

**U.S. DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Notice of Funding Opportunity for the Fiscal Year (FY) 2023 and FY 2024 National Scenic Byways Program**

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

**ACTION:** Notice of Funding Opportunity

**SUMMARY:**

<b>SUMMARY OVERVIEW OF KEY INFORMATION: National Scenic Byways Program (NSBP) Notice of Funding Opportunity</b>	
Issuing Agency	FHWA
Program Overview	Established in Title 23, Section 162 of the United States Code (U.S.C.), the NSBP is a grass-roots collaborative effort to help recognize, preserve, and enhance selected roads throughout the United States. Per 23 U.S.C. 162(b), grants and technical assistance are available to State departments of transportation (State DOT) and Indian Tribes to implement eligible projects on highways designated as National Scenic Byways, All-American Roads (collectively America’s Byways®), State scenic byways, or Indian Tribe scenic byways; and to plan, design, and develop a State or Indian Tribe scenic byway program.
Objective	Award grants, on a competitive basis, to implement eligible projects on highways designated as National Scenic Byways or All-American Roads (collectively America's Byways®), State scenic byways, or Indian Tribe scenic byways; and plan, design, and develop a State or Indian Tribe scenic byway program
Eligible Applicants	<ul style="list-style-type: none"><li>- States</li><li>- Indian Tribes</li></ul>
Eligible Project Types	Under 23 U.S.C. 162(c), eligible projects to receive a NSBP grant are limited to the following: <ol style="list-style-type: none"><li>1. An activity related to the planning, design, or development of a State or Indian Tribe scenic byway program.</li><li>2. Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.</li><li>3. Safety improvements to a State scenic byway, Indian Tribe scenic byway, National Scenic Byway, All-American Road (collectively America's Byways®) to the</li></ol>

	<p>extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, Indian Tribe scenic byway, National Scenic Byway, or All-American Road.</p> <ol style="list-style-type: none"> <li>4. Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, overlook, or interpretive facility.</li> <li>5. An improvement to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.</li> <li>6. Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.</li> <li>7. Development and provision of tourist information to the public, including interpretive information about a scenic byway.</li> <li>8. Development and implementation of a scenic byway marketing program.</li> </ol> <p><u>Eligible Highways</u>  NSBP eligible projects may only be implemented on highways designated in 23 U.S.C. 162(b)(1)(A)(i) – (v) as follows:</p> <ul style="list-style-type: none"> <li>- National Scenic Byways;</li> <li>- All-American Roads;</li> <li>- America’s Byways;</li> <li>- State scenic byways; or</li> <li>- Indian Tribe scenic byways.</li> </ul> <p><u>Limitation on Award of NSBP Grants</u>  Under 23 U.S.C. 162(d), the Secretary shall not make a grant under 23 U.S.C. 162 for any project that would not protect the scenic, historical, recreational, cultural, natural, or archaeological integrity of a highway or adjacent areas.</p>
Funding	This opportunity will result in the distribution of up to \$26.95 million in FY 2023 and FY 2024 funding. The actual amount available to be awarded under this notice will be subject to the availability of funds.
Deadline	Monday, December 16, 2024, 11:59pm ET
Cost Share	Per 23 U.S.C. 162(f), the “Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byway project along a public road that provides access to or within Federal or Indian land, a Federal Land Management Agency (FLMA) may use funds authorized for use by the agency as the non-Federal share.” The phrase “80 percent” means up to 80 percent of total eligible project costs.

This Notice of Funding Opportunity (NOFO) requests grant applications for the Federal Highway Administration's (FHWA) National Scenic Byways Program (NSBP) as provided by the Consolidated Appropriations Act, 2023 (Public Law 117-328) and the Consolidated Appropriations Act, 2024 (Public Law 118-42). Funds available under this NOFO are for Fiscal Years (FY) 2023 and 2024. In total, this grant opportunity will result in the distribution of up to \$26.95 million that are currently available. A set-aside of 2 percent of the appropriated funding will be used by FHWA for technical assistance activities. The actual amount available to be awarded under this NOFO will be subject to the availability of funds.

