

U.S. Department of Transportation
Federal Highway Administration
Office of Federal Lands Highways (FLH)

SUPPORTING STATEMENT

**Supplemental Discretionary Grants for
Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program**

OMB Control No. 2125-XXXX

Introduction: This is to request the Office of Management and Budget (OMB) approve a three-year clearance for the information collection titled, Supplemental Discretionary Grants for the Nationally Significant Federal Lands and Tribal Projects Program (NSFLTP). The Office of the Secretary of Transportation (OST), in close collaboration with the Federal Highway Administration (FHWA), provides financial assistance to eligible applicants. Eligible applicants include Federal Land Management Agencies (FLMA), and Tribal Governments. States, counties, and units of local government may also apply, but only if sponsored by an FLMA or Tribal government.

- * Responding to the collection is voluntary and is required to obtain or retain a benefit.
- * Responders are FLMA, Tribal Governments, and States, counties, and units of local government sponsored by an FLMA or Tribal government.
- * The collection is a grant application, grant agreement with reporting requirements.
- * The information is collected as needed.
- * Information relevant to the application as detailed in the Notice of Funding Opportunity (NOFO), and any reporting requirements agreed to by grant recipients.
- * The information will be received by the Federal Highway Administration (FHWA), Office of Federal Lands Highway (FLH).
- * The purpose of the collection is to receive information relevant to evaluating applications to the NSFLTP per the NOFO, and reporting requirements agreed to by recipients of the grant agreement.

This Information Collection Request (ICR) supports the FY 2022 – 2026 DOT Strategic Plan, including the six strategic goals of:

1. Safety
 - o Safe Public
Protect urban and rural communities and travelers, including vulnerable populations, from health and safety risks.
2. Economic Strength & Global Competitiveness
 - o High Performing Core Assets

Restore and modernize core assets to improve the state of good repair, enhance resiliency, and expand beneficial new projects.

- o Resilient Supply Chains

Modernize infrastructure for safer and more efficient movement of goods to support the U.S. economy while maintaining community and regional livability, as well as supply chain resiliency.

- o System Reliability and Connectivity

Improve system operations to increase travel time reliability, manage travel demand, and improve connectivity.

3. Equity

- o Expanding Access

Expand affordable access to transportation jobs and business opportunities by removing barriers for individuals, businesses, and communities.

- o Power of Community

Empower communities through innovative public engagement with diverse stakeholders and thought leaders to foster exchange and ownership.

- o Proactive Intervention, Planning, and Capacity Building

Ensure that equity considerations for disadvantaged and underserved communities are integrated into the planning, development, and implementation of all transportation investments.

4. Climate & Sustainability

- o Path to Economy-Wide Net-Zero Emissions by 2050

Reduce air pollution and greenhouse gas emissions from transportation and advance a sustainable transportation system.

- o Climate Justice and Environmental Justice

Address the disproportionate negative environmental impacts of transportation on disadvantaged communities.

5. Transformation

- o Matching Research and Policy to Advance Breakthroughs

Foster breakthrough discoveries and new knowledge through high-risk, high-reward research driven by policy objectives.

- o Experimentation

Identify new ideas, new innovations, and new possibilities. Evaluate the opportunities and risks so the Department can support public benefits.

- o Collaboration and Competitiveness
Work with diverse stakeholders to share noteworthy practices and accelerate the adoption of innovations and technologies.
- o Flexibility and Adaptability
Design flexibility into transportation system investments to accommodate and respond to changing needs and capabilities to provide long-term benefits.

6. Organizational Excellence

- o Customer Service
Deliver responsive, efficient, and accessible government services.
- o Data-driven Programs and Policies
Develop and manage data systems and tools to provide objective, reliable, timely, and accessible data to support decision-making, transparency, and accountability.

Part A. Justification

1. Circumstances that make collection of information necessary:

The collection of information is necessary to receive grant applications, monitor project progress, evaluate the effectiveness of NSFLTP program, and share best practices. The NSFLTP is managed pursuant to Section 1123 of the Fixing America’s Surface Transportation Act (FAST Act) (Pub. L. 114-94) and amended by Section 11127 of the Infrastructure Investment and Jobs Act (Public Law No: 117-58; also referred to as the Bipartisan Infrastructure Law or BIL). The purpose of this program is to provide funding for the construction, reconstruction, and rehabilitation of nationally significant projects within, adjacent to, or accessing Federal and Tribal lands. The NSFLTP program provides an opportunity to address significant challenges across the nation for transportation facilities that serve Federal and Tribal lands.

The relevant sections of the FAST Act and BIL amendments, are attached as Exhibit A.

The reporting requirements are submitted by recipients and will be completed during the application, grant agreement, project management phases.

a. Application Phase

To be considered to receive a NSFLTP grant, an eligible applicant must apply in Grants.gov containing all the information requested in the Notice of Funding Opportunity (NOFO). The application should include the information necessary for FHWA to determine that the project satisfies the eligibility criteria, as required by statute and addresses the FHWA Administration priorities.

b. Grant Agreement Phase

The grant agreement is an agreement between FHWA and the recipient. The grant agreement must also include a detailed breakdown of the project schedule and a budget listing all major activities that will be completed as part of the project. Much of the grant agreement documentation will be completed by the Federal government based on the information submitted on the application, reducing the burden to the grant recipient.

c. Project Management Phase

The reporting requirements under this phase are necessary to ensure the proper and timely expenditure of Federal funds within the scope of the approved project. The requirements comply with the Common Grant Rule, 2 CFR part 200, and are also included in sections of the grant agreement. During the project management phase, the grantee will complete Performance Progress Reports to ensure that the project budget and schedule will be maintained to the maximum extent possible, that the project will be completed with the highest degree of quality, and that compliance with Federal regulations will be met. The substantive requirements of the report include: the project's overall status; significant project activities and issues; action items/outstanding issues; project scope overview; project schedule; project cost; and certifications. Grantees will use two forms for this phase: the SF-425 Federal Financial Report, and the PPR (Project Progress Report).

2. How, by whom, and for what purpose is the information used:

The information collected will be used by FHWA.

FHWA will continue to use the information collected in the application phase to evaluate proposals and make decisions to award grants to applicants for any future similar appropriations. FHWA will use the information to monitor the progress of projects that have been awarded, and to monitor the proper expenditure of Federal funds.

The project management information will be collected by grant recipients.

After the grant money has been obligated by the recipients, FHWA/ FLH will continue to collect information on the performance of the resulting projects. This information will help to assess the effectiveness of individual projects in achieving outcomes that grantees have targeted and ultimately assist in measuring the effectiveness of the NSFLTP grant program. Much of the information will be produced and collected through the normal process of project management, so the additional burden of government information collection is small in comparison to the information that grant recipients already collect to manage their projects properly. The purpose of the project management information collection is to ensure that the project budget and schedule will be maintained to the maximum extent possible, that the project will be completed with the highest degree of quality, and that compliance with Federal regulations will be met.

3. Extent of automated information collection:

The FHWA will receive applications and reports electronically via email and via websites from grant awardees upon approval from OMB. To minimize the burden on applicants, OMB-approved standard forms are being used to collect information where possible. Grant application standard forms include the Application for Federal Assistance¹, (SF-424, SF-424A and SF-424C). The post-award Federal Financial Reports form (SF-425²) is also available online.

4. Efforts to identify duplication:

The information collected from grantees is project-specific and the information is not available other than from the grantees. The information will be used to monitor projects on a quarterly basis, and to ensure on an annual basis that the project's plan conforms to the project's real operating environment.

