashboard tool that can provide lists of DOT and other agency programs based on project or applicant type: <https://www.transportation.gov/grants/dashboard>

<p>freight rail project that provides public benefit</p> <p>5. A railway highway grade separation or elimination project</p> <p>6. An intercity passenger rail project</p> <p>7. A public transportation project that is eligible under assistance under Chapter 53 of title 49 and is a part of any of the project types described above</p>	<p>intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility*</p> <p>4. A highway-railway grade crossing or grade separation project</p> <p>5. A wildlife crossing project</p> <p>6. A surface transportation project within the boundaries or functionally connected to an international border crossing that improves a facility owned by Fed/State/local government and increases throughput efficiency</p> <p>7. A project for a marine highway corridor that is functionally connected to the NHFN and is likely to reduce road mobile source emissions</p> <p>8. A highway, bridge, or freight project on the National Multimodal Freight Network</p>	<p>4. A highway freight project eligible under National Highway Freight Program</p> <p>5. A highway safety improvement project, including a project to improve a high-risk rural road as defined by the Highway Safety Improvement Program</p> <p>6. A project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area</p> <p>7. A project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services</p>
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i. Mega

Eligible projects for Mega grants are: a highway or bridge project on the National Multimodal Freight Network; a highway or bridge project on the National Highway Freight Network; a highway or bridge project on the National Highway System; a freight intermodal (including public ports) or freight rail project that provides public benefit; a railway-highway grade separation or elimination project; an intercity passenger rail project; a public transportation project that is eligible under assistance under Chapter 53 of title 49 U.S.C. and is a part of any of the project types described above; or a grouping, combination, or program of interrelated, connected, or dependent projects of any of the projects described above.



ii. INFRA

Eligible projects for INFRA grants are: highway freight projects carried out on the National Highway Freight Network (NHFN) (23 U.S.C. § 167); highway or bridge projects carried out on the National Highway System (NHS), including projects that add capacity on the Interstate System to improve mobility or projects in a national scenic area; railway-highway grade crossing or grade separation projects; or a freight project that is 1) an intermodal or rail project, or 2) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility; a wildlife crossing project; a surface transportation project within the boundaries of, or functionally connected to, an international border crossing that improves a facility owned by a Federal, State, or local government and increases throughput efficiency; a project for a marine highway corridor that is functionally connected to NHFN and is likely to reduce on-road mobile source emissions; or a highway, bridge, or freight project on the National Multimodal Freight Network under 49 U.S.C. § 70103. To be eligible under INFRA, a project within the boundaries of a freight rail, water (including ports), or intermodal facility must be a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility and must significantly improve freight movement on the NHFN. In this context, improving freight movement on the NHFN may include shifting freight transportation to other modes, thereby reducing congestion and bottlenecks on the NHFN. For a freight project within the boundaries of a freight rail, water (including ports), or intermodal facility, Federal funds can only support project elements that provide public benefits.

iii. Rural

Eligible projects for Rural grants are: a highway, bridge, or tunnel project eligible under National Highway Performance Program (23 U.S.C.119); a highway, bridge, or tunnel project

eligible under Surface Transportation Block Grant (23 U.S.C. 133); a highway, bridge, or tunnel project eligible under Tribal Transportation Program (23 U.S.C. 202); a highway freight project eligible under National Highway Freight Program (23 U.S.C.167); a highway safety improvement project, including a project to improve a high risk rural road as defined by the Highway Safety Improvement Program (23 U.S.C. 148); a project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area; or a project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services.

An eligible entity may bundle two or more similar eligible projects under the Rural program if projects are included as a bundled project in a statewide transportation improvement program under 23 U.S.C. § 135 and will be awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and the eligible entity.

*4. Eligible Project Costs*

The table below defines eligible project costs for each program per the program statutes:

<b>Eligible Project Costs</b>		
<b>Mega</b>	<b>INFRA</b>	<b>Rural</b>
Development-phase activities and costs, including planning, feasibility analysis, revenue forecasting, alternatives analysis, data collection and analysis, environmental review and activities to support environmental review, preliminary engineering and design work, and other preconstruction activities, including the preparation of a data collection and post-construction analysis plan; and, Construction, reconstruction, rehabilitation, acquisition of real	Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, design, and other preconstruction activities, provided the project meets statutory requirements.  Construction, reconstruction, rehabilitation, or acquisition of property (including land related to the project and improvements to the land), environmental mitigation (including a project to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, equipment acquisition, and	Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and,  Construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational

<p>property (including land relating to the project and improvements to that land), environmental mitigation (including projects to replace or rehabilitate culverts or reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, acquisition of equipment, protection, and operational improvements directly relating to the project.</p>	<p>operational improvements directly related to system performance.</p> <p>INFRA grant recipients may use INFRA funds to pay for the subsidy and administrative costs necessary to receive TIFIA credit assistance.</p>	<p>improvements.</p>
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i. Mega

Mega grants may be used for development-phase activities and costs, including planning, feasibility analysis, revenue forecasting, alternatives analysis, data collection and analysis, environmental review and activities to support environmental review, preliminary engineering and design work, and other preconstruction activities, including the preparation of a data collection and post-construction analysis plan; and construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to that land), environmental mitigation (including projects to replace or rehabilitate culverts or reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, acquisition of equipment, protection, and operational improvements directly relating to the project. For single-year Mega awards, Mega grant funds cannot be used until NEPA is complete.

ii. INFRA

INFRA grants may be used for the construction, reconstruction, rehabilitation, or acquisition of property (including land related to the project and improvements to the land), environmental mitigation (including a project to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, equipment acquisition, and operational improvements directly related to system

performance. Statutorily, INFRA grants may also fund development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, design, and other preconstruction activities, provided the project meets statutory requirements. However, the Department is seeking to prioritize INFRA funding for projects that result in construction; as a result, development phase activities may be less competitive under INFRA by nature of the evaluation structure described in Section E. Public-private partnership assessments for projects in the development phase are also eligible costs.

INFRA grant recipients may use INFRA funds to pay for the subsidy and administrative costs necessary to receive TIFIA credit assistance.

iii. Rural

Rural grants may be used for development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

*5. Project Requirements for Each Funding Opportunity*

Applicants need to address only the requirements for the program or programs from which they are requesting funding in their application.

i. Mega

For the purposes of determining whether a project meets the minimum project size requirement, the Department will count all future eligible project costs under the award and some related costs incurred before selection for a Mega grant. Previously incurred costs will be counted

toward the minimum project size requirement only if they were eligible project costs under Section C.4.i and were expended as part of the project for which the applicant seeks funds. Although those previously incurred costs may be used for meeting the minimum project size thresholds described in this Section, they cannot be reimbursed with Mega grant funds, nor will they count toward the project's required non-Federal share.

#### 1. Mega Project Sizes

For each fiscal year of Mega funds, 50 percent of available funds are reserved for projects greater than \$500 million in cost, and 50 percent to projects between \$100 million and \$500 million in cost.

#### 2. Mega Project Requirements

For a Mega project to be selected, the Department must determine that the project meets all six requirements described in 49 U.S.C. § 6701(f)(1) and 49 U.S.C. § 6701(g), which are further described below and in Section E.1.v.b.. If the project consists of multiple components with independent utility, the Department must determine that each component meets each requirement to select it for an award.

Mega Project Requirement #1: The project is likely to generate national or regional economic, mobility, or safety benefits.

Mega Project Requirement #2: The project is in significant need of Federal funding.

Mega Project Requirement #3: The project will be cost-effective.

Mega Project Requirement #4: With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and to cover cost increases.

Mega Project Requirement #5: The applicant has, or will have, sufficient legal, financial, and technical capacity to carry out the project.

Mega Project Requirement #6: The application includes a plan for the collection and analysis of data to identify the impacts of the project and accuracy of forecasts included in the application.

ii. **INFRA**

For the purposes of determining whether a project meets the minimum project size requirement, the Department will count all future eligible project costs under the award and some related costs incurred before selection for an INFRA grant. Previously incurred costs will be counted toward the minimum project size requirement only if they were eligible project costs under Section C.3.ii. and were expended as part of the project for which the applicant seeks funds. Although those previously incurred costs may be used for meeting the minimum project size thresholds described in this Section, they cannot be reimbursed with INFRA grant funds, nor will they count toward the project’s required non-Federal share.

For the INFRA State Incentives Pilot, at least 50 percent of the project’s future eligible project costs must be funded by non-Federal contributions.

(a) Large Projects

The minimum project size for large projects is the lesser of (1) \$100 million; (2) 30 percent of a State’s FY 2022 Federal-aid apportionment if the project is located in one State; or (3) 50 percent of the larger participating State’s FY 2022 apportionment for projects located in more than one State. The following chart identifies the minimum total project cost, rounded up to the nearest million, for projects for FY 2023 for single State projects. If a State is not listed, the minimum for a single state project is \$100 million. All multi-State projects must meet the \$100 million threshold.

State	FY 23 INFRA (30% of FY 22	FY 24 INFRA (30% of FY 23
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	<b>apportionment)</b> <b>One-State Minimum</b> <b>(millions)</b>	<b>apportionment)</b> <b>One-State Minimum</b> <b>(millions)</b>
<b>Delaware</b>	\$68	\$69
<b>Dist. Of Col.</b>	\$64	\$65
<b>Hawaii</b>	\$68	\$69
<b>Maine</b>	\$74	\$75
<b>New Hampshire</b>	\$66	\$67
<b>North Dakota</b>	\$99	\$100
<b>Rhode Island</b>	\$87	\$89
<b>Vermont</b>	\$81	\$83

(b) Small Projects

A small project is an eligible project that does not meet the minimum project size described in Section C.5.ii.

(c) Large/Small Project Requirements

For a large project to be selected, the Department must determine that the project meets seven requirements described in 23 U.S.C. § 117(g) and below, and further described in Section E.1.v.b. and Section D.2.vii. If your project consists of multiple components with independent utility, the Department must determine that each component meets each requirement to select it for an award.

Large Project Requirement #1: The project will generate national or regional economic, mobility, or safety benefits.

Large Project Requirement #2: The project will be cost-effective.

Large Project Requirement #3: The project will contribute to the accomplishment of one or more of the goals described in 23 U.S.C. § 150.

Large Project Requirement #4: The project is based on the results of preliminary engineering.

Large Project Requirement #5: With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases.

Large Project Requirement #6: The project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor.

Large Project Requirement #7: The project is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

For a small project to be selected, the Department must consider the cost-effectiveness of the proposed project, the effect of the proposed project on mobility in the State and region in which the project is carried out, and the effect of the proposed project on safety on freight corridors with significant hazards, such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades.

iii. Rural

For a Rural project to be selected, the Department must determine that the project meets five requirements described in 23 U.S.C. § 173(g) and below, and further described in Section E.1.v.b and Section D.2.vii. If your project consists of multiple components with independent utility, the Department must determine that each component meets each requirement to select it for an award.

Rural Project Requirement #1: The project will generate regional economic, mobility, or safety benefits.

Rural Project Requirement #2: The project will be cost-effective.



Rural Project Requirement #3: The project will contribute to the accomplishment of 1 or more of the national goals under 23 U.S.C. § 150.

Rural Project Requirement #4: The project is based on the results of preliminary engineering.

Rural Project Requirement #5: The project is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

#### 6. *Definition of Rural and Urban Areas*

This section describes the definition of urban and rural areas and the minimum statutory requirements for projects that meet those definitions. The INFRA and Rural program statutes define a rural area as an area outside an Urbanized Area<sup>7</sup> with a population of over 200,000, as designated by the U.S. Census Bureau.<sup>8</sup> Please note that rural and urban definitions differ in some other Department programs, including TIFIA. Cost share requirements and minimum grant awards are the same for projects located in rural and urban areas for MPDG programs. A project located in both an urban area with a population over 200,000 according to the 2020 Census, and a rural area will be designated as urban if the majority of the project's costs will be spent in the urban area with population over 200,000. Conversely, a project located in both an urban area with population over 200,000 and a rural area will be designated as rural if the majority of the project's costs will be spent in the rural areas. However, if a project consists of multiple components, as described under section C.8 or C.9, then for each separate component the Department will determine whether that component is rural or urban. In some circumstances, including networks of projects under section C.9 that cover wide geographic regions, this

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<sup>7</sup> The 2020 Census no longer utilizes the term "urbanized area" but provides designations of "urban areas" and their populations. For the purpose of this NOFO, Census-designated "urbanized area" means Census-designated "urban area".