Funds made available for the NSBP grant program are to be awarded on a competitive basis, as provided by the two Appropriations Acts, to implement eligible projects on highways designated as National Scenic Byways or All-American Roads (collectively America's Byways®), State scenic byways, or Indian Tribe scenic byways; and plan, design, and develop a State or Indian Tribe scenic byway program per Title 23, United States Code (U.S.C.), Section 162(b). This NOFO describes the application requirements, selection and evaluation criteria, applicable program and Federal requirements, and available technical assistance during the grant solicitation period.

**DATES:**

Applications must be submitted electronically through [grants.gov](https://www.grants.gov) no later than 11:59 p.m., Eastern Time, on Monday, December 16, 2024 (the "application deadline"). Applicants are encouraged to submit applications in advance of the application deadline; however, applications will not be evaluated, and awards will not be made, until after the application deadline.

FHWA plans to conduct outreach regarding the NSBP in the form of a virtual meeting on Thursday, October 10, 2024, (3:00pm-4:30pm Eastern Time). To register for the Webinar, go to [https://usdot.zoomgov.com/webinar/register/WN\\_6XRaR5MiR1-WERecb4a3cw](https://usdot.zoomgov.com/webinar/register/WN_6XRaR5MiR1-WERecb4a3cw) . To join the Webinar, follow the instructions sent to your email upon registering. The phone number to access the audio portion of the Webinar will be provided after registering. If you require a reasonable accommodation to participate in the Webinar (e.g., an American Sign Language interpreter, captioning, Braille, or large print), please contact Kenan Hall at the preferred email address [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) or (202) 366-1533 no later than 10 business days prior to the Webinar. The Webinar will be recorded and posted on FHWA's Website at [https://www.fhwa.dot.gov/hep/scenic\\_byways/grants/](https://www.fhwa.dot.gov/hep/scenic_byways/grants/).

**ADDRESSES:**

Applications must be submitted electronically through [grants.gov](https://www.grants.gov). Refer to Assistance Listing Number: 20.205.

**FOR FURTHER INFORMATION CONTACT:**

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Federal Highway Administration  
U.S. Department of Transportation  
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Washington, DC 20590  
Email: [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) (preferred)  
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Alternate:

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Washington, DC 20590  
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Phone: (202) 366-4229

Office hours are from 9:00 a.m. to 3:00 p.m., Eastern Time, Monday through Friday, except Federal holidays.

FHWA will not review applications in advance, but FHWA staff are available for general questions about the NSBP and NOFO. FHWA will not provide technical assistance to any applicant, including providing guidance on how to address any information that should be included in an application. In addition, FHWA will post answers to questions and requests for clarifications at [Grants.gov](https://www.fhwa.dot.gov/hep/scenic_byways/) under this NOFO's page, [https://www.fhwa.dot.gov/hep/scenic\\_byways/](https://www.fhwa.dot.gov/hep/scenic_byways/) and on FHWA's Bipartisan Infrastructure Law's (BIL) Guidance Website at [Bipartisan Infrastructure Law - Guidance | Federal Highway Administration \(dot.gov\)](https://www.fhwa.dot.gov/bipartisan-infrastructure-law-guidance/). To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly at [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov), rather than through intermediaries or third parties, with questions.

Applicants are encouraged to submit questions to [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) by close of business Tuesday, November 5, 2024, to ensure FHWA has adequate time to respond prior to the application deadline.

FHWA cannot guarantee that questions received after that date will be answered prior to the application deadline.

Applicant resources are provided on FHWA’s NSBP Website at [https://www.fhwa.dot.gov/hep/scenic\\_byways/](https://www.fhwa.dot.gov/hep/scenic_byways/). Frequently asked questions from FHWA’s 2022 NSBP NOFO are also a resource that may provide answers to applicants’ questions. Here is the link: [2022 NSBP NOFO FAQs](#).

**SUPPLEMENTARY INFORMATION:**

Each section of this NOFO contains information and instructions relevant to the application process for NSBP grants. The applicant should read this NOFO in its entirety so that they have the information they need to submit eligible and competitive applications.