5. Efforts to minimize the burden on small businesses:

Grantees include Tribal governments, FLMAs, State or local governments such as cities and counties. No grantees are business organizations, small or otherwise. To minimize the burden on small governmental recipients, the post-project performance measures on which grant recipients are required to report are bi-annually.

6. Impact of less frequent collection of information:

For projects delivered by FLMAs, award recipients must submit quarterly performance progress reports and Federal Financial Reports (SF-425). For projects delivered by all applicants besides FLMAs, award recipients must submit semi-annual performance progress reports and Federal Financial Reports (SF-425).

If the information requested in the reports is not collected, the FHWA will not be able to evaluate project progress or financial conditions in accordance with the Bipartisan Infrastructure Law and the Notice of Funding Opportunity for the program published in the *Federal Register*. Additionally, without post-project performance measure data collection, the Department will not be able to evaluate the effectiveness of projects that receive grant funds or the overall effectiveness of the grant funds in achieving program goals. The collection of financial data ensures that the economic stimulus and job creation goals of both programs can be tracked and that the use of Federal funds can be appropriately monitored. The collection of performance measures after the project is complete ensures that changes in seasonal use and performance of projects are measured. Some performance measures will be collected at broader intervals, but the maximum burden on grantees to provide information for some performance measures will be quarterly. Reporting periods and the specific performance measures tracked will be negotiated with grantees individually in order to place an appropriate, minimal information collection burden on grantees that allows FHWA to evaluate the effectiveness of the NSFLTP program's impacts on the transportation challenges that grantees' projects intend to address.

¹ <https://www.grants.gov/forms/forms-repository/>

² https://apply07.grants.gov/apply/forms/sample/SF425_2_0-V2.0.pdf

If these and other reports were required less frequently, site visits or other outreach by agency staff would be required to ensure compliance with program objectives.

7. Special circumstances:

During the negotiation of the grant agreement, DOT may require the recipient to report information to the agency more often than quarterly. Otherwise, all information collected is consistent with the guidelines in 5 CFR 1320.6.

8. Compliance with 5 CFR 1320.8:

The 60-day Federal Register was published on May 9, 2024, at [89 FR 39678], with the intent to solicit comments from the public. One comment was submitted on July 8, 2024, and no contact information was provided. In summary, the comment requested monthly cleaning of highways, fix potholes and mandate wildlife corridors, also known as green corridors on highways, in each state. The comment describes the benefits of wildlife corridors; including, safe passage during migrations, promote genetic diversity by avoiding habitat fragmentation, prevents animal-vehicle collisions creating safe corridors for big and small animals, and minimizes human-animal interaction.

The NSFLTP Program supports wildlife crossings infrastructure and may be eligible as long the project is a single continuous project on a Federal Lands transportation facility, a Federal Lands access transportation facility, or a Tribal transportation facility (as defined in 23 U.S.C. 101) (FAST Act, Section 1123(c)(1), (d)).

The 30-day Federal Register was published on July 17, 2024, at [89 FR 58242].

9. Payments or gifts to respondents:

No payment is made to respondents, other than remuneration to successful NSFLTP grantees. The remuneration to grantees is in the form of reimbursements up to the amount of the NSFLTP grant award as negotiated in the signed and executed grant agreement.

10. Assurance of confidentiality:

There is no assurance of confidentiality regarding these submissions. All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methods that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) note on the front cover that the submission “Contains Confidential Business Information (CBI)”; (2) mark each affected page “CBI”; (3) highlight or otherwise denote the CBI portions; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. FHWA protects such information from disclosure to the extent allowed under applicable law. In the event FHWA receives a Freedom of Information Act (FOIA) request for information that the applicant has marked in accordance with this section,

FHWA will follow DOT procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under 49 CFR 7.29 will be exempt from disclosure under FOIA.

Retention of records will adhere to DOT Order 1351.28 Records Management, 28.4.5, Electronic Records.

11. Justification for collection of sensitive information:

None of the information is of a sensitive nature.

12. Estimate of burden hours for information requested:

Through application solicitation and awards management, FLH has calculated an annual burden associated with applications, deliverables, and reports. Since 2018, a total of 106 applications were received; from which, 22 projects were selected. Out of those 22 projects, 6 projects were awarded to FLMAs, 5 projects awarded to Tribes and 11 projects to State or local governments.

Form Name and Form Number	Form	Grant Activity/ Process	Respondent Universe	Average Time (hours) per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent*
Grant Application Submission. Narrative discussing and quantifying how the applicant meets all criteria as outlined in the Notice of Funding Opportunity (NOFO).	Narrative attachment to be uploaded to Grants.gov	Application	106	10.00	1060.00	\$80,560
Application for Federal Assistance (SF 424)	SF 424 (OMB)	Application	106	1.10	116.60	\$8,816
Budget Information for Non-Construction Programs (SF 424A)	SF 424A (OMB)	Application	106	3.00	318.00	\$24,168
Assurances for Non-Construction Programs (SF 424B)	SF 424B (OMB)	Application	106	0.25	26.50	\$2,014
Budget Information for Construction Programs (SF 424C)	SF 424C (OMB)	Application	106	3.00	318.00	\$24,168
Assurances for Construction Programs (SF 424D)	SF 424D (OMB)	Application	106	0.25	26.50	\$2,014
Disclosure of Lobbying Activities (SF LLL)	SF LLL (OMB)	Application	106	0.25	26.50	\$2,014
Grant Agreement (FHWA)	FHWA	Awards & Maintenance	23	10.00	230.00	\$17,480
Federal Financial Report (11x2=22) (SF 425; Tribes, States) Bi--annually	SF 425	Awards & Maintenance	22	1.50	33.00	\$2,508
Federal Financial Report (6x4=24) (SF 425; FLMAs) Quarterly	SF 425	Awards & Maintenance	24	1.50	36.00	\$2,736
Quarterly Progress Report (6x4=24) (FHWA; FLMAs) Quarterly	FHWA	Awards & Maintenance	24	0.50	12.00	\$912

Bi-annually Progress Report (11X2=22) (FHWA; Tribes, States) Bi-annually	FHWA	Awards & Maintenance	22	0.50	11.00	\$836
Request for Advance or Reimbursement (22 existing grant recipients submit an average of 6 per year; 22x6=138) (SF 270)	SF 270	Awards & Maintenance	132	1.00	132.00	\$10,032
Final Report	Narrative	Closeout	22	2.00	44.00	\$3,344
TOTAL			1,011	34.85	2,390.10	\$181,602

*The average hourly salary rate for a respondent is \$47, based on an estimated median average wage of a project management specialist in the local government sector of \$47.32 per [Bureau of Labor Statistics](#), which is factored by 1.62 to account for the cost of employer-provided benefits (Bureau of Labor Statistics, [Employer Costs for Employee Compensation](#), Dec. 2022) resulting in a total labor cost of \$76 per hour. Estimated total annual cost to respondent: 61,400 hours x \$76 per hour = \$4,680,050.

13. Estimate of total annual costs to respondents:

There is no additional cost beyond that shown in items 12 and 14 below.

14. Estimate of cost to the Federal government:

The annual estimated cost to the Federal government is \$34,496. This estimate is based on the burden of previous requests for grant applications; reporting, and closeout documentation; anticipated applications and awards requirements; and an approximate salary rate of a Federal employee at GS-13, Step 5 of \$64.06³ per hour plus 75%⁴ to account for benefits for a total of \$112 per hour.