<sup>8</sup> See [www.transportation.gov/grants/infra-urban-and-rural-areas](http://www.transportation.gov/grants/infra-urban-and-rural-areas) for the list of urban areas with a population of 200,000 or more.

component-by-component determination may result in awards that include urban and rural funds.

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

BIL specifies that the Secretary consider, as an additional consideration for the Mega program, whether a project may benefit an Area of Persistent Poverty or a Historically Disadvantaged Community.

In this context and according to BIL, an Area of Persistent Poverty (APP) 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 decennial census and the most recent (2021) 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; 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: (1) the 1990 decennial census; (2) the 2000 decennial census; and (3) the 2021 Small Area Income Poverty Estimates. Please note that most of these datasets utilize pre-2020 census tracts, but the Department has cross-walked those census tracts to the 2020 census tracts, and lists all current counties and census tracts that meet the definition for Areas of Persistent Poverty at <https://www.transportation.gov/grants/mpdg-areas-persistent-poverty-and-historically-disadvantaged-communities>. If an applicant believes their project qualifies as APP based on the pre-2020 Census tract boundaries that significantly changed and are not aligned with the cross-walked census tracts, they should provide the supporting information for the USDOT to make that determination.

Historically Disadvantaged Communities (HDC) –Consistent with the Office of

Management and Budget (OMB)’s Interim Guidance for the Justice40 Initiative and the 2023 Addendum to this Guidance, Historically Disadvantaged Communities include (1) certain qualifying census tracts identified as disadvantaged due to categories of environmental, climate, and socioeconomic burdens, and (2) any Federally Recognized Tribes or Tribal entities, whether or not they have land.<sup>9</sup> Applicants should primarily use Climate & Economic Justice Screening Tool (CEJST)<sup>10</sup>, a new tool by the White House Council on Environmental Quality (CEQ), that aims to help Federal agencies identify disadvantaged communities as part of the Justice40 initiative to accomplish the goal that 40% of benefits from certain federal investment reach disadvantaged communities. Applicants should use CEJST as the primary tool to identify historically disadvantaged communities (Justice40 communities). Applicants are strongly encouraged to use the USDOT Equitable Transportation Community (ETC) Explorer to understand how their community or project area is experiencing disadvantage related to lack of transportation investments or opportunities. Through understanding how a community or project area is experiencing transportation-related disadvantage, applicants are able to address how the benefits of a project will reverse or mitigate the burdens of disadvantage and demonstrate how the project will address challenges and accrued benefits.

<https://www.transportation.gov/priorities/equity/justice40/etc-explorer>.

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 an area that qualifies as APP or HDC, indicating benefits will flow to that area.

## 8. *Project Components*

An application may describe a project that contains more than one component. The

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<sup>9</sup> [whitehouse.gov/wp-content/uploads/2023/01/M-23-09\\_Signed\\_CEQ\\_CPO.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf).

<sup>10</sup> <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>

Department 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, including the project requirements of the program(s) being applied for described in Sections C and D.2; (2) independently aligns well with the selection criteria specified in Section E; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. In this context, independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of the Department 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. If an application describes multiple components, the application should demonstrate how the components collectively advance the purposes of the funding program or programs for which the applicant is applying. An applicant should not add multiple components to a single application merely to aggregate costs or to avoid submitting multiple applications.

Applicants should be aware that, depending upon applicable Federal law and the relationship among project components, an award funding only some project components may make other project components subject to Federal requirements as described in Section F.2.ii. For example, under 40 CFR § 1509(e), the NEPA review for the funded project component may need to include evaluation of all project components as connected, similar, or cumulative actions.

The Department strongly encourages applicants to identify in their applications the project components that meet the independent utility definition above and separately detail the costs and program funding (Mega, INFRA, and/or Rural) requested for each component.

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 the selection criteria.

#### *9. Network of Projects*

An application may describe and request funding for a network of projects. A network of projects is a single grant award that funds multiple projects addressing the same transportation problem. For example, if an applicant seeks to improve efficiency along a rail corridor, then their application might propose one award for four grade separation projects at four different railway-highway crossings. Each of the four projects would independently increase rail safety and reduce roadway congestion but the overall benefits would be greater if the projects were completed together under a single award.

The Department will evaluate applications that describe networks of projects similar to how it evaluates projects with multiple components. Because of their similarities, the guidance in Section C.8. is applicable to networks of projects, and applicants should follow that guidance on how to present information in their application. As with project components, depending upon applicable Federal law and the relationship among projects within a network of projects, an award that funds only some projects in a network may make other projects subject to Federal requirements as described in Section F.2.

#### *10. Application Limit*

To encourage applicants to prioritize their MPDG opportunity submissions, each eligible applicant may submit three unique applications per grant program (Mega, INFRA, and Rural), for a total application limit of nine. The three-unique-applications-per-grant program

applies only to applications where the applicant is the lead applicant. There is no limit on applications for which an applicant can be listed as a partnering agency. If a lead applicant submits more than three unique applications to a particular grant program as the lead applicant, only the first three received will be considered.

**D. Application and Submission Information**

*1. Address*

Applications must be submitted through [www.Grants.gov](http://www.Grants.gov). Instructions for submitting applications can be found at <https://www.transportation.gov/grants/mpdg-how-apply>.

*2. Content and Form of Application*

The application must include the Standard Form 424 (Application for Federal Assistance), Standard Form 424C (Budget Information for Construction Programs), the “FY 2023-2024 MPDG Project Information Form” available at <https://www.transportation.gov/grants/mpdg-fy-2023-2024-project-information-form>, 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 for Guidance</b>	<b>Page Limit</b>
SF-424 (automatically submitted once complete in grants.gov, not attachment)	SF-424	N/A	N/A
SF-424C (automatically submitted once complete in grants.gov, not attachment)	SF-424C	N/A	N/A
Project Information Form (in Excel, template: <a href="https://www.transportation.gov/grants/mpdg-fy-2023-2024-project-information-form">https://www.transportation.gov/grants/mpdg-fy-2023-2024-project-information-form</a> )	FY 2023 and FY 2024 MPDG Project Information Form	N/A	N/A
Project Description	Project Description	D.2.i	5 pages
Project Location File (zipped Shapefile, KML/KMZ, or GEOJSON)	Location File-State-Project Name (ex: <i>Location File-AK-Highway Project</i> )	D.2.ii	N/A
Project Budget, Sources and Uses of Funding	Project Budget	D.2.iii	5 pages

Funding Commitment Documentation	Funding Commitments	D.2.iii.e	N/A
Outcome Criteria Narrative	Outcome Criteria Narrative	D.2.iv and E.1.i	15 pages
Project Readiness	Project Readiness	D.2.v and E.1.ii	5 pages
Project Requirements	Project Requirements		5 pages
Benefit-Cost Analysis Narrative	BCA Narrative	D.2.vi and E.1.iii.	N/A
Benefit-Cost Analysis Calculations (Excel recommended)	BCA Calculations	D.2.vi. and E.1.iii.	N/A
Mega Data Plan (if applicable)	Mega Data Plan-State-Project Name ( <i>ex: Mega Data Plan-AK-Highway Project</i> )	D.2.viii	N/A
Letters of Support (Optional)	Letters Of Support	D2.iv And E.1.i	N/A
Community Benefits Plan (Optional)	Community Benefits Plan	E.1.ii Criterion number 5	N/A
Title VI Plan (Optional)	Title VI Plan	F.2	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 (outcomes, 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. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. At the applicant's discretion, relevant materials provided previously to a modal administration in support of a different USDOT financial assistance program may be referenced and described as unchanged. DOT expects application files to include the following detailed information:

i. Project Description

This file must provide a description and statement of work for the project 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 and any previously incurred costs. The applicant may use this section to place the project into a broader context of other 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); and
- c) the 2020 Census-designated urban area in which the project is located, if applicable.

ii. Location

Applicants should submit one of the following file types with project location identification, which will be used to verify the urban/rural designation, the Area of Persistent Poverty designation, and the Historically Disadvantaged Community designation. Acceptable file types are zipped Shapefile, KML/KMZ, or GEOJSON

Applicants should submit one of the following file types with project location identification, which will be used to verify the urban/rural designation, and other information in support of the application review. Acceptable file types are zipped Shapefile, KML/KMZ, or GEOJSON. 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.

iii. Project Budget

This section of the application should describe the project's budget, the degree of design

completion for which the cost was estimated, and the plans for covering the full cost of the project from all sources. At a minimum, it should include the following:

- (A) A description of previously incurred costs.
- (B) A budget for future eligible project costs.

The budget should show how each funding source will share in each major construction activity and present those data in dollars and percentages. Funding sources should be grouped into three categories: non-Federal; MPDG; and other Federal. Other Federal grants that have been awarded or for which the project intends to apply for in the future should be described (e.g., FHWA Bridge Investment Program, FTA Capital Investment Grant, etc.), in addition to any Federal formula funds that have been or are planned to be programmed for the project. For each category of Federal funds to be used for future eligible project costs, the amount, nature, and source of any required non-Federal match for those funds should also be described. If the project contains components, the budget must separate the costs of each project component. If the project will be completed in phases, the budget must separate the costs of each phase. If the project can be scaled to one or more components or phases with independent utility, the applicant may provide that information, however each component/phase will need to satisfy relevant statutory requirements to be eligible.

The budget should be detailed enough to demonstrate that the project satisfies the statutory cost-sharing requirements described in Section C.2 and those associated with each category of Federal funding.

Applicants are encouraged to include the following budget table below with future eligible project cost details:

Table 1:

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

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

(C) Information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated cost increases, and a description of the degree of design completion for which the cost was estimated.

(D) The amount of the requested MPDG funds that would be subject to the limit on freight rail, port, and intermodal infrastructure described in Section B.2.ii., if being considered for INFRA funding.

(E) If the project is located only partially within an urbanized area, the budget needs to separate the costs between the areas designated as urban and rural. If a project is located only partially within an Area of Persistent Poverty or Historically Disadvantaged Community, the budget needs to separate the costs between the areas with different designations. Applicants are encouraged to complete Table 2 in these cases:

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>
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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.

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 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 source of funds is available for expenditure only during a fixed period, the application should describe that restriction.

Complete information about project funds will ensure that the Department’s expectations for award execution align with any funding restrictions unrelated to the Department, even if an award differs from the applicant’s request.

The Department is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. The Department also recognizes that applicants may be seeking discretionary grant funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple Department discretionary opportunities or seek a combination of funding from multiple Department opportunities. The applicant should indicate, within the Federal funding description, details as to what other potential Department programs and opportunities they intend to solicit funds, and what award amounts they will be seeking.

iv. Project Outcome Criteria

This section of the application should demonstrate how the project aligns with the

Project Outcome Criteria described in Section E.2 of this notice. The Department encourages applicants to address each criterion as it applies to the funding programs to which they are applying or else to expressly state that the project does not address the criterion. Insufficient information to assess any criterion will negatively impact the project rating. The application shall address each criterion separately and promote a clear discussion that assists project evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

Guidance describing how the Department will evaluate projects against the Project Outcome Criteria is in Section E.2 of this notice. Applicants also should review that section before considering how to organize their application.

#### Criterion #1: Safety

This section of the application should describe the anticipated outcomes of the project that support the Safety criterion (described in Section E.2 of this notice). The applicant should include information on, and to the extent possible, quantify, how the project will target known, documented safety problems within the project area or wider transportation network, and demonstrate how the project will protect all users of the transportation system and/or communities and local residents from health and safety risks. The application should provide evidence to support the claimed level of effectiveness of the project in protecting all travelers, communities, and local residents, including vulnerable users, from health and safety risks, such as the number and rate of reduced crashes, serious injuries, and/or fatalities. If the project is providing increased access to commercial motor vehicle parking (truck parking), the application should provide information demonstrating the lack of parking in the area and evidence estimating the number of vehicles that will use the new parking.

## Criterion #2: State of Good Repair

This section of the application should describe how the project will contribute to a state of good repair by restoring and modernizing core infrastructure assets and/or addressing current or projected system vulnerabilities (described in Section E.2 of this notice). The application should include information on the current condition of all assets that will be affected by the project, how the proposed project will improve asset condition, plans to ensure the ongoing state of good repair of new assets constructed as part of the project, and any estimates of impacts on long-term cost structures or overall life-cycle costs.