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This NOFO contains collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424C, and SF-LLL has been approved by OMB under 2105-0520. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

FHWA uses [www.grants.gov](http://www.grants.gov) for receipt of all applications. Applicants must register and use the system to submit applications electronically. Applicants are encouraged to register in advance of the submission deadline and to register to receive notifications of updates/amendments to this NOFO. Approval of user registrations for the site may take multiple weeks. It is the Applicant’s responsibility to monitor for any updates to this NOFO.

## SECTION A - PROGRAM DESCRIPTION

### 1. OVERVIEW

Section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240) established an interim scenic byways program and provided grants to States for scenic byways projects. Section 1219 of the Transportation Equity Act for the 21st Century (Pub. L. 105-178, June 9, 1998), as amended, established the NSBP, which is codified at 23 U.S.C. 162.

The purpose of the NSBP is to help recognize, preserve, and enhance selected roads throughout the United States. The Consolidated Appropriations Act, 2023, enacted on December 29, 2022, appropriated \$20 million, and the Consolidated Appropriations Act, 2024, enacted on March 8, 2024, appropriated an additional \$7.5 million in Highway Infrastructure Program (HIP) funds for the NSBP under 23 U.S.C. 162. Section 162 provides that grants and technical assistance be made available to the State departments of transportation (State DOT) or Indian Tribes to (a) implement eligible projects on highways designated as National Scenic Byways or All-American Roads (collectively America's Byways®), State scenic byways, or Indian Tribe scenic byways; and (b) plan, design, and develop a State or Indian Tribe scenic byway program. Eligible projects include access to recreation, byway facilities, construction, corridor management plans, highway improvements, interpretive information, marketing programs, resource protection, safety improvements, State and Indian Tribe scenic byway programs, and tourist information. Eligible projects are listed at 23 U.S.C. 162(c).

Between 1992 and 2012, FHWA awarded over \$505 million in NSBP grants. In 2022, FHWA awarded approximately \$21.8 million in grants to 33 projects. For information on all Scenic Byways grants issued, see [https://www.fhwa.dot.gov/hep/scenic\\_byways/grants/](https://www.fhwa.dot.gov/hep/scenic_byways/grants/).

#### **Administration Priorities and Departmental Strategic Plan Goals**

The U.S. Department of Transportation (DOT) seeks to fund projects that advance DOT priorities of safety, climate and sustainability, equity, and workforce development, job quality, and wealth creation as described in the [USDOT Strategic Plan, Research, Development and Technology Strategic Plan](#), and in executive orders (E.O.).<sup>1</sup>

#### **Safety**

DOT is committed to advancing safe, efficient transportation, including in the NSBP. The National Roadway Safety Strategy (NRSS), issued January 27, 2022, commits DOT 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

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<sup>1</sup> E.O. 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). E.O. 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). E.O. 14025, *Worker Organizing and Empowerment* (86 FR 22829), and E.O. 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335).

achieving zero roadway deaths through a Safe System Approach.<sup>2</sup> The outcomes that are anticipated from the projects funded by NSBP align with the NRSS.

#### Climate Change and Sustainability

DOT seeks to fund projects under the NSBP that reduce greenhouse gas emissions (GHG) in the transportation sector, incorporate evidence-based climate resilience measures and features, reduce the lifecycle GHG emissions from the project materials, and avoid adverse environmental impacts to air or water quality, wetlands, and endangered species, and address the disproportionate negative environmental impacts of transportation on disadvantaged communities, consistent with E.O. 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619).<sup>3</sup>

#### Equity

DOT seeks to award projects under the NSBP that will create proportional impacts to all populations in a project area, remove transportation related disparities to all populations in a project area, and increase equitable access to project benefits, consistent with E.O. 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009).