Form Number	Grant Activity/Process	Average Annual Responses	Average Time (hours) per Response	Frequency	Total Annual Burden Hours	Total Federal Cost
SF Forms (OMB forms)	Application	22	3.00	Annual	66.0	\$7,392
Grant Agreement, Implementation Grants (FHWA)	Awards & Maintenance	22	5.00	Annual	110.0	\$12,320
SF 425 (OMB) Quarterly (FLMA)	Awards and Maintenance	24	0.25	Quarterly	6.0	\$672
SF 425 (OMB) Bi-Annual (Tribes and States)	Awards and Maintenance	22	0.25	Bi-Annual	5.5	\$616

³ All hourly rates based on OPM Salary Table 2024 - DCB. [SALARY TABLE 2024-DCB \(opm.gov\)](#)

⁴ Rounded to the nearest dollar.

SF 270 (OMB)	Awards and Maintenance	138	0.50	6 per year	69.0	\$7,728
Quarterly Progress Report (FLMA recipients) (OST)	Awards and Maintenance	24	0.25	Quarterly	6.0	\$672
Bi-Annual Progress Report (Tribes, States) (OST)	Awards and Maintenance	22	0.25	Bi-Annual	5.5	\$616
Program Evaluation	Closeout	1	40.00	Annual	40.0	\$4,480
TOTAL		275	49.50		308.0	\$34,496

15. Explanation of program changes or adjustments:

The purpose of this request is the public release of the Notice of Funding Opportunity (NOFO) for the NSFLTP program.

16. Publication of results of data collection:

Following the completion of the selection process and announcement of awards, FHWA publish a list of all applications received along with the names of the applicant organizations and funding amounts requested in the NSFLTP program webpage ([Nationally Significant Federal Lands and Tribal Projects \(NSFLTP\) Program | FHWA \(dot.gov\)](#)). FHWA does not publish NSFLTP grant data on external webpages.

17. Approval for not displaying the expiration date of OMB approval:

There is no reason not to display the expiration date of OMB approval.

18. Exceptions to certification statement:

No exceptions are stated.

Exhibits List:

EXHIBIT A – LEGISLATIVE AUTHORITY

EXHIBIT B - GUIDELINES FOR EVALUATION OF APPLICATIONS

EXHIBIT C – NSFLTP PROGRAM APPLICATION CHECKLIST

EXHIBIT A - LEGISLATIVE AUTHORITY

SEC. 1123. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL⁵

PROJECTS PROGRAM.

(a) **PURPOSE.** — The Secretary shall establish a nationally significant Federal Lands and Tribal projects program (referred to in this section as the “Program”) to provide funding to construct, reconstruct, or rehabilitate nationally significant Federal Lands and Tribal transportation projects.

(b) **ELIGIBLE APPLICANTS.** —

(1) **IN GENERAL.** — Except as provided in paragraph (2), entities eligible to receive funds under sections 201, 202, 203, and 204 of title 23, United States Code (U.S.C.), may apply for funding under the Program.

(2) **SPECIAL RULE.** — A State, county, or unit of local government may only apply for funding under the Program if sponsored by an eligible Federal Land Management Agency or Indian Tribe.

(c) **ELIGIBLE PROJECTS.** — An eligible project under the Program shall be a single continuous project —

(1) on a Federal Lands transportation facility, a Federal Lands access transportation facility, or a Tribal transportation facility (as those terms are defined in section 101 of title 23, U.S.C.), except that such facility is not required to be included in an inventory described in section 202 or 203 of such title;

(2) for which completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been demonstrated through—

(A) a record of decision with respect to the project;

(B) a finding that the project has no significant impact; or

(C) a determination that the project is categorically excluded; and

(3) having an estimated cost, based on the results of preliminary engineering, equal to or exceeding \$12,500,000.

(d) **ELIGIBLE ACTIVITIES.** —

(1) **IN GENERAL.** — Subject to paragraph (2), an eligible applicant receiving funds under the program may only use the funds for construction, reconstruction, and rehabilitation activities.

(2) **INELIGIBLE ACTIVITIES.** — An eligible applicant may not use funds received under the Program for activities relating to project design.

(e) **APPLICATIONS.** — Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(f) **SELECTION CRITERIA.** — In selecting a project to receive funds under the Program, the Secretary shall consider the extent to which the project—

(1) furthers the goals of the Department, including state of good repair, economic competitiveness, quality

⁵ Section 1123 of the Fixing America’s Surface Transportation Act (FAST Act) (Pub. L. 114-94) and amended by Section 11127 of the Infrastructure Investment and Jobs Act (BIL) (Public Law No: 117-58).

of life, and safety;

(2) improves the condition of critical transportation facilities, including multimodal facilities;

(3) needs construction, reconstruction, or rehabilitation;

(4) has costs matched by funds that are not provided under this section, with projects with a greater percentage of other sources of matching funds ranked ahead of lesser matches;

(5) is included in or eligible for inclusion in the National Register of Historic Places;

(6) uses new technologies and innovations that enhance the efficiency of the project;

(7) is supported by funds, other than the funds received under the Program, to construct, maintain, and operate the facility;

(8) spans 2 or more States; and

(9) serves land owned by multiple Federal Agencies or Indian Tribes.

(g) Cost Share. —

(1) Federal share. —

(A) In general. — Except as provided in subparagraph (B), the Federal share of the cost of a project shall be up to 90 percent

(B) Tribal projects. — In the case of a project on a Tribal transportation facility (as defined in section 101(a) of title 23, U.S.C.), the Federal share of the cost of the project shall be 100 percent.

(2) NON-FEDERAL SHARE. — Notwithstanding any other provision of law, any Federal funds may be used to pay the non-Federal share of the cost of a project carried out under this section.

(h) Use of Funds. —

(1) In general. — For each fiscal year, of the amounts made available to carry out this section —

(A) 50 percent shall be used for eligible projects on Federal Lands transportation facilities and Federal Lands access transportation facilities (as those terms are defined in section 101(a) of title 23, U.S.C.); and

(B) 50 percent shall be used for eligible projects on Tribal transportation facilities (as defined in section 101(a) of title 23, U.S.C.).

(2) Requirement. — Not less than one eligible project carried out using the amount described in paragraph (1)(A) shall be in a unit of the National Park System with not less than 3 million annual visitors.

(3) Availability. — Amounts made available to carry out this section shall remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.

SEC. 11101. AUTHORIZATION OF APPROPRIATIONS⁶.

(b) Other Programs. —

(1) In general.— The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(G) Nationally significant Federal Lands and Tribal projects. —

(i) In general. — To carry out the nationally significant Federal Lands and Tribal projects program under section 1123 of the Fixing America’s Surface Transportation (FAST) Act (23 U.S.C. 201 note; Public Law 114-94), \$55,000,000 for each of Fiscal Years 2022 through 2026.

(ii) Treatment. — Amounts made available under clause (i) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, U.S.C.

(2) General fund. — (B) Nationally significant Federal Lands and Tribal projects program. In addition to amounts made available under paragraph (1)(G), there is authorized to be appropriated to carry out section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114-94) \$300,000,000 for each of Fiscal Years 2022 through 2026.

⁶ BIL, PL 117-58, section 11101.

EXHIBIT B - GUIDELINES FOR EVALUATION OF APPLICATIONS

FISCAL YEAR 2024-2026 NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS

Introduction

The Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program, authorized by Section 1123 of the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114-94) and modified by Section 11127 of the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58), provides funding for the construction, reconstruction, and rehabilitation of nationally significant projects within, adjacent to, or accessing Federal and Tribal Lands. This program provides an opportunity to address significant challenges across the Nation for transportation facilities that serve Federal and Tribal Lands.