## Criterion #3: Economic Impacts, Freight Movement, and Job Creation

This section of the application should describe how the project will contribute to at least one of the following outcomes: (1) increase intermodal and/or multimodal freight mobility, especially for existing freight bottlenecks; (2) improve multimodal transportation systems that incorporate affordable transportation options such as public transit to improve mobility of people and goods; (3) improve regional and local economic performance by increasing land use productivity at intermodal and/or multimodal freight facility or decrease housing and transportation costs by increasing land use productivity, particularly mixed-income and affordable housing, near reliable and timely access to employment centers, job opportunities and essential services; (4) enhance recreational and tourism opportunities by providing access to Federal lands (including national parks, national forests, national recreation areas, national wildlife refuges, and wilderness areas) or State parks or increasing economic activity along rural main streets or downtowns; (5) result in high-quality job creation by supporting good-paying jobs with a free and fair choice to join a union in project construction and in on-going operations and maintenance, and incorporate strong labor standards, such as through the use of project labor agreements; (6) invest in high-quality workforce training programs such as registered

apprenticeship programs and joint-labor management training programs<sup>11</sup> to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences that will promote the entry and retention of local underrepresented populations into those jobs including women, people of color, and people with convictions; (7) foster economic growth and development while creating long-term high-quality jobs, while addressing acute challenges, such as energy sector job losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of Executive Order 14008<sup>12</sup>; (8) promote integrated land use, economic development and transportation planning that facilitates greater public and private investments in land-use productivity, including rural main street revitalization, equitable commercial and mixed-income residential development; or (9) help the U.S. compete in a global economy by encouraging the location of important industries and future innovations and technology in the U.S., and facilitating efficient and reliable freight movement.

#### Criterion #4: Climate Change, Resiliency, and the Environment

This section of the application should describe how the project will incorporate considerations of climate change, sustainability, and environmental justice in the planning stage and in project delivery, such as through incorporation of specific design elements that address climate change and environmental impacts. The application should describe the degree to which the project is expected to reduce transportation-related pollution such as air pollution and greenhouse gas emissions, increase use of and access to lower-carbon travel modes such as transit and active transportation, improve the resiliency of at-risk<sup>13</sup> infrastructure, infrastructure through

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<sup>11</sup> <https://www.apprenticeship.gov/>

<sup>12</sup> [https://netl.doe.gov/sites/default/files/2021-04/Initial%20Report%20on%20Energy%20Communities\\_Apr2021.pdf](https://netl.doe.gov/sites/default/files/2021-04/Initial%20Report%20on%20Energy%20Communities_Apr2021.pdf)

<sup>13</sup> For the MPDG opportunity, at-risk infrastructure is defined as infrastructure that is subject to, or faces increased long-term

nature-based or other solutions, incorporate lower-embodied carbon pavement and construction materials, and/or address the disproportionate negative environmental impacts of transportation on disadvantaged communities. The application should explain to what extent the project will prevent stormwater runoff that would be a detriment to aquatic species and ecosystems. The application should describe whether the project will promote energy efficiencies, support fiscally responsible land use and transportation efficient design that reduces greenhouse gas emissions, improve public health and increase use of lower-carbon travel modes such as transit, active transportation and multimodal freight, incorporate electrification or zero emission vehicle infrastructure, increase resilience to all hazards, incorporate nature-based solutions, and/or recycle or redevelop brownfield sites, particularly in communities that disproportionately experience climate-change-related consequences. The application should describe if projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard 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.)

Criterion #5: Equity, Multimodal Options, and Quality of Life

This section of the application should describe how the project will proactively address equity and barriers to opportunity, improve quality of life in rural areas or urbanized areas, and benefit Historically Disadvantaged Communities or populations, or Areas of Persistent Poverty. This may include increasing affordable transportation and location-efficient housing choices, especially for transportation disadvantaged communities.

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future risks of, a weather event, a natural disaster, or changing conditions, such as flooding, 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.



Applicants are encouraged to use USDOT's Equitable Transportation Community (ETC) Explorer to understand how their community or project area is experiencing disadvantage related to lack of transportation investments or opportunities. Through understanding how a community or project area is experiencing transportation-related disadvantage, applicants are able to address how the benefits of a project will reverse or mitigate the burdens of disadvantage and demonstrate how the project will address challenges and accrued benefits.

It should also describe how the project has or will meaningfully engage and incorporate feedback from communities affected by the project, with effective public participation that is accessible to all persons regardless of race, color, national origin, disability, age, and sex. Equity considerations should be integrated into planning, development, and implementation of transportation investments, including utilization of Disadvantaged Business Enterprises (DBEs). The application should describe any public involvement plan or targeted outreach, demonstrating engagement of diverse input such as community-based organizations during project planning and consideration of such input in the decision-making. The project application should describe planning and engagement with diverse community representatives, especially representatives from vulnerable populations and disadvantaged communities, in the project design phase to mitigate and, to the greatest extent possible, prevent, physical and economic displacement. The applicant may also use this section to describe comprehensive planning and policies to promote hiring of underrepresented populations including local and economic hiring preferences and investments in high-quality workforce development programs with supportive services, including labor-management programs, to help train, place, and retain people in good-paying jobs or registered apprenticeships.

#### Criterion #6: Innovation Areas: Technology, Project Delivery, and Financing

This section of the application should contain sufficient information to evaluate how the

project can be transformative in achieving program goals and includes or enables innovation in: (1) the accelerated deployment of innovative and secure-by-design technology, including expanded access to broadband; (2) use of innovative permitting, contracting, and other project delivery practices; and (3) innovative financing. If the project does not address a particular innovation area, the application should state this fact. Please see Section E.1.a for additional information.

v. Benefit-Cost Analysis

This section describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) narrative and calculation file. Applicants should also review DOT's detailed guidance on how to conduct a BCA, which is available on the MPDG grant program website (see <https://www.transportation.gov/grants/infra-additional-guidance>). Additional background on how DOT uses benefit-cost analysis can be found here:

<https://www.transportation.gov/grants/dot-navigator/what-is-a-benefit-cost-analysis>.

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. Applicants should provide a BCA 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, such as ecosystem services. 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

vi. Project Readiness

This file should include information that addresses the Environmental Risk and Technical Capacity considerations as described in Section E.1.iv. The Financial Completeness Assessment will be based on information contained throughout the budget file of the application. Guidance describing how the Department will evaluate a project’s readiness is described in Section E of this notice. Applicants also should review that section before considering how to organize their application. The Project Readiness file should include the following sections:

(a) Environmental Risk

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.iv. 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:

- all necessary activities will be complete to allow MPDG funds to be obligated<sup>14</sup> sufficiently in advance of September 30, 2026. This is the INFRA and Rural statutory deadline for FY 2023 funds. For Mega, there is no statutory obligation deadline; however, the Department seeks projects that will begin construction before September 30, 2026. While FY 2024 INFRA and Rural funds have a later statutory deadline, the Department will evaluate all applications according to the 2026 deadline.
- any unexpected delays will not put the funds at risk of expiring before they are obligated;
- the project can begin construction quickly upon obligation of grant funds, and that the grant funds will be spent expeditiously once construction starts; and
- all real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no acquisition is necessary. A plan for securing any required Right-of-Way agreements should be included. If applicable, this section should describe a right-of-way acquisition plan that minimally disrupts communities and maintains community cohesion.

ii. Required Approvals

The application should demonstrate receipt (or reasonably anticipated receipt) of all

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<sup>14</sup> Obligation occurs when a selected applicant enters a written, project-specific agreement with the Department and is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements.

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>15</sup> indicate the status of such actions, and provide detailed information about the status of

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<sup>15</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.

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.
- G.** State and Local Approvals. The applicant should demonstrate receipt of 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.

**H. Federal Transportation Requirements Affecting State and Local Planning.** The planning requirements applicable to the relevant operating administration apply to all MPDG grant projects, including projects located at airport facilities. 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 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 disadvantaged communities or other communities with environmental justice concerns, 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 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 applications will be evaluated for Environmental Risk, see Section E.1.iv of this NOFO.

(b) Technical Capacity

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.iv of this NOFO.

vii. Statutory Project Requirements

To select a project for award, the Department must determine that the project—as a whole, as well as each independent component of the project—satisfies statutory requirements relevant to the program from which it will receive an award. This section of the application should describe how the project as a whole, and each independent component, meets the following requirements. Applicants are not required to reproduce the table below in their application, but following this format will help evaluators identify the relevant information that supports each large project determination. Supporting information provided in appendices may be referenced.

<b>Statutory Selection Requirements</b>			
<b>23 U.S.C. 117 INFRA</b>	<b>49 U.S.C. 6701 Mega</b>	<b>23 U.S.C. 173 Rural</b>	<b>Guidance</b>
(1) The project will generate national, or regional economic, mobility, or safety benefits	(1) The project is likely to generate national or regional economic, mobility, safety benefits	(1) The project will generate regional economic, mobility, or safety benefits	Summarize the economic, mobility, and safety benefits of the project and independent project components, and describe the scale of their impact in national or regional terms.
(2) The project will be cost effective	(2) The project will be cost effective	(2) The project will be cost effective	Highlight the results of the BCA, as well as the analyses of independent project components if applicable. A project is cost-effective if the benefit-cost ratio is greater than 1.
(3) The project will contribute to 1 or more of the national goals described under Section 150	<i>No statutory requirement</i>	(3) The project will contribute to 1 or more of the national goals described under Section 150	Specify the Goal(s) and summarize how the project and independent project components contribute to that goal(s).
(4) The project is based on the results of preliminary engineering	<i>No statutory requirement</i>	(4) The project is based on the results of preliminary engineering	<p>For a project or independent project component to be based on the results of preliminary engineering, please indicate which of the following activities have been completed as of the date of application submission:</p> <ul style="list-style-type: none"> <li>• Environmental Assessments</li> <li>• Topographic Surveys</li> <li>• Metes and Bounds Surveys</li> <li>• Geotechnical Investigations</li> <li>• Hydrologic Analysis</li> <li>• Utility Engineering</li> <li>• Traffic Studies</li> <li>• Financial Plans</li> <li>• Revenue Estimates</li> <li>• Hazardous Materials Assessments</li> <li>• General estimates of the types and quantities of materials</li> <li>• Other work needed to establish parameters for the final design.</li> </ul> <p>If one or more of these studies was included in a larger plan or document not described above, please explicitly state that and reference the document.</p>

<p>(5) With respect to related non-federal financial commitments, 1 or more stable and dependable sources of funding and financing are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases</p>	<p>(3) With respect to non-federal financial commitments, 1 or more stable and dependable sources are available to construct, operate, and maintain the project, and to cover cost increases</p>	<p><i>No statutory requirement</i></p>	<p>Please indicate funding source(s) and amounts that will account for all project costs, broken down by independent project component, if applicable. Demonstrate that the funding is stable, dependable, and dedicated to this specific project by referencing the STIP/TIP, a letter of commitment, a local government resolution, memorandum of understanding, or similar documentation. Please state the contingency amount available for the project.</p>
<p>(6) The project cannot be easily and efficiently completed without other Federal funding or financing available to the project sponsor</p>	<p>(4) The project is in significant need of Federal funding</p>	<p><i>No statutory requirement</i></p>	<p>Describe the potential negative impacts on the proposed project if the MPDG grant (or other Federal funding) was not awarded. Respond to the following:</p> <ol style="list-style-type: none"> <li>1. How would the project scope be affected if MPDG (or other Federal funds) were not received?</li> <li>2. How would the project schedule be affected if MPDG (or other Federal funds) were not received?</li> <li>3. How would the project cost be affected if MPDG (or other Federal funds) were not received?</li> </ol> <p>If there are no negative impacts to the project scope, schedule, or budget if MPDG funds are not received, state that explicitly. Impacts to a portfolio of projects will not satisfy this requirement; please describe only project-specific impacts. Re-stating the project's importance for national or regional economic, mobility, or safety will not satisfy this requirement.</p>
<p>(7) The project is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project</p>	<p><i>No statutory requirement</i></p>	<p>(5) The project is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project</p>	<p>Please provide expected obligation date and construction start date, referencing project budget and schedule as needed. If the project has multiple independent components, or will be obligated and constructed in multiple phases, please provide sufficient information to show that</p>

			each component meets this requirement.
<i>No statutory requirement</i>	(5) The applicant has, or will have, sufficient legal, financial, and technical capacity to carry out the project.	<i>No statutory requirement</i>	The Department will base its determination on the project risks as assessed by the Environmental Risk, Financial Completeness, and Technical Capacity evaluators. For example, if the evaluators find the project has an incomplete financial plan, that will inform whether the Department makes this determination. Similar consideration will be given to the technical capacity and environmental risk ratings.
<i>No statutory requirement</i>	(6) The application includes a plan for the collection and analysis of data to identify the impacts of the project and accuracy of forecasts included in the application.	<i>No statutory requirement</i>	This section of the application should refer to the data plan attachment. The Department will base its determination on the inclusion of a data plan that meets requirements described in the next section.