#### Workforce Development, Job Quality, and Wealth Creation

DOT intends to use the NSBP to 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, in project planning stages, consistent with E.O. 14025, *Worker Organizing and Empowerment* (86 FR 22829), and E.O. 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335). DOT also intends to use the NSBP to support wealth creation, consistent with the [Department's Equity Action Plan](#) through the inclusion of local inclusive economic development and entrepreneurship such as the use of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

Section E of this NOFO, which outlines the 2024 NSBP grant selection criteria, describes the process for selecting projects that further these goals. Section F.3 describes progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria, and the Administration's Priorities and Departmental Strategic Plan Goals as appropriate.

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<sup>2</sup> <https://www.transportation.gov/NRSS>

<sup>3</sup> See U.S. Department of Transportation Strategic Framework FY 2022–2026 (Dec. 2021) at <https://www.transportation.gov/administrations/office-policy/fy2022-2026-strategic-framework>

## **2. ADDITIONAL INFORMATION**

The NSBP is described in the Federal Assistance Listings under the assistance listing program title “Highway Planning and Construction” and assistance listing number 20.205.

FHWA is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. DOT also recognizes that applicants may be seeking funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple DOT discretionary opportunities or seek a combination of funding from multiple DOT opportunities.

The applicant should identify any other DOT programs and opportunities they intend to apply for (or use if the Federal funding is already available to the applicant), and what award amounts they will be seeking, in the appropriate sections of this NOFO, including Section D.2.a. II.

## **3. CHANGES FROM THE 2022 NOFO**

- Under Section E.1 Merit Criteria, the following two evaluation criteria are removed, as they are incorporated in other NOFO requirements:
  - i. Describe the challenge(s) or issue(s) the proposed project is seeking to mitigate and/or address. Please include data or evidence that supports the existence of the challenge(s) or issue(s) that the project is intended to address.
  - ii. Describe how you will evaluate the success of the proposed project in meeting its stated purpose and goal(s), including specific metrics that will be used to evaluate the extent to which the proposed project would be successful in addressing and/or mitigating the identified challenges, or meeting the stated goals. Please be as specific as possible, including descriptions of specific data and project evaluation criteria.
- As directed by the report language accompanying the Consolidated Appropriations Act, 2023, and the Consolidated Appropriations Act, 2024, under Section E.3.b Policy Considerations, FHWA will no longer give priority consideration to applications with a total project cost of \$500,000 or larger.
- Section F.2 Administrative and National Policy Requirements adds several Program Requirements that each applicant selected for NSBP grant funding must demonstrate effort to consider before receiving funds for construction.



## **SECTION B – FEDERAL AWARD INFORMATION**

### **1. Award Amount Available**

The Consolidated Appropriations Act, 2023 appropriated \$20 million and the Consolidated Appropriations Act, 2024 appropriated an additional \$7.5 million in HIP funds. The congressional report accompanying the appropriations directs FHWA to set aside 2 percent for administrative activities and technical assistance. This NOFO will make \$26.95 million to be awarded by FHWA for the NSBP under 23 U.S.C. 162. Awards provided with FY 2023 appropriated funding must be obligated by September 30, 2026, and expended by September 30, 2031, and awards provided with FY 2024 funding must be obligated by September 30, 2027, and expended by September 30, 2032. Obligation of a NSBP grant occurs when a selected applicant enters a project agreement with FHWA and FHWA authorizes the project to proceed.

### **2. Award Size**

There is no minimum or maximum award size. FHWA anticipates awarding between 30-40 grants.

### **3. Statutory Funding Provisions**

There are no applicable statutory funding provisions.

### **4. Previous NSBP Awards**

Previous recipients of NSBP grants may apply for funding to support additional phases of a project previously awarded funds in the NSBP. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has met estimated project schedules and budget, as well as the ability to realize the benefits expected for the project. A previous NSBP award, or application, does not affect competitiveness under this NOFO.

### **5. Type of Award**

If the successful applicant is a State DOT or if a State DOT will serve as a pass-through entity to a non-State DOT entity, NSBP funds will be awarded upon the execution of a project agreement, which is a type of grant agreement for administration of funds to a State DOT in the Fiscal Management Information System (FMIS).

If the successful applicant is a Tribe, funds will be awarded upon the execution of a grant agreement with FHWA. A determination will be made if the awardee will administer the project or options may include an applicable State DOT or FHWA Federal Lands Highway Division.