This document provides guidelines when evaluating the applications for Fiscal Year (FY) 2024-2026 NSFLTP Program grants and the expected responsibilities of those reviewing the proposals.

This document provides guidance for the evaluation teams, including the roles and responsibilities of each team, the overall evaluation process, and details of each review phase. Consistent with Section 1123 of the FAST Act, it supplements the FY 2024-2026 NSFLTP Notice of Funding Opportunity (NOFO) and should be used, reviewed, and understood by all team members prior to their participation in the evaluation process. These guidelines use terminology as defined in the NOFO.

To be selected for an award, applicants must supply sufficient information to address the selection criteria and project requirements outlined in the NOFO. There are three application periods, one for FY 2024, one for FY 2025, and one for FY 2026. For each application period, the NSLFTP Program will accept applications starting and ending on the dates below:

Application Period	Application Period Start	Application Period Closes
2024	TBD	TBD
2025	May 1, 2025	August 1, 2025
2026	May 1, 2026	August 1, 2026

Shortly after the application period closes each application period, the Federal Highway Administration (FHWA) will begin evaluating all eligible applications to make funding recommendations to the FHWA Administrator.

Review Process

Overview

The NSFLTP Program review and selection process consists of the following three levels of review:

- Application Intake and Eligibility Review – To begin the review process, the Intake Processing Team conducts the Application Intake and Eligibility Review by providing an initial eligibility screening based on criteria outlined in the NOFO. Only eligible projects are sent to the Technical Review Team.
- Technical Review – The Technical Review Team reviews all eligible applications and provides one of the following overall ratings to each project: Highly Recommended, Recommended, or Not Recommended; and,
- Senior Review – The FHWA SRT advises the FHWA Administrator regarding which projects the FHWA Administrator should select for funding.

The FHWA SRT and FHWA Administrator will have access to all applications and all analyses that have been completed by the Technical Review Team.

The FHWA Administrator makes final project selections. In making those selections, the FHWA Administrator may consult with any group or team involved in the evaluation of the projects. The final selections will be fully documented in accordance with FHWA Order 4410.4, Discretionary Grant Program Development, Implementation, and Award Coordination and Notification, available at <https://www.fhwa.dot.gov/legsregs/directives/orders/44104.cfm>.

The NSFLTP Team will provide oversight of the entire review process including sorting and assigning applications for review, and providing guidance, direction, and quality assurance for the review process. The review process consists of the following seven phases, and each phase will consist of the following activities, performed by the teams designated below:

Phase	Team	Activities
Intake and Eligibility Review Phase	Initial Screening Team	<ul style="list-style-type: none"> • Perform Initial Intake and Eligibility Review. • Advance eligible projects to Technical Review Team.
Primary Merit Criteria Review Phase	Technical Review Team	<ul style="list-style-type: none"> • Perform a Merit Criteria review to all eligible project applications. • Assign a primary Merit Criteria rating: High, Medium, or Low.
Secondary Merit Criteria Review Phase	Technical Review Team	<ul style="list-style-type: none"> • Perform Review for Secondary Merit Criteria to all applications on Federal Lands transportation facilities and Federal Lands access facilities. • Assign a secondary criteria rating: High, Medium-High, Medium, or Low.
Project Readiness Review Phase	Technical Review Team	<ul style="list-style-type: none"> • Perform Project Readiness Review to all applications. • Assign a secondary criteria rating: High, Medium-High, Medium, or Low.
Overall Project Rating Phase	NSFLTP Team	<ul style="list-style-type: none"> • Assign Overall Project Rating. • Advance Highly Recommended and Recommended applications to the SRT • Develop proposed award funding scenarios for the SRT consideration.
Senior Review Phase	SRT	<ul style="list-style-type: none"> • Advance Highly Recommended and Recommended applications and recommended award amounts to the FHWA Administrator for the FHWA Administrator’s consideration.
Selection and Award Phase	FHWA Administrator	<ul style="list-style-type: none"> • Selects projects to award. • Finalize proposed award amounts. • Announce awards.

Intake and Eligibility Review Phase

For each application received, the Initial Screening Team will conduct an application intake and eligibility review based on the statutory eligibility requirements in Section C of the NOFO. Only eligible applications will be advanced to the Technical Review Team to be evaluated in the Primary Merit Criteria Review Phase. Applications that are not eligible will be given a rating of Not Eligible and will not be evaluated further.

Conducting Eligibility Determinations: The Intake Processing Team conducts an initial screening to determine whether applications meet eligibility requirements specified in law and the NOFO, including:

- Applicant eligibility: Applicants must be a Tribe; Federal Land Management Agency (FLMA); or a State, county, or unit of local government that is sponsored by an eligible Tribe or FLMA. Sponsored projects must appear on a list of sponsored projects submitted by an FLMA or Tribe; and

- Project eligibility, specifically whether a project:
 - Is a single continuous project;
 - Is on a Federal Lands transportation facility, Federal Lands access transportation facility, or Tribal transportation facility;
 - Has documented the completion of activities required by the National Environmental Protection Act;
 - Has an estimated total eligible project cost, based on the results of preliminary engineering, of \$12.5 million or more;
 - For projects on Federal Lands transportation facilities or Federal Lands access transportation facilities, the project meets the 90 percent Federal share requirement; and
 - Makes clear that NSFLTP funds will be used only for construction, reconstruction, or rehabilitation of transportation facilities and will not be used for any project design activities.

Documentation: Intake Processing Team members must fully document their assessment of applications by completing the Eligibility Sheet. Eligibility Sheets will include ratings (Meets, Does Not Meet) for each eligibility requirement identified in the NOFO, the justification for that rating, and an overall eligibility determination for the project. A project must meet all eligibility requirements to be considered eligible. Only eligible applications will be advanced. If an application does not meet one of the eligibility requirements, the Intake Processing Team will fully document the reasons and rate the application as Not Eligible.

In some cases, an application may be deemed ineligible pending additional documentation. On a case-by-case basis, the Program Manager may use the “reach back” provision in the NOFO to seek clarification of documentation or regarding files submitted with the application that may be corrupted. See additional instructions for a “reach back” under the “Review of Statutory Evaluation Requirements” section of this evaluation plan.

All review teams, including the Technical Review Team, continue to screen projects for eligibility deficiencies throughout the review process. If the Technical Review Team identifies a potential ineligibility, the Program Manager makes the final eligibility determination, which will be fully documented.

Technical Review

The Technical Review Team will consist of technical and professional FHWA staff from the Office of Federal Lands Highway (including Tribal Transportation Team), the Office of Infrastructure, and the Office of Policy, as well as other offices within FHWA as necessary. The NSFLTP Program Manager will meet with the evaluation team members to go over the technical review process, including expected action dates, and a review of these guidelines and the Application Evaluation Form that will be used for the FY 2024-2026 NSFLTP Program NOFO. The Technical Review Team will be responsible for:

1. Filling out Technical Review Sheets

Technical Review Team members will document their individual assessment of eligible

applications by completing the Technical Review Sheet. Technical Review Sheets will include:

- Application identification information;
- Ratings for each Primary Merit and Secondary Merit Criteria identified in the NOFO as well as the justification for that rating;

The Technical Review Team Lead is responsible for coordinating and managing the Technical Review Team’s review process. The Technical Review Team Lead will facilitate a meeting with other team members to produce a consolidated Technical Review Sheet for the SRT that incorporates the individual Technical Review Sheets. This consolidated Technical Review Sheet will be used to assign each application an overall project rating.