For an INFRA small project to be selected, the Department must consider the cost effectiveness of the proposed project, the effect of the proposed project on mobility in the State and region in which the project is carried out, and the effect of the proposed project on safety on freight corridors with significant hazards such as high winds, heavy snowfall, flooding, earthquakes, landslides, wildfire, wildlife crossing onto the roadway, or steep grades. If an applicant seeks an award for an INFRA small project, it should use this section to provide information on the project’s cost effectiveness, including by summarizing the results of the benefit-cost analysis for the project, and the project’s effect on the mobility in its State and region, and the effect of the proposed project on safety of freight corridors with significant

hazards, or refer to where else the information can be found in the application.

viii. Mega Data Plan (if applicable)

In accordance with 49 U.S.C. 6701(g), a Mega grant applicant is required to submit, as an attachment to their application, a plan for the collection and analysis of data to identify the impacts of the project and the accuracy of any forecast prepared during the development phase of the project and included in the grant application. The contents of the plan must include A) an approach to measuring impacts to proposed project outcome criteria as described in Section E and B) an approach for analyzing the consistency of predicted impacts with actual outcomes.

Upon award, the plan will be reviewed and used to inform the performance measures collections that are required of Mega recipients. Therefore, the data plan should include specific performance measures related to program goals (e.g., travel time savings, greenhouse gas emissions, passenger counts, or level of service) among other information. Performance indicators should include measurable goals or targets, and to the extent possible, should align with the estimated impacts to the outcome criteria described in the application.<sup>16</sup> Before the start of construction of the Mega project, the project sponsor must submit a report providing baseline data for the purpose of analyzing the long-term impact of the project. Not later than six (6) years after the date of substantial completion of a project, the eligible entity carrying out the project shall submit a project outcomes report that compares the baseline data to quarterly project data for the duration of the fifth year of the project after substantial completion.

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<sup>16</sup> The Department may in the future publish a more detailed framework for performance measure data collection that will: indicate standardized measurement approaches; data storage system requirements; and any other requirements the Secretary determines to be necessary.

MPDG applicants that are opting out of Mega may also choose to submit a data plan if they intend to participate in the voluntary performance measures reporting pilot for the INFRA and Rural programs described in Section F.3. Participation in the performance measures reporting pilot does not make applications more competitive for those programs.

### *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. The Department may not make an MPDG grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Department is ready to make an MPDG grant, the Department may determine that the applicant is not qualified to receive an MPDG grant and use that determination as a basis for making an MPDG grant to another applicant.

### *4. Submission Dates and Times*

Applications must be submitted by August 21, 2023. The Grants.gov “Apply” function will open by June 26, 2023. To submit an application through Grants.gov, applicants must:

- (1) Obtain a Unique Entity Identifier (UEI) number;<sup>17</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 also

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<sup>17</sup> 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.

respond to the registration email from Grants.gov and login at Grants.gov to authorize the POC as an Authorized Organization Representative (AOR). Please note that there can only be one AOR per organization.

Please note that the Grants.gov registration process usually takes 2-4 weeks to complete, and that the Department will not consider late applications. 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 or email [support@grants.gov](mailto:support@grants.gov).

#### *5. Funding Restrictions*

##### *a. Mega*

BIL specifies that 50 percent of available Mega funds are set aside for projects between \$100 million and \$500 million in cost. The remaining available Mega funds, less 2 percent for program administration, are for projects greater than \$500 million in cost.

##### *b. INFRA*

The Department will make awards under the INFRA program to both large and small projects (refer to section C.5.ii for a definition of large and small projects). For a large project, BIL specifies that an INFRA grant must be at least \$25 million. For a small project, including both construction awards and project development awards, the grant must be at least \$5 million. For each fiscal year of INFRA funds, a minimum of 15 percent of available funds are reserved for small projects, and a maximum of 85 percent of funds are reserved for large projects.

The program statute specifies that not more than 30 percent of INFRA grants for each



of the fiscal years 2022 to 2026 may be used for grants to freight rail, water (including ports and marine highway corridors), other freight intermodal projects that make significant improvements to freight movement on the National Highway Freight Network or National Multimodal Freight Network, wildlife crossing projects, projects located within or functionally connected to an international border crossing area in the United States, improves a transportation facility owned by a Federal, State, or local government entity, and projects that increase the throughput efficiency of border crossings. As much as \$900-950 million may be available within this provision for FY 23 and FY 24. Only the nonhighway portion(s) of multimodal projects count toward this limit.

Grade crossing and grade separation projects do not count toward the limit for freight rail, port, and intermodal projects. The Department may award less than the full amount available under this provision.

The program statute requires that at least 25 percent of the funds provided for INFRA large project grants must be used for projects located in rural areas, as defined in Section C.6. The program statute requires that at least 30 percent of the funds provided for INFRA small project grants must be used for projects located in rural areas, as defined in Section C.6. The Department may elect to go above that threshold. The USDOT must consider geographic diversity among grant recipients, including the need for a balance in addressing the needs of urban and rural areas.

BIL specifies that \$150 million in available INFRA funding for each of the fiscal years 2022 to 2026 be set aside for an INFRA Leverage Pilot program. The INFRA Leverage Pilot program will fund projects with a Federal share of less than 50 percent. Not less than 10 percent of the INFRA Leverage Pilot funds will be awarded to small INFRA projects, as defined in Section C.5.ii.(b), and not less than 25 percent of the INFRA Leverage Pilot funds

will be awarded to rural projects, as defined in Section C.6.

c. Rural

The Department will make awards under the Rural program. All funding under this program will be awarded to projects defined as rural projects, as defined in Section C.6. BIL specifies that at least 90 percent of Rural grant amounts must be at least \$25 million, and up to 10 percent of Rural grants may be for grant amounts of less than \$25 million. BIL specifies that 15 percent of the Rural program funds shall be reserved for eligible projects located in States that have rural roadway fatalities as a result of lane departures that are greater than the average of rural roadway fatalities as a result of lane departures in the United States.<sup>18</sup> This is defined based on five-year rolling average of rural roadway departure fatality rate per 100 million VMT. BIL specifies that 25 percent of the Rural program funds shall be reserved for eligible projects that further the completion of designated routes of the Appalachian Development Highway System under 40 U.S.C. § 14501.

*6. Other Submission Requirements*

a. Consideration of Application

Only applicants who comply with all submission deadlines described in this notice and submit applications through Grants.gov will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

b. Late Applications

Any applications that Grants.gov time stamps after 11:59:59 PM EDT on August 21, 2023,

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<sup>18</sup> States with above average rural roadway departure fatalities (based on five-year rolling average of rural roadway departure fatality rate per 100 million VMT) include: Alabama; Alaska; Arkansas; Idaho; Iowa; Kansas; Kentucky; Louisiana; Maine; Mississippi; Missouri; Montana; Nebraska; New Mexico; North Carolina; North Dakota; Oklahoma; Oregon; South Carolina; South Dakota; Tennessee; Vermont; Virginia; West Virginia; Wyoming.

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.

## **E. Application Review Information**

### *1. Criteria*

#### i. Overall Application Rating

The Department will assign each eligible project a rating of Highly Recommended, Recommended, or Not Recommended for each of the grant programs for which the applicant is applying. The rating will be assigned by the Department on the following basis, which synthesizes statutory requirements and project outcome, economic analysis, project readiness ratings:

A rating of “Not Recommended” will be assigned to projects that:

- The Department determines do not meet one or more statutory requirements for award, or additional information is required for one or more statutory requirements; or
- Receive a low rating in one or more of project outcome, economic analysis, or project readiness; or
- Are otherwise identified by the Senior Review Team to not be suitable for a grant award based on its weakness within a Project Outcome Area.

A rating of “Highly Recommended” will be assigned to projects that:

- The Department determines meet all statutory requirements for award and receive high ratings in all of project outcomes, economic analysis, and project readiness; or
- Meet all statutory requirements for award and are otherwise determined by the Senior Review Team to be an exemplary project of national or regional significance that generates significant benefits in one of the project outcome areas.

A rating of “Recommended” will be assigned to projects that:

- The Department determines meet all statutory requirements for award; and
- Are not otherwise assigned a “Highly Recommended or “Not Recommended” rating.

ii. Project Outcome Criteria

The Department will consider the extent to which the project addresses the following project outcome criteria, which are explained in greater detail below and reflect the key program objectives described in Section A: (1) safety; (2) state of good repair; (3) economic impacts, freight movement, and job creation; (4) climate change, resiliency, and the environment; (5) equity, multimodal options, and quality of life; and (6) innovation areas: technology, project delivery, and financing. For each project outcome area, the Project Outcome Analysis team will assign a 0, 1, 2, or 3 according to the scoring rubrics in the sections below.

Applications are not required to score highly in each criterion, but project sponsors are encouraged to propose projects that score highly in as many areas as possible. The Department will assign a high, medium-high, medium, medium-low, and low project outcome rating on the following basis:

<b>Score:</b>	<b>Rating</b>
At least three 3’s, no 0’s	High
At least one 3, no 0’s	Medium-High
No 3’s, no 0’s	Medium
No more than one 0	Medium-Low
Two or more 0’s	Low

Projects seeking funding from the Rural program in amounts less than \$25 million are not expected to address all six outcome areas. Instead, Rural program applicants seeking amounts

less than \$25 million may submit a streamlined application that only addresses three outcome areas: Safety; Climate Change, Resiliency, and the Environment; and Equity, Multimodal Options, and Quality of Life. If the application addresses all six outcome areas, then the application will receive the full Outcome review described above. For this limited subset of projects, the scoring rubric is below:

<b>Score:</b>	<b>Rating</b>
At least two 3's, no 0's	High
At least one 3, no 0's	Medium-High
No 3's, no 0's	Medium
No more than one 0	Medium-Low
Two or more 0's	Low

If an application to the Rural program addresses all six outcome areas, then the application will receive the full Outcome review described above. Applications to the Rural program that address 4 or 5 criteria will be treated as though similarly to those that addressed only the three outcome areas listed above.

**Criterion #1: Safety**

The Department will consider the extent to which the project targets a known safety problem and seeks to protect motorized and non-motorized travelers and communities and local residents, including vulnerable users, from health and safety risks. The Department will consider the project's estimated impacts on the number, rate, and consequences of crashes, fatalities, and serious injuries among transportation users; the degree to which the project addresses vulnerable roadway users; and the degree to which the project addresses inequities in crash victims; the project's incorporation of roadway design and technology that is proven to improve safety. Applicants are encouraged to support actions and activities identified in the

National Roadway Safety Strategy ([National Roadway Safety Strategy | US Department of Transportation](#)).<sup>19</sup>

The Department is also focused on the national priority of addressing the shortage of long-term parking for commercial motor vehicles on the National Highway System. Projects which increase access to truck parking generate safety benefits for motorized and non-motorized users as well as commercial vehicle operators.

Score	Safety Criterion	Example
0	The project negatively affects safety	Example: The project is likely to result in increased numbers of fatalities and injuries on a per-user basis due to unsafe design.
1	The application does not contain enough information to assess whether the project results in safety benefits.	Example 1: The application does not describe safety impacts of the project. Example 2: Whether the project results in safety benefits is ambiguous.
2	The project results in safety benefits matching one or more of the descriptions below, BUT safety is not a primary project purpose or the project does not otherwise meet the description of a “3” rating. <ul style="list-style-type: none"> <li>• Reduces fatalities and/or serious injuries</li> <li>• Protects non-motorized travelers, motorized travelers, or communities/local residents from safety risks</li> <li>• Implements actions and activities identified in the National Roadway Safety Strategy</li> <li>• Targets the shortage of long-term parking for commercial motor vehicles on the National Highway System</li> <li>• Promotes safer speeds in all roadway environments through a combination of thoughtful, equitable, context-appropriate roadway design, targeted education, outreach campaigns, and enforcement</li> </ul>	Example: The project results in measurable reductions in crashes, fatalities, or serious injuries to the traveling public, including vulnerable roadway users, by adopting actions and activities identified in the National Roadway Safety Strategy.
3	Safety is a primary purpose of the project AND the project results in clear and direct safety benefits matching one or more of the descriptions below.	Example: The project targets a well-known safety problem; results in a significant reduction in fatalities or serious injuries to motorized and nonmotorized users. The project incorporates

<sup>19</sup> <https://www.transportation.gov/NRSS> <https://www.transportation.gov/NRSS>

	<ul style="list-style-type: none"> <li>• <i>Significantly</i> reduces fatalities and/or serious injuries, bringing them below the state-wide average</li> <li>• <i>Significantly</i> protects vulnerable or non-motorized users from health and safety risks</li> </ul>	innovative roadway design or technology aimed at protecting the health and safety of vulnerable roadway users.
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Criterion #2: State of Good Repair

DOT will consider the extent to which the project: (1) is consistent with relevant plans to maintain transportation facilities or systems in a state of good repair, including Department-required asset management plans; and (2) addresses current and projected vulnerabilities that, if left unimproved, will threaten future transportation network efficiency, mobility of goods or accessibility and mobility of people, or economic growth. The Department will also consider whether the project includes a plan to maintain the transportation infrastructure built with grant funds in a state of good repair. The Department will prioritize projects that ensure the good condition of transportation infrastructure, including rural transportation infrastructure, and support commerce and economic growth. Projects that represent routine or deferred maintenance will be less competitive in this criterion. Per FHWA’s published *Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America*,<sup>20</sup> the Department encourages applicants to improve the condition and safety of existing State and locally owned transportation infrastructure within the right-of-way.

Score	State of Good Repair Criterion	Example
0	The project negatively affects state of good repair	Example: The project ignores pre-existing maintenance liabilities and increases ongoing maintenance costs without a clear plan to manage or maintain the expanded infrastructure.
1	The application does not contain enough information to assess whether the project results in state of good repair benefits.	Example: The project is identified in the sponsor’s Asset Management Plan, but it is difficult to verify that the infrastructure asset will operate at a full level of performance after the project improvements.

<sup>20</sup> [https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/building\\_a\\_better\\_america-policy\\_framework.pdf](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/building_a_better_america-policy_framework.pdf)

2	<p>The project results in state of good repair benefits matching one or more of the descriptions below, BUT state of good repair is not primary project purpose or the project does not otherwise meet the description of a “3” rating.</p> <ul style="list-style-type: none"> <li>• Restores existing core infrastructure at the end of its useful life to a state of good repair</li> <li>• Creates new infrastructure in remote communities that will be maintained in a state of good repair, as evidenced by the project’s inclusion in an Asset Management Plan</li> </ul>	<p>Example: The project is identified in the sponsor’s Asset Management Plan and will repair or rebuild an infrastructure asset so that will operate at a full level of performance.</p>
3	<p>State of good repair is a primary purpose of the project AND the project results in clear and direct state of good repair benefits matching one or more of the descriptions below.</p> <ul style="list-style-type: none"> <li>• Restores <i>and modernizes</i> existing core infrastructure (such as through road diets, complete streets, or other design improvements) that will result in lower long-term maintenance costs</li> <li>• Addresses current and projected vulnerabilities that if left unaddressed will threaten future transportation network efficiency, mobility of goods or people, or economic growth.</li> </ul>	<p>Example: The project is identified in the sponsor’s Asset Management Plan, will repair or rebuild an infrastructure asset so that will operate at a full level of performance, and is designed to significantly reduce future operation and maintenance costs throughout the asset life, beyond the costs saved from the initial project expenditure, and/or that will significantly lengthen the standard useful life of the asset.</p>

Criterion #3: Economic Impacts, Freight Movement, and Job Creation

The Department will consider the extent to which the project can be anticipated to contribute to one or more of the following outcomes: (1) improve intermodal and/or multimodal freight mobility, especially for existing freight and supply chain bottlenecks; (2) improve multimodal transportation systems that incorporate affordable transportation options to improve mobility of people and goods; (3) decrease transportation costs and improve access to employment centers and job opportunities; (4) enhance recreational and tourism opportunities by providing access to Federal land, national parks, national forests, national recreation areas, national wildlife refuges, wilderness areas, or State parks or increasing economic activity along rural main streets or downtowns; (5) result in high quality job creation by supporting good-paying jobs with a free and fair choice to join a union, in project



construction and in on-going operations and maintenance, and incorporate strong labor standards, such as through the use of project labor agreements; (6) invests in high-quality workforce training programs such as registered apprenticeship programs and joint-labor management training programs<sup>21</sup> to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences that will promote the entry and retention of local underrepresented populations into those jobs including women, people of color, and people with convictions; (7) foster economic growth and development while creating long-term high quality jobs, while addressing acute challenges, such as energy sector job losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of Executive Order 14008; (8) promote integrated land use, economic development, and transportation planning that facilitates greater public and private investments in sustainable land-use productivity, including rural main street revitalization, equitable commercial and mixed-income residential development; or (9) help the United States compete in a global economy by encouraging the location of important industries and future innovations and technology in the U.S. and facilitating efficient and reliable freight movement.

<b>Score:</b>	<b>Economic Impacts, Freight Movement, and Job Creation Criterion</b>	<b>Example</b>
0	The project negatively impacts “Economic Impacts, Freight Movement, and Job Creation”	Example: The project will detract from local economic activity by demolishing existing homes, businesses, or rendering future development impossible, while failing to generate any appreciable benefits to freight mobility or job accessibility.
1	The application does not contain enough information to assess whether the project results in “Economic Impacts, Freight Movement, and Job Creation” benefits.	Example 1: The project sponsor provides some justification, but with minimal evidence, that the project will help to positively impact regional economic development in the area or help to offset job losses in the area. Example 2: The project sponsor provides minimal evidence that the project will create high quality jobs with a free choice to join a union or the incorporation of strong labor standard and practice, such as project

<sup>21</sup> <https://www.apprenticeship.gov/> <https://www.apprenticeship.gov>

		labor agreements, use of registered apprenticeships or other joint labor-management training programs, and the use of an appropriately credentialed workforce.
2	<p>The project results in “Economic Impacts, Freight Movement, and Job Creation” benefits matching one or more of the descriptions below, BUT “Economic Impacts, Freight Movement, and Job Creation” is not the primary project purpose or the project does not otherwise meet the description of a “3” rating.</p> <p><i>Economic Impacts:</i></p> <ul style="list-style-type: none"> <li>• Improves multimodal transportation systems that incorporate affordable transportation options to improve mobility of people and goods</li> <li>• Decreases transportation costs and improves access to employment centers and job opportunities</li> <li>• Enhances recreational and tourism opportunities by providing access to Federal land, national parks, national forests, national recreation areas, national wildlife refuges, wilderness areas, or State parks</li> <li>• Help the United States compete in a global economy by encouraging the location of important industries and future innovations and technology in the U.S. and facilitating efficient and reliable freight movement</li> </ul> <p><i>Freight Movement:</i></p> <ul style="list-style-type: none"> <li>• Improve intermodal and/or multimodal freight mobility, especially for bottlenecks</li> </ul> <p><i>Job Creation:</i></p> <ul style="list-style-type: none"> <li>• Results in high quality job creation by supporting good-paying jobs with a free and fair choice to join a union, in project construction and in on-going operations and maintenance</li> <li>• Results in workforce opportunities for historically underrepresented groups, such as through the use of local hire provisions or other workforce strategies targeted at or jointly developed with historically underrepresented groups, to support project development</li> </ul>	<p>Example 1: The project sponsor demonstrates some or limited new short-term or long-term job creation as a result of the project and it is documented by a signed letter from a business(es) stating the amount of new jobs to be created, and how the project is vital to the creation of those jobs.</p> <p>Example 2: The project opens additional new tourism or recreational access and is aligned with a plan that demonstrates that intention.</p> <p>Example 3: The project sponsor demonstrates some evidence that the project will create high quality jobs with a free choice to join a union or the incorporation of strong labor standard and practice, such as project labor agreements, use of registered apprenticeships or other joint labor-management training programs, and the use of an appropriately credentialed workforce.</p>
3	“Economic Impacts, Freight Movement, and Job Creation” is a primary purpose of the project	Example 1: The project expands <i>direct</i> access to a national park, with demonstrable benefits to the

<p>AND the project results in clear and direct “Economic Impacts, Freight Movement, and Job Creation” benefits matching one or more of the descriptions below.</p> <p><i>Economic Impact:</i></p> <ul style="list-style-type: none"> <li>• Demonstrates that the project will directly, and in the near-term, result in greater public and private investments in land-use productivity, including rural main street revitalization, equitable commercial and mixed-income residential development.</li> <li>• Enhances recreational and tourism opportunities by providing <i>direct</i> access to Federal land, national parks, national forests, national recreation areas, national wildlife refuges, wilderness areas, or State parks</li> </ul> <p><i>Freight Movement:</i></p> <ul style="list-style-type: none"> <li>• Improve intermodal and/or multimodal freight mobility along corridors identified as major freight highway bottlenecks or congested corridors ranked in the top 100 of FHWA’s Freight Mobility Trends Report 2019</li> </ul> <p><i>Job Creation:</i></p> <ul style="list-style-type: none"> <li>• Result in high quality job creation by supporting good-paying jobs with a free and fair choice to join a union, in project construction and in on-going operations and maintenance, and incorporate strong labor standards, such as through the use of project labor agreements</li> </ul> <p>Invests in high-quality workforce training programs such as registered apprenticeship programs and joint-labor management training programs<sup>22</sup> to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences that will promote the entry and retention of local underrepresented populations into those jobs including women, people of color, and people with convictions</p>	<p>recreational and tourism economic activity in a rural area.</p> <p>Example 2: The project sponsor demonstrates that the project addresses a national supply chain bottleneck (identified in the top 100 nationwide), the main goal of the project is to positively impact that bottleneck, and ample evidence is provided that shows significant national supply chain benefits from the project.</p> <p>Example 3: The project sponsor provided a letter from a labor union or worker organization that describes the number and characteristics of the high-quality jobs on the project, and indicating that the project sponsor intends to utilize a project-labor agreement.</p>
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<sup>22</sup> <https://www.apprenticeship.gov/> <https://www.apprenticeship.gov>

#### Criterion #4: Climate Change, Resiliency, and the Environment

The Department will consider the extent to which the project incorporates considerations of climate change, environmental impacts and environmental justice<sup>23</sup> in the planning stage and in project delivery. The Department will evaluate the degree to which the project is expected to reduce transportation-related pollution such as air pollution and greenhouse gas emissions, shift to use of lower-carbon travel modes such as transit and active transportation, improve the resilience of at-risk infrastructure to climate change and other natural hazards, incorporate lower-embodied carbon pavement and construction materials, and/or address the disproportionate negative environmental impacts of transportation on disadvantaged communities. DOT will evaluate the extent to which the project prevents stormwater runoff that would be a detriment to aquatic species and ecosystems. The Department will also consider whether the project will promote energy efficiency, support fiscally responsible land use and transportation efficient design, facilitate the production or preservation of location-efficient affordable housing, incorporate electrification or zero-emission vehicle infrastructure, incorporate enhance climate resilience, advance integration of nature-based solutions, and/or to provide other societal benefits, and recycle or redevelop brownfield sites, particularly in communities that disproportionately experience climate-change-related consequences. The Department will consider whether projects in floodplains are upgraded 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 Executive Order 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further*

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<sup>23</sup> 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.

*Soliciting and Considering Stakeholder Input* (80 FR 6425).

The Department will assess whether the project has addressed environmental sustainability, including but not limited to consideration of the following examples:

- (1) The project results in greenhouse gas emissions reductions relative to a no-action baseline;
- (2) A Local/Regional/State Climate Action Plan that results in lower greenhouse gas emissions has been prepared and the project directly supports that Climate Action Plan;
- (3) The regional transportation improvement program (TIP) or statewide transportation improvement program (STIP) is based on integrated land use and transportation planning and design that increases low-carbon mode travel, reduction of greenhouse gases and vehicle miles traveled or multimodal transportation choices and/or incorporates electrification or zero emission vehicle infrastructure.
- (4) Applicants used the Climate and Economic Justice Screening Tool (CEJST), a tool created by the White House Council on Environmental Quality (CEQ), that aims to help Federal agencies identify disadvantaged communities as part of the Justice40 initiative to accomplish the goal that 40% of benefits from certain federal investment reach disadvantaged communities. Applicants should use the CEJST to identify disadvantaged communities, per [M-23-09](#),<sup>24</sup> and can use the USDOT's Equitable Transportation Community (ETC) Explorer 1 to understand how their community or project area is experiencing disadvantage related to lack of transportation investments or opportunities and to assess benefits flowing to disadvantaged communities. Through understanding how a community or project area is experiencing transportation-related disadvantage, applicants are able to address how the benefits of a project will reverse or mitigate

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<sup>24</sup> See Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the Climate and Economic Justice Screening Tool (CEJST) (Jan. 27, 2023), [whitehouse.gov/wp-content/uploads/2023/01/M-23-09\\_Signed\\_CEQ\\_CPO.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf); <https://screeningtool.geoplatform.gov>.

the burdens of disadvantage and demonstrate how the project will address challenges and accrued benefits;

(5) A Local/Regional/State Energy Baseline Study has been prepared and the project directly supports that study;

(6) The project supports a modal shift in freight (e.g., from highway to rail) or passenger movement (e.g., from driving to transit, walking, and/or cycling) to reduce emissions. The project utilizes demand management strategies to reduce congestion, induced travel demand, and greenhouse gas emissions;

(7) The project incorporates electrification infrastructure (e.g., installation of electric vehicle charging stations, zero-emission vehicle infrastructure, or both);

(8) The project promotes energy efficiency;

(9) The project serves renewable energy supply chains;

(10) The project improves disaster preparedness and resilience to all hazards;

(11) The project incorporates nature-based solutions, and/or avoids adverse environmental impacts to air or water quality, ecosystems, and endangered species, such as through reduction in Clean Air Act criteria pollutants and greenhouse gases, improved stormwater management, or improved habitat connectivity;

(12) The project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm (e.g., brownfield redevelopment);

(13) The project supports or incorporates the construction of energy- and location-efficient buildings, including residential or mixed-use development; or

(14) The project proposes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both.