2. Evaluation of Primary Merit Criteria

Description	Rating Guide
<p>Primary Merit Criterion 1: U.S. Department of Transportation (DOT) Goals. FHWA will assess the extent to which the project furthers the goals of DOT, including safety, state of good repair, economic competitiveness, and quality of life.</p> <p>FHWA will consider:</p> <ul style="list-style-type: none"> i. The project’s safety improvements compared to a baseline in which the project is not done; ii. Technical data provided about existing facilities in poor repair or, where the project is new construction, the extent to which the existing conditions demonstrate a need for new transportation facilities; iii. The project’s economic benefits – such as travel time savings, vehicle operating cost savings, and emissions reductions – compared to a baseline in which the project is not done; iv. How the project is expected to improve the quality of life for a local community and/or the traveling public, providing data and analysis where relevant and feasible, such as estimates of trips and/or vehicle miles traveled. 	<p>Highly Responsive: The project will make a profound and positive impact on furthering the DOT’s goals, including safety. The application addresses at least three elements described above.</p> <p>Responsive: The project will make a generally positive impact on furthering the DOT’s goals, including safety. The application addresses at least two elements described above.</p> <p>Not Responsive: The project will not further the DOT’s goals. The application does not address any of the elements described above.</p> <p>Identify specific information from the application that supports the rating.</p>

The table below provides rating guidance to the members of the Technical Review Team to assist and inform their respective project assessments.

Description	Rating Guide
<p>Primary Merit Criterion 2: Improvement of Condition of Critical Transportation Facilities. FHWA will consider the extent to which the project improves the condition of critical transportation facilities, including multimodal facilities.</p> <p>FHWA will evaluate this criterion by considering the extent to which the project improves the condition of a transportation facility, whether the facility is multimodal, and the critical nature of the facility. Examples may include but are not limited to a bridge in poor condition that may be subject to closure in the absence of funds; or a primary transportation facility that provides access to critical community services, high use recreation destination areas, or other economic generators within Tribal and/or Federal Lands.</p>	<p>Highly Responsive: The project will create or improve critical multimodal transportation facilities.</p> <p>Responsive: The project will create or improve critical transportation facilities; however, the project will not be multimodal</p> <p>Not Responsive: The project would not adequately promote the outcomes described for the criterion under consideration.</p> <p>Identify specific information from the application that supports the rating.</p>
<p>Primary Merit Criterion 3: Need for Project. FHWA will consider the extent to which the project needs construction, reconstruction, or rehabilitation.</p> <p>FHWA will consider data provided by the applicant documenting any physical or operational deficiencies of the existing facility that would warrant construction, reconstruction, or rehabilitation, and how the proposed project will address those deficiencies.</p>	<p>Highly Responsive: The facility is in a deficient condition that prevents its effective usage by all road users who could appropriate use it or needs to be created to improve connection and multimodal connectivity.</p> <p>Responsive: The facility needs improvements or repair but is not in danger of failure, or new construction would benefit the facility and provide connection or multimodal connectivity when there are other connections are available.</p> <p>Not Responsive: There is no apparent or pressing need for construction, reconstruction, or rehabilitation.</p> <p>Identify specific information from the application that supports the rating.</p>

Description	Rating Guide
<p>Primary Merit Criterion 4: Matched Costs. FHWA will consider the extent to which the project has costs matched by funds that are not provided under the NSFLTP Program, with projects with a greater percentage of other sources of matching funds ranked ahead of lesser matches. Please note this criterion does not apply to projects on Tribal transportation facilities.</p>	<p>Highly Responsive: Non-NSFLTP Program funding will account for 50% or more of total eligible project costs.</p> <p>Responsive: Non-NSFLTP Program funding will account for more than the minimum of non-NSFLTP Program funding required for the type of project but less than 50% of total eligible project costs.</p> <p>Not Responsive: The project meets the minimum in non-NSFLTP Program funding required under Section C.2.</p> <p>Identify specific information from the application that supports the rating.</p>
<p>Primary Merit Criterion 5: National Register of Historic Places. FHWA will consider the extent to which the project is included in or eligible for inclusion in the National Register of Historic Places.</p>	<p>Yes: The project is included in or eligible for inclusion in the National Register of Historic Places.</p> <p>No: The project is not included in or eligible for inclusion in the National Register of Historic Places.</p> <p>Identify specific information from the application that supports the rating.</p>
<p>Primary Merit Criterion 6: New Technologies and Innovations. FHWA will consider the extent to which the project uses new technologies and innovations that enhance the efficiency of the project. In assessing this criterion, FHWA will assess the extent to which the applicant uses innovative strategies promoted by FHWA, especially those promoted by FHWA’s Every Day Counts initiative.</p>	<p>Highly Responsive: The project will effectively employ at least one new technology or innovation currently promoted by FHWA’s Every Day Counts initiative.</p> <p>Responsive: The project will employ at least one new technology or innovation not currently promoted by FHWA that could enhance the efficiency of the project.</p> <p>Not Responsive: The project would not adequately promote the outcomes described for the criterion under consideration.</p> <p>Identify specific information from the application that supports the rating.</p>

Description	Rating Guide
<p>Primary Merit Criterion 7: Support to Construct, Maintain, and Operate the Facility. FHWA will consider the extent to which the project is supported by funds, other than funds received under the NSFLTP Program, to construct, maintain, and operate the facility. FHWA will consider what other funds exist, besides those available for match, to aid in maintenance and operation of the facility, as well as the reasonable expectation that those funds will remain available. Historical trends, current policy, or future feasibility analyses can be used as evidence to substantiate or support the claims in the application.</p>	<p>Highly Responsive: The facility to be improved has a secure source of funding to aid in the long-term maintenance and operation of the facility. Responsive: The facility to be improved has a source of funding to aid in the future maintenance and operation of the facility, with reasonable expectation that those funds will remain available. Not Responsive: A source of funding has not been identified to support operation and maintenance of the facility. Identify specific information from the application that supports the rating.</p>
<p>Primary Merit Criterion 8: Spans Two or More States. FHWA will consider the extent to which the project spans two or more States.</p>	<p>Yes: The project spans two or more States. No: The project is within one State.</p>
<p>Primary Merit Criterion 9: Serves Land Owned by Multiple Federal Agencies or Indian Tribes. FHWA will consider the extent to which the project serves land owned by multiple Federal Agencies or Indian Tribes.</p>	<p>Yes: The project serves land owned by multiple Federal Agencies or Indian Tribes. No: The project serves land owned by one Federal Agency or Indian Tribe.</p>
<p>Overall Project Rating for the Primary Merit Criteria Category on the following basis:</p>	<p>High – Projects with four or more primary merit criteria rated as “Highly Responsive” or “Yes” as applicable. Medium – Projects with between one and three primary criteria rated as “Highly Responsive” or “Yes” as applicable or projects with “Responsive” with five or more of the merit criteria. Low – The project has no primary merit criteria rated as “Highly Responsive” and less than five of the primary merit criteria rated as “Responsive” or “Yes” as applicable. Identify specific information from the application that supports the rating.</p>

3. Evaluation of Secondary Merit Criteria

For projects located on a Federal Lands transportation facility or Federal Lands access facility, the Technical Review Team will evaluate how the project meets each of the following four Secondary Merit Criteria. FHWA will not evaluate the Secondary Merit Criteria for projects on Tribal transportation facilities.