<b>Score:</b>	<b>Climate Change, Resiliency, and the</b>	<b>Example</b>
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	<b>Environment Criterion</b>	
0	The project negatively impacts “Climate Change, Resiliency, and the Environment”	Example: The project will increase GHG and harmful pollutant emissions while failing to contribute to increased resiliency or addressing other environmental harms.
1	The application does not contain enough information to assess whether the project results in “Climate Change, Resiliency and the Environment” benefits.	Example: The project will add capacity to the 2-mile roadway segment which may induce additional VMT increasing emissions, however, potential congestion reduction may reduce some emissions leaving the overall emissions picture ambiguous, particularly when combined with other resiliency and environmental benefits.
2	<p>The project results in “Climate Change, Resiliency, and the Environment” benefits matching one or more of the descriptions below, BUT “Climate Change, Resiliency, and the Environment” is not primary project purpose or the project does not otherwise meet the description of a “3” rating.</p> <ul style="list-style-type: none"> <li>• Reduces air pollution and greenhouse gas emissions from transportation,</li> <li>• Incorporates lower-embodied carbon pavement and construction materials</li> <li>• Explicitly considers climate change and environmental justice in the planning and design stage, particularly in communities that disproportionately experience climate change consequences</li> <li>• Incorporates electrification or zero emission vehicle infrastructure</li> <li>• Incorporates nature-based solutions</li> <li>• Reduces air or water pollution, recycles or redevelops brownfield sites</li> <li>• Results in a modal shift that reduces emissions</li> <li>• Promotes energy efficiencies</li> <li>• Serves the renewable energy supply chain</li> <li>• Improves the resilience of at-risk infrastructure, including upgrade of projects in floodplains</li> </ul>	<p>Example 1: The project will provide alternative transportation modes to access the technology park by adding a separated bicycle lane and dedicating one of the roadway lanes to new bus service. These added travel options to the technology park will offer lower carbon travel modes to workers getting to work in the park.</p> <p>Example 2: The project is aimed at reconstructing a vulnerable transportation facility with a design specifically addressing resilience—flood mitigation measures and stormwater infrastructure, including nature-based elements, that will help keep the roadway operable consistently in spite of increased frequency of climate-related flood events.</p>
3	<p>“Climate Change, Resiliency, and the Environment” is a primary purpose of the project AND the project results in clear and “Climate Change, Resiliency, and the Environment” benefits matching one or more of the descriptions below.</p> <ul style="list-style-type: none"> <li>• <i>Significantly</i> reduces air pollution and greenhouse gas emissions from transportation as a result of modal shift or electrification</li> </ul>	<p>Example: The project’s goal is to incentivize carpooling and eliminate a major roadway bottleneck with an average length of 4.93 miles and average daily duration of 1 hour 15 minutes and AADT of 37,238. The project will provide free flow travel by adding a high-occupancy-vehicle lane for 3+ passengers and a gateless toll gantry thereby encouraging carpooling and reduce traffic and vehicular idling thereby reducing CO2 tail pipe emissions by 60 percent along this segment of road. In addition, the project will install 10 public EV chargers at an existing park and</p>

	<ul style="list-style-type: none"> <li>• Explicitly considers climate change and environmental justice in the planning and design stage, particularly in communities that disproportionately experience climate change consequences, as captured by the CEJST tool</li> <li>• Improves the resiliency of at-risk infrastructure, including upgrades to projects in floodplains, while NOT increasing air pollution and greenhouse gas emissions through increased capacity and induced demand.</li> </ul>	ride facility a 1/4 mile off the roadway.
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Criterion #5: Equity, Multimodal Options, and Quality of Life

The Department will consider the extent to which the project improves quality of life in rural areas or urbanized areas. This may include projects that:

- (1) increase affordable and accessible transportation choices and equity for individuals, including disadvantaged communities;
- (2) improve access to emergency care, essential services, healthcare providers, , or drug and alcohol treatment and rehabilitation centers;
- (3) reduce transportation and housing cost burdens, including through public and private investments to support greater commercial and mixed-income residential development near public transportation, along rural main streets or in walkable neighborhoods;
- (4) increase the walkability, accessibility for pedestrians and encourage thriving communities for individuals to work, live, and play by creating transportation choices for individuals to move freely with or without a car in a healthy environment;
- (5) proactively address equity<sup>25</sup> or other disparities and barriers to opportunity, through the planning process or through incorporation of design elements;

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<sup>25</sup> Definitions for “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).



- (6) have engaged, or will engage, diverse people and communities and demonstrate that equity considerations and community input and ownership, particularly among disadvantaged communities, are meaningfully integrated into planning, development, and implementation of transportation investments. Competitive applications should demonstrate strong collaboration and support among a broad range of stakeholders, including community-based organizations, other public or private entities, and labor unions; or
- (7) support a Local/Regional/State Equitable Development Plan.

The Department will assess whether the project proactively addresses equity and barriers to opportunity, including but not limited to the following examples:

- (1) An equity impact analysis has been completed for the project;
- (2) The project sponsor has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure equity in the overall project delivery and implementation;
- (3) The project includes comprehensive planning and policies to promote hiring of underrepresented populations including local and economic hiring preferences and investments in high-quality workforce development programs with supportive services, including labor-management programs, to help train, place, and retain people in good-paying jobs or registered apprenticeship.
- (4) The project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation;

- (5) The project includes new or improved walking and bicycling infrastructure, reduces automobile dependence, and improves access for people with disabilities and proactively incorporates Universal Design<sup>26</sup>; or
- (6) The project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities;

The Department will also consider the extent to which the project benefits a Historically Disadvantaged Community, or Areas of Persistent Poverty, as defined in Section C of this Notice.

In addition to the Climate and Economic Justice Screening Tool, which is the tool to use to identify disadvantaged communities<sup>27</sup>, as discussed in the eligibility section above, applicants are also encouraged to use USDOT’s Equitable Transportation Community (ETC) Explorer to understand how their community or project area is experiencing disadvantage related to lack of transportation investments or opportunities. Through understanding how a community or project area is experiencing transportation-related disadvantage, applicants are able to address how the benefits of a project will reverse or mitigate the burdens of disadvantage and demonstrate how the project will address challenges and accrued benefits.

<b>Score:</b>	<b>Equity, Multimodal Options, and Quality of Life Criterion</b>	<b>Example</b>
0	The project negatively impacts “Equity, Multimodal Options, and Quality of Life”	Example: The project exacerbates existing inequitable outcomes by constructing new barriers to walking and biking and burdening a disadvantaged community with higher costs.
1	The application does not contain enough information to assess whether the project results in “Equity, Multimodal Options, and Quality of Life” benefits.	Example 1: The project sponsor has developed and published a general equity policy statement for their agency but has not demonstrated any other equity considerations for the actual project.

<sup>26</sup> “Universal design” is a concept in which products and environments are designed to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. For more information:

<https://www.section508.gov/develop/universal-design/>

<sup>27</sup> <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>

		Example 2: The project sponsor has created additional multimodal access in conjunction with the project, but only as a minimum project requirement, and not as a result of intentional planning efforts.
2	<p>The project results in “Equity, Multimodal Options, and Quality of Life” benefits matching one or more of the descriptions below, BUT “Equity, Multimodal Options, and Quality of Life” is not a primary project purpose or the project does not otherwise meet the description of a “3” rating.</p> <ul style="list-style-type: none"> <li>• Increases affordable and accessible transportation choices</li> <li>• Improves access to emergency care, essential services, healthcare providers, or drug and alcohol treatment and rehabilitation centers</li> <li>• Results in lower transportation and housing cost burdens, including through public and private investments to support greater commercial and mixed-income residential development near public transportation, along rural main streets or in walkable neighborhoods</li> <li>• Increases the walkability, accessibility for pedestrians and encourage thriving communities for individuals to work, live, and play by creating transportation choices for individuals to move freely with or without a car in a healthy environment</li> </ul>	<p>Example 1: The project is transforming roadway conditions or adding functionality that improves access to emergency care and essential services in a rural area.</p> <p>Example 2: The project sponsor is supporting workforce development programs, including labor-management programs, local hire provisions and incorporating workforce strategy into project development in a manner that produces non-trivial benefits.</p>
3	<p>“Equity, Multimodal Options, and Quality of Life” is a primary purpose of the project AND the project results in clear and direct “Equity, Multimodal Options, and Quality of Life” benefits matching one or more of the descriptions below.</p> <ul style="list-style-type: none"> <li>• The project is located in an Area of Persistent Poverty or Historically Disadvantaged Community AND the project directly benefits the population in that area</li> <li>• The project sponsor has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure equity in the overall project delivery and implementation</li> <li>• The project includes comprehensive planning and policies to promote hiring of underrepresented populations including local and economic hiring preferences and investments in high-quality workforce</li> </ul>	<p>Example: The project sponsor includes new and/or greatly improved multimodal access across previously bifurcated disadvantaged neighborhoods, and demonstrates how specifically the disadvantaged neighborhoods will be positively impacted, and how those improvements were as a result of intentional planning and public input.</p>

	<p>development programs with supportive services, including labor-management programs, to help train, place, and retain people in good-paying jobs or registered apprenticeship.</p> <ul style="list-style-type: none"> <li>• The project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation</li> <li>• The project includes new or improved walking and bicycling infrastructure, reduces automobile dependence, and improves access for people with disabilities and proactively incorporates Universal Design</li> <li>• The project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities</li> </ul>	
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**Criterion #6: Innovation Areas: Technology, Project Delivery, and Financing**

Consistent with the Department’s Innovation Principles<sup>28</sup> to support workers, to allow for experimentation and learn from failure, to provide opportunities to collaborate, and to be flexible and adapt as technology changes, the Department will assess the extent to which the applicant uses innovative and secure-by-design strategies, including: (1) innovative technologies, (2) innovative project delivery, or (3) innovative financing.

**Innovative Technology:** Consistent with the Department’s Innovation Principles, the Department will assess innovative and secure-by-design technological approaches to transportation, particularly in relation to automated, connected, and electric vehicles and the detection, mitigation, and documentation of safety risks. When making grant award decisions, the

<sup>28</sup> <https://www.transportation.gov/priorities/innovation/us-dot-innovation-principles>

Department will consider any innovative technological approaches proposed by the applicant, particularly projects that incorporate innovative technological design solutions, enhance the environment for connected, electric, and automated vehicles, or use technology to improve the detection, mitigation, and documentation of safety risks.

Innovative technological approaches may include, but are not limited to:

- Conflict detection and mitigation technologies (e.g., intersection alerts and signal prioritization);
- Dynamic signaling, smart traffic signals, or pricing systems to reduce congestion;
- Traveler information systems, to include work zone data exchanges;
- Signage and design features that facilitate autonomous or semi-autonomous vehicle technologies;
- Applications to automatically capture and report safety-related issues (e.g., identifying and documenting near-miss incidents);
- Vehicle-to-Everything (V2X) Technologies (e.g., technology that facilitates passing of information between a vehicle and any entity that may affect the vehicle);
- Vehicle-to-Infrastructure (V2I) Technologies (e.g., digital, physical, coordination, and other infrastructure technologies and systems that allow vehicles to interact with transportation infrastructure in ways that improve their mutual performance);
- Vehicle-to-Grid Technologies (e.g., technologies and infrastructure that encourage electric vehicle charging, and broader sustainability of the power grid);
- Cybersecurity elements to protect safety-critical systems;
- Broadband deployment and the installation of high-speed networks concurrent with the transportation project construction;

- Technology at land and seaports of entry that reduces congestion, wait times, and delays, while maintaining or enhancing the integrity of our border;
- Work Zone data exchanges or related data exchanges; or
- Other Intelligent Transportation Systems (ITS) that directly benefit the project's users or workers, such as a project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services.