Description	Rating Guide
<p>Secondary Merit Criteria 1: Equity. The project is located in an underserved community, as defined in Executive Order (E.O.) 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Sections 2(a) and (b).</p> <p>Per Section 2(a), the term “equity” refers to the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.</p> <p>Per Section 2(b), the term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the definition of “equity.”</p>	<p>Highly Responsive: The project creates a positive outcome that will both (1) reduce, mitigate, or reverse how a community is experiencing disadvantage through increasing affordable transportation options, improving health or safety, reducing pollution, connecting Americans to good-paying jobs, fighting climate change, and/or improving access to nature, resources, transportation or mobility, and quality of life; and (2) the applicant implements programs and policies that ensure the benefits of investments while mitigating economic displacement economically susceptible residents and businesses.</p> <p>Responsive: The project will create a positive outcome that will reduce, mitigate, or reverse how a community is experiencing disadvantage through increasing affordable transportation options, improving health or safety, reducing pollution, connecting Americans to good-paying jobs, fighting climate change, and/or improving access to nature, resources, transportation or mobility, and quality of life.</p> <p>Not Responsive: The project does not address equity.</p> <p>Identify specific information from the application that supports the rating.</p>

Description	Rating Guide
<p>Secondary Merit Criterion 2: The Justice40 Initiative. Projects will be rated higher on this criterion if the applicant can clearly demonstrate that the project supports the goals of the Justice40 Initiative, https://www.transportation.gov/equity-Justice40.</p>	<p>Yes: The applicant demonstrates the project supports the goals of the Justice40 initiative. No: The applicant fails to demonstrate the project is in support of the goals of the Justice40 initiative. Identify specific information from the application that supports the rating.</p>
<p>Secondary Merit Criterion 3: Climate Change and Sustainability. For projects located on a Federal Lands transportation facility or Federal Lands access transportation facility, FHWA will assess the extent to which the project reduces greenhouse gas (GHG) emissions and improves climate resilience.</p>	<p>Highly Responsive: The project focuses on reducing GHG emissions AND incorporates evidence-based climate resilience measures or features. Responsive: The project focuses on reducing GHG emissions OR incorporates evidence-based climate resilience measures or features, but not both. Not Responsive: The project does not address climate change; or does not focus on reducing GHG emissions and does not incorporate evidence-based climate resilience measures or features. Identify specific information from the application that supports the rating.</p>
<p>Secondary Merit Criterion 4: Workforce Development, Job Quality, and Wealth Creation. For projects located on a Federal Lands transportation facility or Federal Lands access transportation facility, FHWA will evaluate the extent to which the project will 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 training and placement programs, especially registered apprenticeships, consistent with E.O. 14025, Worker Organizing and Empowerment and E.O. 14052, Implementation of the Infrastructure Investment and Jobs Act.</p>	<p>Yes: The application addresses at least one element described in the NOFO. No: The application does not address the elements described in the NOFO. Identify specific information from the application that supports the rating.</p>

Following review of the secondary merit criteria for projects on Federal Lands transportation facilities and Federal Lands access transportation facilities, FHWA will provide an overall rating for the Secondary Merit Criteria category as indicated below:

Secondary Merit Criteria Rating	1	2	3
Criteria 1: Equity	Not Responsive	Responsive	Highly Responsive
Criterion 2: The Justice40 initiative.	No		Yes
Criterion 3: Climate Change and Sustainability.	Not Responsive	Responsive	Highly Responsive
Criterion 4: Workforce Development, Job Quality, and Wealth Creation.	No		Yes

Rating	Description
High	All 3's
Medium-High	Any 3's
Medium	Any 2's AND no 3's
Low	All 1's

4. Project Readiness

FHWA will consider project readiness to assess the likelihood of a successful project. In that analysis, FHWA will consider three evaluation ratings: Environmental Risk, Technical Capacity, and Financial Capacity.

The Environmental Risk assessment analyzes the project's environmental approvals and likelihood of the necessary approval affecting project obligation.

The Technical Capacity assessment will review the applicant's capacity to successfully deliver the project in compliance with applicable Federal, State, Tribal, and local requirements based on factors including, but not limited to, the recipient's experience working with Federal Agencies, previous experience with DOT discretionary grant awards, and the technical experience and resources dedicated to the project. Technical capacity will also consider the project schedule with an emphasis on the completion of plans, specifications and estimate (PS&E) and projected timeframe to advertise the construction phase of the project.

The Financial Capacity assessment will review the availability of matching funds and whether the applicant presented a complete funding package. Risks do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks or with a risk mitigation plan is more competitive than a comparable project with unaddressed risks. All applicants should describe a plan to address potential cost overruns and how those costs will be funded.

The Project Readiness Ratings described above will be translated to a High, Medium-High, Medium, or Low rating, using the table below.

Rating	1	2	3
Technical Assessment	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
Financial Completeness	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/Appeal 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.
Environmental Review and Permitting Risk	High Risk: There are known environmental, or litigation concerns associated with the project.	Moderate Risk: The project has not secured necessary Federal permits, and it is uncertain whether they will be able to secure necessary Federal permits in the time necessary to meet their project schedule.	Low Risk: The Project has completed, or it is highly likely that they will be able to complete other environmental reviews in the time necessary to meet their project schedule.

Rating	Description
High	All 3’s
Medium-High	Two 3’s, one 2
Medium	One 3, two 2’s or all 2’s
Low	Any 1’s

5. Overall Application Rating

a. Projects on Federal Lands Transportation Facilities and Federal Lands Access Facilities:

Each eligible application will receive an overall rating of Highly Recommended, Recommended,

or Not Recommended. The NSFLTP Team will review the Technical Review Sheets to assign an overall project rating and determine which projects will advance as Highly Recommended or Recommended. The rating will be assigned by NSFLTP Team on the following basis:

Highly Recommended projects are those that receive: (1) a High in the Primary Merit Criteria category; (2) a High or Medium-High in the Secondary Merit Criteria Category; and (3) a High or Medium-High in the Project Readiness Rating.

Recommended projects are those that are not rated as Highly Recommended or Not Recommended. This may include projects that receive: (1) a Medium in the Primary Merit Criteria category; (2) a High, Medium-High, or Medium in the Secondary Merit Criteria Category; and (3) a High, Medium-High, or Medium in the Project Readiness Rating. This may also include projects that receive: (1) a High in the Primary Merit Criteria Category; and (2) a Medium in either or both the Secondary Merit Criteria Category or Project Readiness, so long as there are no Lows in any category.

Not Recommended projects are those that receive a low in any category.

A model of how the ratings for each category result in an overall project rating is shown below:

Rating	Not Recommended	Recommended	Highly Recommended
Primary Merit Criteria	Low	Medium	High
Secondary Merit Criteria		High Medium-High Medium	High Medium-High
Project Readiness		High Medium-High Medium	High Medium-High

b. Projects on Tribal Transportation Facilities

FHWA will assign each eligible application on a Tribal transportation facility an overall rating of Highly Recommended, Recommended, or Not Recommended. The rating for such projects will be assigned by FHWA on the following basis:

Highly Recommended projects are those that receive: (1) a High in the Primary Merit Criteria category; and (2) a High or Medium-High in the Project Readiness Rating.

Recommended projects are those that receive (1) a Medium in the Primary Merit Criteria category; and (2) a Project readiness rating that is not Low. Recommended projects are also those that receive (1) a High in the Primary Merit Criteria category; and (2) a Project Readiness Rating of Medium.

Not Recommended projects are those that receive a low in any category.

A model of how the ratings for each category result in an overall project rating for projects on Tribal transportation facilities is shown below:

Rating	Not Recommended	Recommended	Highly Recommended
Primary Merit Criteria	Low	Medium	High
Project Readiness		High Medium-High Medium	High Medium-High

The projects to be categorized, compiled, and organized based on their overall merits, and proposed award funding scenarios will be developed for the SRT consideration.

The NSFLTP Team will enter the overall application rating for each project into the prescribed table for review by the FHWA SRT and the FHWA Administrator. The table, organized alphabetically by State name, consists of the following columns:

- State Name
- Project Name and Description: Short narrative describing the project including the types of activities to be funded with the NSFLTP Program funds.
- Rating: Highly Recommended, Recommended, or Not Recommended.
- Basis for Rating: The basis for rating must explain why the project received the assigned rating. Each basis for rating must be tailored to each project. It must explain how the application addressed each of the Primary Merit Criteria, Secondary Merit Criteria, if applicable, and Project Readiness.
- Requested Amount: Amount of grant funding requested in application.
- Funding Amount: This will be either Fully Funded, the amount of grant funding being recommended for award, or Not Recommended for Funding.
- Funding Amount Rationale: If funding amount is different from the requested amount, explain the reason for the difference.

If, prior to the FHWA SRT meeting, a member of the Technical Review Team determines that a project additional information is needed to make a determination with respect to an Eligibility Requirement, Primary Merit Criteria, Secondary Merit Criteria, or Project Readiness Assessment for a specific project, the “reach back” provision in Section D of the NOFO may be used to confirm, correct, or complete missing information in the project application that a reviewer with the concurrence of a second reviewer identifies as an obvious error. An error may include an omission of information requested in the NOFO that is necessary to confirm whether an applicant could successfully deliver the project proposed in the application. A “reach back” should be limited in scope and the information in question should be easily curable within a short timeframe. The Technical Review Team may only conduct one “reach back” during the technical review per Eligibility Requirement, Primary Merit Criteria, Secondary Merit Criteria, or Project Readiness Assessment issue per applicant. The applicant’s response to the “reach back” may only be considered for the specific Eligibility Requirement, Primary Merit Criteria, Secondary Merit Criteria, or Project Readiness Assessment issue for which a clarification is

warranted under these guidelines.

Likewise, an FHWA SRT member may direct the use of the “reach back” provision and ask the Technical Review Team to seek clarifying information from that applicant a second time if the project received a Highly Responsive rating for any of the Merit Criteria, or if an SRT member provides additional information to demonstrate that the project has benefits that are aligned with a Highly Responsive rating in any Merit Criteria (whether or not the Technical Review Team assigned a Highly Responsive rating). The FHWA SRT cannot direct a team to seek clarifying information from an applicant more than once per Primary Merit Criteria, Secondary Merit Criteria, or Project Readiness Assessment issue per applicant.

The applicant’s response to the “reach back” directed by the FHWA SRT Team may only be considered for the specific Eligibility Requirement, Primary Merit Criteria, Secondary Merit Criteria, or Project Readiness Assessment issue for which the clarification is warranted under these guidelines. An FHWA SRT member may also provide the necessary clarifying information to support a determination. If the Technical Review Team or a member of the FHWA SRT finds that information sufficient to determine that the project meets the requirement, the project will be eligible for further evaluation based upon the receipt of the clarifying information. The Technical Review Team will document the basis for that determination. Only projects that have been determined to satisfy the Eligibility Requirements, Primary Merit Criteria, Secondary Merit Criteria, and Project Readiness and are rated Highly Recommended or Recommended may advance for consideration by the SRT.

Senior Review

The Technical Review Team will send to the FHWA SRT the overall application rating for each eligible NSFLTP Program application. The FHWA SRT consists of senior FHWA officials requested to serve by the FHWA Administrator. The SRT, which may include the FHWA Administrator’s participation in the SRT review process, advises the FHWA Administrator which projects the FHWA Administrator should select for funding, taking into account the statutory requirement that half of the NSFLTP Program funding goes to projects on Tribal transportation facilities and that half goes to projects on Federal Lands transportation facilities and Federal Lands transportation facilities, as well as the statutory requirement that at least one eligible project shall be in a unit of the National Park Service with at least 3 million annual visitors. The FHWA SRT may also recommend for selection an NSFLTP Program project that is rated Recommended over a Highly Recommended project. When recommending a project that is Recommended over a Highly Recommended project, the FHWA SRT will select Recommended projects by considering how well the project addressed the Primary and Secondary Merit Criteria based on the number of criteria rated Highly Responsive and project readiness. When recommending applications to recommend to the FHWA Administrator, the FHWA SRT may consider geographic diversity including, as applicable, the need for a balance between the needs of rural and urban communities.

Selection and Award Phase

The FHWA Administrator makes final project selections and will select among the projects

advanced by the FHWA SRT. The review process gives the Administrator the discretion to determine which applications best address the program requirements, advance the Administration's Priorities and Departmental Strategic Plan Goals, and should be selected.

When selecting projects, the Administrator may also consider geographic diversity including the need for a balance between the needs of rural and urban communities, and selecting projects that ensure the effective use of Federal funding.

Post-award

Project applications that did not receive an award will not be rolled over into a new competition period. Applicants will need to re-submit an application into Grants.gov.

If an applicant wants a debrief, they may request one, but FHWA will not provide a debrief until available funding has been exhausted.

Disposition of an Application

The NSFLTP Team will be responsible for documenting the disposition of all applications concurrently with the final decision of which projects to fund. This includes:

- A final determination that an applicant or project is ineligible for funding;
- The basis upon which a Highly Recommended application was selected to receive an award;
- The basis upon which a Highly Recommended application was not selected to receive an award;
- The basis upon which a Recommended application was selected to receive an award; and
- The basis upon which a Recommended application was not selected to receive an award.

Roles and Responsibilities

Federal Highway Administration Office of Federal Lands Highway

The NSFLTP Team staff are responsible for managing and coordinating the entire application review process. The management and coordination of the review process includes structuring and documenting SRT meetings, coordinating meetings between the FHWA Administrator and the SRT, issuing evaluation guidelines, and drafting the required Congressional notification. The NSFLTP Team will coordinate the documentation for key program decisions. Key decisions include decisions to 1) determine that a project is Not Eligible or Not Recommended; 2) determine whether to use the "reach back" provision; 3) change the scope of a project under consideration; 4) determine applications to advance to the SRT; 5) determine preliminary funding amounts for consideration by the SRT, including by awarding less than an amount requested; 6) recommend the reassignment of a project to utilize other funds; and 7) recommend a project for another program. The selection of applications to receive an award will also be documented.

FHWA Office of the Chief Counsel

The FHWA Office of the Chief Counsel (HCC) provides legal advice to all teams and participants involved in the evaluation process at all phases in the evaluation process.

FHWA Office of Policy

The FHWA Office of Policy may provide policy advice to all teams and participants involved in the evaluation process at all phases in the evaluation process.

FHWA Office of Acquisitions and Grants Management

The FHWA Office of the Chief Acquisition Officer (HCFA) provides grants management advice to all teams and participants involved in the evaluation process at all phases in the evaluation process.

FHWA Program Offices

Staff from FHWA Program Offices will serve on the Initial Screening Team and Technical Review Team. Staff will be assigned based on their expertise and experience.

FHWA Field Offices

Staff from FHWA Field Offices can serve on the Technical Review Team. Staff will be assigned based on their expertise and experience.

EXHIBIT C - NSFLTP PROGRAM APPLICATION CHECKLIST

The Federal Highway Administration (FHWA) provides this Application Checklist for the Fiscal Years (FY) 2024-2026 Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program to assist project sponsors who intend to apply for a NSFLTP grant. This checklist is a tool that can assist applicants to ensure their application is complete. The items in this checklist are not exhaustive. Interested applicants should read the FY 2024-2026 NSFLTP Notice of Funding Opportunity (NOFO) in its entirety and especially when noted in this application checklist to submit eligible and competitive applications.