For innovative safety proposals, the Department will evaluate safety benefits that those approaches could produce and the broader applicability of the potential results. The Department 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>29</sup>

**Innovative Project Delivery:** The Department 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.

The Department also seeks projects that employ innovative approaches to improve the efficiency and effectiveness of the environmental permitting and review to accelerate project delivery and achieve improved outcomes for communities and the environment. The Department's objective is to achieve timely and consistent environmental review and permit decisions. Participation in innovative project delivery approaches will not remove any statutory

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<sup>29</sup> <https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.216>

requirements affecting project delivery.

**Innovative Financing:** The Department will assess the extent to which the project incorporates innovations in transportation funding and finance through both traditional and innovative means, including by using private sector funding or financing or using congestion pricing or other demand management strategies to address congestion. This includes the use of non-traditional sources of transportation funding to leverage traditional federal sources of funding to expand the overall investment in transportation infrastructure.

<b>Score:</b>	<b>Innovation Criterion</b>	<b>Example</b>
0	The project negatively impacts Innovation	Example: The project removes previously installed innovative technology.
1	The application does not contain enough information to assess whether the project is results in Innovation benefits.	Example: The project references the incorporation of innovative technologies but does not elaborate on the benefits of those technologies or demonstrate how those technologies align with USDOT’s innovation principles.
2	The project results in Innovation benefits matching one or more of the descriptions below, BUT Innovation is not a primary project purpose or the project does not otherwise meet the description of a “3” rating. <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>	Example 1: The project incorporates some or limited amount of materials or construction processes that reduce greenhouse gas emissions. Example 2: The project incorporates innovative technology that advances USDOT innovation goals and employs innovative project delivery methods that will accelerate delivery and achieved improved outcomes.
3	Innovation is a primary purpose of the project AND the project results in clear and Innovation benefits matching <b>two or more</b> of the descriptions below. (Benefits can be within the same area) <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</li> </ul> </li> </ul>	Example: The project incorporates a significant amount of materials or construction processes that reduce greenhouse gas emissions and will uses practices to facilitate accelerated project delivery.

	<ul style="list-style-type: none"> <li>risks; or <ul style="list-style-type: none"> <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>	
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iii. Economic Analysis Rating

The Department will consider a project’s benefits as compared to its costs to determine whether a project is cost effective and assign an economic analysis rating. To the extent possible, the Department will rely on quantitative, evidence-based, and data-supported analysis, including an assessment of the project’s estimated benefit-cost ratio (BCR) based on the applicant-supplied BCA described in Section D.2.v. Based on the Department’s assessment, the Department will assign an economic analysis rating of high, medium-high, medium, medium-low, or low according to the following table:

<b>Rating</b>	<b>Description</b>
High	The project’s benefits will exceed its costs, with a benefit-cost ratio of at least 1.5
Medium-High	The project's benefits will exceed its costs
Medium	The project's benefits are likely to exceed its costs
Medium-Low	The project's costs are likely to exceed its benefits
Low	The project’s costs will exceed its benefits



iv. Project Readiness Rating

The Department will consider project readiness to assess the likelihood of a successful project. In that project readiness analysis, the Department will consider three evaluation ratings: Environmental Risk, Technical Capacity Assessment, and Financial Completeness Assessment. As described in section D.2.vi, the application should contain information that explicitly addresses Environmental Risk and Technical Capacity, but the Financial Completeness Assessment will be based on information contained in the application budget. Low ratings in any of these readiness areas do not disqualify projects from award but may result in a “Not Recommended” overall rating. Competitive applications should 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 approvals negatively affecting project obligation as described in Section D.2.vi. of this 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.

(d) Major Project Cost Review (\$1 billion and higher requests only)

Applications which are seeking \$1 billion or more in MPDG funding will be reviewed by a Major Project Cost Review team who will assess, based on the current phase of project development, whether the current project’s estimated costs are reasonable and whether lower cost alternatives exist. The team will rely on the information in the Project Readiness and Project Budget submissions and may also seek additional information from the applicant during their review. This analysis will not result in formal rating but may be used by the Senior Review Team

in their assignment of an Overall rating or by the Secretary while making final selections. It may also be used to identify projects for targeted technical assistance or inform project oversight decisions.

(e) Overall Readiness Rating

The Project Readiness Ratings—Environmental Review and Permitting Risk, Financial Completeness, and Technical Capacity—will be translated to a high, medium-high, medium, medium-low, or low rating, using the table below:

<b>Rating</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Technical Capacity Assessment</b>	Uncertain: The team is not confident in the applicant's capacity to deliver this project in a manner that satisfies Federal requirements	Somewhat Certain/Unknown: The team is moderately confident in the applicant's capacity to deliver the project in a manner that satisfies Federal requirements	Certain: The team is confident in the applicant's capacity to deliver the project in a manner that satisfies Federal requirements
<b>Financial Completeness</b>	Incomplete Funding: The project lacks full funding, or one or more Federal or non-Federal match sources are still uncertain as to whether they will be secured in time to meet the project's construction schedule	Partially Complete/Appears Stable and Highly Likely to be Available: Project funding is not fully committed but appears highly likely to be secured in time to meet the project's construction schedule	Complete, Stable and Committed: The Project's Federal and non-Federal sources are fully committed—and there is demonstrated funding available to cover contingency/cost increases.
<b>Environmental Review and Permitting Risk</b>	High Risk: The project has not completed or begun NEPA and there are known environmental or litigation concerns associated with the project.	Moderate Risk: The project has not completed NEPA or secured necessary Federal permits, and it is uncertain whether they will be able to complete NEPA or secure necessary Federal permits in the time necessary to meet their project schedule.	Low Risk: The Project has completed NEPA, or it is highly likely that they will be able to complete NEPA and other environmental reviews in the time necessary to meet their project schedule.

Score:	Rating
All 3's	High
Two 3's, one 2	Medium-High
One 3, two 2's	Medium
All 2's	Medium-Low
Any 1's	Low

v. Additional Considerations

a. Geographic Diversity

By statute, when selecting MPDG projects, the Department must consider contributions to geographic diversity among recipients, including the need for a balance between the needs of rural and urban communities. The Department will consider whether the project is located in an Area of Persistent Poverty or a Historically Disadvantaged Community, as defined in Section C of this Notice.

The Department will also consider whether the project is located in the Department or Federally designated area such as a qualified opportunity zone, Empowerment Zone, Promise Zone, Choice Neighborhoods, DOE-Energy Communities, USDA's Rural Partner Network, DOT Thriving Communities, or the Interagency Thriving Communities Network. Applicants can find additional information about each of the designated zones at the sites below:

- Opportunity Zones: (<https://opportunityzones.hud.gov/>)
- Empowerment Zones: (HUD)
- Promise Zones:  
([https://www.hud.gov/program\\_offices/field\\_policy\\_mgt/fieldpolicymgt/z](https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgt/z))
- Choice Neighborhoods:  
([https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/ph/cn](https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn))
- DOE's Energy Communities: (<https://energycommunities.gov/priority-energy-communities/>)
- USDA's Rural Partners Network: (<https://www.rural.gov/community-networks/all-community-networks>)
- DOT Thriving Communities: (<https://www.transportation.gov/grants/thriving-communities/tcp-fy-2022-selected-recipients>)

A project located in a Federally designated community development zone is more competitive than a similar project that is not located in a Federally designated community development zone. The Department will rely on applicant-supplied information to make this determination and will only consider this if the applicant expressly identifies the designation in their application.

b. Evaluation of Project Requirements

The following table describes how the Department will evaluate the statutory Project requirements for the MPDG opportunity:

<b>Statutory Selection Requirements</b>			
<b>23 U.S.C. 117 INFRA (Large projects only)</b>	<b>49 U.S.C. 6701 Mega</b>	<b>23 U.S.C. 173 Rural</b>	<b>Evaluation</b>
(1) The project will generate national, or regional economic, mobility, or safety benefits	(1) The project is likely to generate national or regional economic, mobility, safety benefits	(1) The project will generate regional economic, mobility, or safety benefits	The Department will base its determination on the assessment of this information by Project Outcome evaluators.
(2) The project will be cost effective	(2) The project will be cost effective	(2) The project will be cost effective	The Department will base its determination on the ratio of project benefits to project costs as assessed by the Economic Analysis Team. A project is cost-effective if the benefit-cost ratio is greater than 1.
(3) The project will contribute to 1 or more of the national goals described under Section 150	<i>No statutory requirement</i>	(3) The project will contribute to 1 or more of the national goals described under Section 150	The Department will base its determination on the assessment of this information by Project Outcome evaluators. The Section 150 national goals are: (1) Safety (2) Infrastructure condition (3) Congestion reduction (4) System reliability (5) Freight movement and economic vitality (6) Environmental sustainability (7) Reduced project delivery delays

<p>(4) The project is based on the results of preliminary engineering</p>	<p><i>No statutory requirement</i></p>	<p>(4) The project is based on the results of preliminary engineering</p>	<p>Evaluators will verify which, if any, of the following activities have been completed as of the date of application submission:</p> <ul style="list-style-type: none"> <li>• Environmental Assessments</li> <li>• Topographic Surveys</li> <li>• Metes and Bounds Surveys</li> <li>• Geotechnical Investigations</li> <li>• Hydrologic Analysis</li> <li>• Utility Engineering</li> <li>• Traffic Studies</li> <li>• Financial Plans</li> <li>• Revenue Estimates</li> <li>• Hazardous Materials Assessments</li> <li>• General estimates of the types and quantities of materials</li> <li>• Other work needed to establish parameters for the final design.</li> </ul>
<p>(5) With respect to related non-federal financial commitments, 1 or more stable and dependable sources of funding and financing are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases</p>	<p>(3) With respect to non-federal financial commitments, 1 or more stable and dependable sources are available to construct, operate, and maintain the project, and to cover cost increases</p>	<p><i>No statutory requirement</i></p>	<p>A project meets this requirement if the application demonstrates that funding sources adequate to complete the proposed project are dedicated to the proposed project and are highly likely to be available within the proposed project schedule, and if it provides evidence of contingency funding in the project budget. The Department will base its determination on an assessment of this information by financial completeness evaluators.</p>
<p>(6) The project cannot be easily and efficiently completed without other Federal funding or financing available to the project sponsor</p>	<p>(4) The project is in significant need of Federal funding</p>	<p><i>No statutory requirement</i></p>	<p>Evaluators will note the potential negative impacts on the proposed project if the MPDG grant (or other Federal funding) was not awarded, including:</p> <ol style="list-style-type: none"> <li>1. How would the project scope be affected if MPDG (or other Federal funds) were not received?</li> <li>2. How would the project schedule be affected if MPDG (or other Federal funds) were not received?</li> <li>3. How would the project cost be affected if MPDG (or other Federal funds) were not received?</li> </ol>

			<p>If there are no negative impacts to the project scope, schedule, or budget if MPDG funds are not received, state that explicitly. (If this is the case, DOT will determine the project does NOT meet the requirement).</p> <p>Impacts to a portfolio of projects will not satisfy this requirement. Re-stating the project’s importance for national or regional economic, mobility, or safety will not satisfy this requirement.</p>
(7) The project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project	<i>No statutory requirement</i>	(5) The project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project	The Department will base its determination on the schedule presented in the application and may also consider the Environmental Risk rating.
<i>No statutory requirement</i>	(5) The applicant has, or will have, sufficient legal, financial, and technical capacity to carry out the project.	<i>No statutory requirement</i>	The Department will base its determination on the project risks as assessed by the Environmental Risk, Financial Completeness, and Technical Capacity evaluators. For example, if the evaluators find the project has an incomplete financial plan, that will inform whether the Department makes this determination. Similar consideration will be given to the technical capacity and environmental risk ratings.
<i>No statutory requirement</i>	(6) The application includes a plan for the collection and analysis of data to identify the impacts of the project and accuracy of forecasts included in the application.	<i>No statutory requirement</i>	The Department will base its determination on the inclusion of a data plan that meets requirements described in Section D.2.

For Small INFRA projects to be selected, the Department must consider: the cost effectiveness of the proposed project; the effect of the proposed project on mobility in the State and region in which the project is carried out; and the effect of the proposed project on safety



on freight corridors with significant hazards, such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades. The Department will consider a Small INFRA project's cost effectiveness as described in section E.1.iii. The Department will consider the effect of the proposed project on mobility as part of the Economic Impacts and Equity Project Outcome Areas. The Department will consider the effect on safety on freight corridors with significant hazards as part of the Climate, Safety, and Economic Impact Project Outcome areas.

vi. Previous Awards

The Department may consider whether the project has previously received an award from RAISE, MPDG, or other departmental discretionary grant programs.

*2. Review and Selection Process*

The MPDG evaluation process consists of an Analysis Phase and Senior Review Phase. In the Analysis Phase, teams will, for each project, determine whether the project satisfies statutory requirements and rate how well it addresses the selection criteria using the rating system described in section E.1. If an applicant opts out of a specific program, then the Department will not consider whether the proposed project meets that program's requirements.

The Senior Review Team (SRT) will consider the applications and the technical evaluations, assign an overall rating according to the methodology described in section E.1. Once every project has been assigned an overall rating for each program, all Highly Recommended projects are added to a proposed list of Projects for Consideration for that program. The SRT will review if the proposed list of Projects for Consideration under each program is sufficient to satisfy program set-asides and geographic diversity requirements. If

not, 'Recommended' projects may be added to each program's proposed list of Projects for Consideration until each program's list can satisfy necessary program set asides and geographic diversity requirements. The SRT can add a Recommended project only if (1) that project directly addresses an identified insufficiency related to the program set-asides, geographic diversity requirements, or to ensure there are sufficient projects to distribute all available funds, *and* (2) the SRT treats all similarly situated Recommended projects the same.

For each program, the SRT will present the list of Projects for Consideration to the Secretary, either collectively or through a representative. The SRT may advise the Secretary on any project on the list of Projects for Consideration, including options for reduced awards, but the Secretary makes final project selections. The Secretary must prioritize selections from among the projects assigned a "Highly Recommended" Rating. The Secretary's selections identify the applications that best address program requirements and are most worthy of funding.

### *3. Additional Information*

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

## **F. Federal Award Administration Information**

### *1. Federal Award Notices*

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects at <https://www.transportation.gov/grants/mpdg-announcement> Following the announcement, the Department will contact the point of contact listed in the SF 424 to initiate negotiation of a project-specific agreement.

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

#### *i. Safety Requirements*

The Department will require MPDG projects to meet two general requirements related to safety. First, MPDG projects must be part of a thoughtful, data-driven approach to safety. Each State maintains a strategic highway safety plan.<sup>30</sup> MPDG projects will be required to incorporate appropriate elements that respond to priority areas identified in that plan and are likely to yield safety benefits. Second, MPDG projects will incorporate appropriate safety-related activities that the Federal Highway Administration (FHWA) has identified as “proven safety countermeasures” due to their history of demonstrated effectiveness.<sup>31</sup>

After selecting MPDG recipients, the Department will work with those recipients on a project-by-project basis to determine the specific safety requirements that are appropriate for each award.

#### *ii. Program Requirements*

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

Each applicant selected for MPDG grant funding must demonstrate effort to

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<sup>30</sup> Information on State-specific strategic highway safety plans is available at [https://safety.fhwa.dot.gov/shsp/other\\_resources.cfm](https://safety.fhwa.dot.gov/shsp/other_resources.cfm).

<sup>31</sup> Information on FHWA proven safety countermeasures is available at: <https://safety.fhwa.dot.gov/provencountermeasures/>.

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).<sup>32</sup>

(b) Equity and Barriers to Opportunity

Each applicant selected for MPDG grant funding must demonstrate effort to improve equity and reduce barriers to opportunity as described in Section A. Projects that have not sufficiently considered equity and barriers to opportunity 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).<sup>33</sup>

(c) Labor and Work

Each applicant selected for MPDG 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 high labor standards as described in Section A. To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the Department of Labor, the applicants will be required to do so before receiving funds for construction, consistent with Executive Order 14025, *Worker Organizing and Empowerment* (86

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<sup>32</sup> An illustrative example of how these requirements are applied to recipients can be found here: <https://www.transportation.gov/grants/infra-grant-implementation/infra-fy22-fhwa-general-terms-and-conditions>

<sup>33</sup> An illustrative example of how these requirements are applied to recipients can be found here: <https://www.transportation.gov/grants/infra-grant-implementation/infra-fy22-fhwa-general-terms-and-conditions>

FR 22829), and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335).

As expressed in section A, equal employment opportunity is an important priority. The Department wants to ensure that project sponsors have the support they need to meet requirements under 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% of construction project hours being performed by women and goals that vary based on geography for construction work hours and for work being performed by people of color.<sup>34</sup> The U.S. Department of Labor's Office of Federal Contract Compliance Programs (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. Through the program, OFCCP offers contractors and subcontractors extensive compliance assistance, conducts compliance evaluations, and helps to build partnerships between the project sponsor, prime contractor, subcontractors, and relevant stakeholders. 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

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<sup>34</sup> <https://www.dol.gov/sites/dolgov/files/ofccp/ParticipationGoals.pdf>

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>.

(d) Critical Infrastructure Security, Resilience, and Cybersecurity

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including physical and cyber risks, consistent with *Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience, and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems*. Each applicant selected for MPDG grant funding 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 and the Department of Homeland Security, will be required to do so before receiving funds.

iii. Other Administrative and Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by the Department at 2 CFR part 1201. INFRA and Rural grant funds are made available under title 23 of the United States Code and generally subject to the requirements of that title. Consistent with 23 U.S.C. §§ 117(l) and 173(o), for freight projects awarded INFRA grant funds and all projects award Rural grant funds, the project will be treated as if it is

located on a Federal-aid highway. The Department will also treat non-Freight projects eligible for INFRA funding under 23 U.S.C. § 117(c)(1)(A)(iv)–(vii) as though they are federal-aid highway projects for the purposes of applying federal requirements. For projects awarded Mega grant funds, the project will be treated in relation to project’s modal nature: the requirements of title 23 shall apply to a highway, road or bridge project; the requirements of chapter 53 of title 49 of the United States Code shall apply to a transit project; the requirements of 49 U.S.C. § 22905 shall apply to a rail project or component; and, the requirements of 49 U.S.C. § 5333 shall apply to any public transportation component of a project. Additionally, as permitted under the requirements described above, applicable Federal laws, rules, and regulations of the relevant operating administration administering the project will apply to the projects that receive MPDG grants, including planning requirements, Stakeholder Agreements, and other requirements under the Department’s other highway, transit, rail, and port grant programs. For an illustrative example, the Terms and Conditions for the FY 2022 INFRA awards can be found at: <https://www.transportation.gov/grants/infra-grant-implementation>.

As expressed in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America’s Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. The Mega, INFRA, and Rural programs are infrastructure programs subject to the Build America, Buy America Act (Pub. L. No. 117-58, div. G §§ 70901–70927). All INFRA and Rural projects are subject to the Buy America requirement at 23 U.S.C. § 313, as are Mega projects administered by the Federal Highway Administration. Mega projects administered by other OAs will be subject to the Buy America requirements applicable to that OA. The Department expects all recipients to be able to complete their project without needing

a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

The applicability of Federal requirements to a project may be affected by the scope of the NEPA reviews for that project. For example, under 23 U.S.C. § 313(g), Buy America requirements apply to all contracts that are eligible for assistance under title 23, United States Code, and are carried out within the scope of the NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract is funded with Title 23 funds. As another example, Americans with Disabilities Act (ADA) regulations apply to all projects funded under this Notice.

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 § 21), the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI plan, completed Community 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.

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, nondiscrimination 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 the Department determines that a recipient has failed to comply with applicable Federal requirements, the Department may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

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

### *3. Reporting*

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

Each applicant selected for an MPDG opportunity grant must submit the Federal Financial Report (SF-425) on the financial condition of the project and the project's progress, as well as an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial transparency in the MPDG opportunity. In addition, Mega grant recipients will be required to submit a data collection baseline and a Project Outcomes report, as described in Section D.2.viii.

#### *ii. Reporting of Matters Related to 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 SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (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 Pub. L. No.110-417, as amended (41 U.S.C. § 2313). As required by section 3010 of Pub. L. No. 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.

*iii. Program Evaluation*

As a condition of grant award, 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 DOT 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 subrecipients 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 their progress towards meeting an agency priority goal(s). 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.” Evidence Act § 101 (codified at 5 U.S.C. § 311). Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290). To that end, MPDG applicants that are opting out of Mega (and therefore not required to submit a performance data plan with their application) may choose to submit a performance data plan as described in Section D.2.viii with the intention of participating in a performance measures reporting pilot for the INFRA and Rural programs. Submission of a performance data plan with the application is not required for those programs and does not make applications more competitive for those programs but would support DOT’s initiatives to improve the performance monitoring framework and program evaluation.

For grant recipients receiving an award, evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (2 CFR Part 200).

#### **G. Federal Awarding Agency Contacts**

For further information concerning this notice, please contact the Office of the Secretary via email at [MPDGGrants@dot.gov](mailto:MPDGGrants@dot.gov). In addition, up to the application deadline, the Department will post answers to common questions and requests for clarifications on the Department’s website at <https://www.transportation.gov/grants/mpdg-frequently-asked->

[questions](#). To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact the Department directly, rather than through intermediaries or third parties, with questions. Department staff may also conduct briefings on the MPDG Transportation 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 application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) note on the front cover that the submission “Contains Confidential Business Information (CBI)”; (2) mark each affected page “CBI”; and (3) highlight or otherwise denote the CBI portions.

The Department protects such information from disclosure to the extent allowed under applicable law. In the event the Department receives a Freedom of Information Act (FOIA) request for the information, the Department will follow the procedures described in its FOIA regulations at 49 CFR § 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

### *2. Publication of Application Information*

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

As required by statute the Department will also publish the overall rating for each project seeking Mega Project funds.

### *3. Department Feedback on Applications*

The Department strives to provide as much information as possible to assist applicants with the application process. The Department will not review applications in advance, but Department staff are available for technical questions and assistance. To efficiently use Department resources, the Department will prioritize interactions with applicants who have not already received a debrief on their FY 2022 MPDG application. Program staff will address questions to [MPDGGrants@dot.gov](mailto:MPDGGrants@dot.gov) throughout the application period.

### *4. Prohibition on Use of Funds to Support or Oppose Union Organizing*

MPDG funds may not be used to support or oppose union organizing.

### *5. MPDG Extra, Eligibility and Designation*

The MPDG Extra initiative is aimed at encouraging sponsors with competitive projects that do not receive an MPDG award to consider applying for TIFIA credit assistance.

Projects for which a MPDG application receives a Highly Recommended rating, as described in Section E, but that are not awarded, are automatically designated MPDG Extra Projects, unless the Department determines that they are not reasonably likely to satisfy the TIFIA project type (23 U.S.C. § 601(a)(12)) and project size (23 U.S.C. § 602(a)(5)) eligibilities. This designation provides the sponsors of these projects the opportunity to apply for TIFIA credit assistance for up to 49% of eligible project costs. Under current policy, TIFIA credit assistance is limited to 33% of eligible project costs unless the applicant provides strong rationale for requiring additional assistance or is eligible through special programs ([TIFIA 49](#) or [Rural Projects Initiative](#)).

Projects designated as MPDG Extra Projects will be announced by the Secretary after MPDG award announcements are made.

For further information about the TIFIA or RRIF programs, including details about the types of credit assistance available, eligibility requirements and the creditworthiness review process, please refer to the Build America Bureau Credit Programs Guide, available on the Build America Bureau website: <https://www.transportation.gov/buildamerica/financing/program-guide>.

DISCLAIMER: A MPDG Extra Project designation does not guarantee that an applicant will receive TIFIA credit assistance, nor does it guarantee that any award of TIFIA credit assistance will be equal to 49% of eligible project costs. Receipt of TIFIA credit assistance is contingent on the applicant's ability to satisfy applicable creditworthiness standards and other Federal requirements.

#### *6. Survey*

In order to better understand the MPDG grant process from the applicant's point of view, the Department plans to conduct a survey after all award decisions have been made. DOT will send this survey to all applicants and to webinar attendees who did not apply to any of the programs. This survey is voluntary and will be collected anonymously, answers will not impact award decisions in this round or future rounds.

Issued in Washington D.C. on June 23, 2023:

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Peter Paul Montgomery Buttigieg  
Secretary of Transportation

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