This checklist itself is not required to be submitted with the application and should not be attached to an application.

Before applying, applicants should verify that the proposed project is eligible. As described in Section C of the NOFO, in order to be eligible to receive NSFLTP Program funding, all of the following must be true:

- The applicant is (1) a Federal Land Management Agency (FLMA) or Tribe; OR (2) the applicant is a State, county, or unit of local government and sponsored by an FLMA or Tribe;
- The project is on an eligible Federal Lands transportation facility, Federal Lands access facility, or Federal Lands Tribal facility;
- The project is a single continuous project;
- The project has an estimated total estimated eligible project cost, based on the results of preliminary engineering, of \$12.5 million or more;
- The project demonstrates the completion of activities required under the National Environmental Policy Act (NEPA);
- If located on a Federal Lands transportation facility or a Federal Lands access transportation facility, the project meets the 10 percent Federal share requirement. See Section C.2 of the NOFO for more information on this requirement; and
- The NSFLTP funds requested will be used only for construction, reconstruction, or rehabilitation of transportation facilities and will not be used for any project design activities.

To complete the application:

- Required Forms. Applicants must submit the Standard Form 424, Standard Form 424C, Grants.gov Lobbying Form, and Disclosure of Lobbying Activities form. The forms will include key information such as the project name, lead applicant name, and congressional district(s) where the project is located.
- Cover Page. Applicants should submit a cover page in .docx or .pdf format per Section D.2.a.(5) of the NOFO.
- Project Narrative. Applicants should submit a Project Narrative in docx or pdf format per Section D.2.a.(7) of the NOFO. The Project Narrative should include the following sections addressing the subsequent items:
 - Basic Project Information - Description, Location, and Parties. This section of the project

narrative should describe basic details pertinent to the project, including project name, description, location, involved parties, etc. Items in this section will be used to determine grant program eligibility as detailed in Section C of the NOFO. More information on this section can be found in Section D.2.a.I. of the NOFO.

- **Project Description:** Provide the project name and a description of the project per Section D.2.a.I.a. of the NOFO.
 - **Project Location:** Provide a concise description of the project’s location, including a detailed geographic description of the proposed project, a map of the project’s location and connections to existing transportation infrastructure, and geospatial data describing the project location. Identify if the project is in an urban or rural community. See Section D.2.a.I.b. of the NOFO for more information.
 - **Lead Applicant type:** Provide details about the lead applicant. As described above, the lead applicant must be an Indian Tribe; FLMA; or State, county, or unit of local government sponsored by an Indian Tribe or FLMA. In this section, the applicant should describe their experience with receipt and expenditure of Federal funds. See Section D.2.a.I.c. of the NOFO for more information.
 - **Other Public and Private Parties:** Describe in detail all the other public and private parties who are involved in delivering the project, including a specific description of the role of each entity in delivering the project. See Section D.2.a.I.d. of the NOFO for more information.
- Budget Narrative - Grant Funds, Sources, and Uses of all Project Funding.** Provide information detailing the costs associated with the project. This information should support the information provided in the SF-424C. More information on this section can be found in Section D.2.a.II. of the NOFO.
- **Total Project Costs by funding source, component, and phase:** Provide the total project costs broken out by funding source and categorized as non-Federal, NSFLTP requested, and other Federal funding. Separate costs by project components or phases, including contingencies, where applicable. Identify previously incurred project costs. Identify conditions or limitations to any source of funds.
 - **Non-Federal Share:** For projects on Federal Lands access transportation facilities and Federal Lands transportation facilities, ensure that the budget indicates the amount, type, and source(s) of the required 10 percent non-Federal match. See Section C.2 of the NOFO. Provide the amount, type, and source(s) of any additional matching funds that are not required. For any non-NSFLTP Federal funds, indicate any required matching funds and their source(s).
- Primary Merit Criteria.** The application should provide a narrative response on how the

project responds to each of the nine Primary Merit Criteria in Section E.1.a. of the NOFO. Be sure to review the rating criteria in Section E.1.a. to understand how FHWA will rate projects against these criteria.

- Primary Merit Criterion 1: Describe how the project furthers the goals of DOT, including safety, state of good repair, economic competitiveness, and quality of life.
 - Primary Merit Criterion 2: Describe how the project improves the condition of critical transportation facilities, including multimodal facilities.
 - Primary Merit Criterion 3: Describe how the project needs construction, reconstruction, or rehabilitation.
 - Primary Merit Criterion 4: Describe how the project costs matched by funds that are not provided under the NSFLTP Program, with projects with a greater percentage of other sources of matching funds ranked ahead of lesser matches.
 - Primary Merit Criterion 5: Describe if the project is included or eligible for inclusion in the National Register of Historic Places.
 - Primary Merit Criterion 6: Describe how the project uses new technologies and innovations that enhance the efficiency of the project.
 - Primary Merit Criterion 7: Describe how the project is supported by funds, other than funds received under the NSFLTP Program, to construct, maintain, and operate the facility.
 - Primary Merit Criterion 8: Describe if the project spans two or more States.
 - Primary Merit Criterion 9: Describe how the project serves land owned by multiple Federal agencies or Indian Tribes.
- Secondary Merit Criteria. For projects on Federal Lands transportation facilities and Federal Lands access transportation facilities, the application should provide narrative response on how the project responds to each of the four Secondary Merit Criteria in Section E.1.b. of the NOFO. Be sure to review the rating criteria in Section E.1.b. to understand how FHWA will rate projects against these criteria. FHWA will not rate projects on Tribal transportation facilities against these criteria.
- Secondary Merit Criterion 1: Describe how the project will create positive outcomes that will reduce, mitigate, or reverse how a community is experiencing disadvantage through increasing affordable transportation options, improving health or safety, reducing pollution, connecting Americans to good-paying jobs, fighting climate change, and/or improving access to nature, resources, transportation or mobility, and quality of life; and how the applicant will

implement programs and policies that ensure the benefits of investments while mitigating the economic displacement of economically susceptible residents and businesses.

- Secondary Merit Criterion 2: Demonstrate how the project supports the goals of the Justice 40 Initiative.
 - Secondary Merit Criterion 3: Describe how the project will significantly reduce greenhouse gas (GHG) emissions in the transportation sector and incorporate evidence-based climate resilience measures or features.
 - Secondary Merit Criterion 4: Describe how the project will 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 training and placement programs.
- Project Readiness. In this section of the project narrative, provide information to demonstrate that the project is reasonably expected to begin construction in a timely manner and meet applicable obligation deadlines described in Section B.6 of the NOFO. See Section D.2.a.V. of the NOFO for more information.
- Technical Feasibility: Demonstrate the technical feasibility of the project with engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the application; and any scope, schedule, and budget risk-mitigation measures.
 - Project Schedule: Include a detailed project schedule that identifies all major project milestones.
 - Required Approvals
 - NEPA Documentation: The NEPA review must be complete at the time of application submittal, and applications should include documentation that NEPA has been completed.
 - Other Environmental Approvals and Permits: Demonstrate receipt, or reasonably anticipated receipt, of all other environmental approvals and permits, besides NEPA, necessary for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline described in Section B.6 of the NOFO.
 - State, Tribal, and Local Approvals: Demonstrate receipt, or the schedule for anticipated receipt, of any other State, Tribal, or local approvals on which the project depends, such as planning approvals.
 - Project Risks and Mitigation Strategies: Identify all material risks to the project and strategies that the applicant has taken or will take to mitigate

those risks.