## **6. Availability of Funds**

Awards provided with FY 2023 appropriated funding must be obligated by September 30, 2026, and expended by September 30, 2031. Awards provided with FY 2024 funding must be obligated by September 30, 2027, and expended by September 30, 2032. Obligation of a NSBP grant occurs when a selected applicant enters a project/grant agreement with FHWA and FHWA authorizes the project to proceed. For construction, this is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements and compliance with Title 23, Code of Federal Regulations (CFR), Part 635, Subpart C “Physical Construction Authorization” for State DOT applicants or 2 CFR 200.318 – 327 for non-State DOT applicants.

## **7. Period of Performance**

If a grant recipient will be a State DOT or if a State DOT will serve as a pass-through to a non-State DOT entity awarded a grant, the DOT Payment System will be “Current Bill” in the “FMIS” and the start of the period of performance will begin on the date NSBP funds are obligated in FMIS and end on the project end date in FMIS.

If a grant recipient will be a Tribe, the DOT Payment System will be “DELPHI eInvoicing” and the start of the period of performance will begin on the date of the grant agreement executed by FHWA which will obligate the NSBP and end on the period of performance that is listed in the grant agreement.

## SECTION C – ELIGIBILITY INFORMATION

To be selected for a grant, an applicant must meet the eligibility requirements under Section C, including Eligible Applicant; Eligible Project; and Statutory Cost Sharing or Match requirements. Applications that do not meet these eligibility requirements will not be evaluated under criteria in Section E.

### Statutory Eligibility

- (a) Applicants must clearly identify applicant and project eligibility:
  - 1. The State DOT or Indian Tribe applying for funding (23 U.S.C. 162(b)(1)).
  - 2. The type of byway designation (National Scenic Byways, All-American Road, State scenic byway, or Indian Tribe scenic byway (23 U.S.C. 162(b)(1)(A)(i) – (v)).
  - 3. The eligible project under 23 U.S.C. 162(c).
- (b) Applicants must also include an explanation as to how the project will protect the scenic, historical, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas. (23 U.S.C. 162(d))

### 1. ELIGIBLE APPLICANTS

Eligible applicants for the NSBP discretionary grants are (1) States and (2) Indian Tribes (23 U.S.C. 162(b)(1)). For the purpose of this program and as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), Indian Tribe means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (49 U.S.C. 6703(a)(2)).

Other entities may partner with a State DOT or Tribal government to submit an application, but the eligible applicant (i.e., recipient) must be a State DOT or Indian Tribe.

### 2. COST SHARING OR MATCHING

Per 23 U.S.C. 162(f), the “Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byway project along a public road that provides access to or within Federal or Indian land, a Federal Land Management Agency (FLMA) may use funds authorized for use by the agency as the non-Federal share.” The phrase “80 percent” means up to 80 percent of total eligible project costs. Information on calculating non-Federal share can be found at <https://www.transportation.gov/grants/dot-navigator/understanding-non-federal-match-requirements>. Private, local, Indian Tribe and State funds may be used as the non-Federal matching share. Additional information on non-Federal

matching requirements can be found at

[https://www.fhwa.dot.gov/legregs/directives/policy/memonfmr\\_tapered20190515.htm](https://www.fhwa.dot.gov/legregs/directives/policy/memonfmr_tapered20190515.htm).

Property and materials are accepted toward the match share if the source is an individual or a private entity, local government, or Indian Tribe applying through the State DOT. Services are accepted toward the match share if the source is an individual or a private entity, local government, or Indian Tribe applying through the State DOT directly to FHWA.

FHWA will not consider previously incurred costs or previously expended or encumbered funds towards the matching requirement for any project. Matching funds are subject to the same Federal requirements described in Section F.2. as awarded funds.

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

For each project that receives a grant under this NOFO, FHWA expects the project to be completed using at least the level of non-Federal funding that was specified in the application.

### **3. OTHER**

#### **i. Number of Applications**

A State DOT or Tribe may submit more than one application; however, only one project may be included in each application. If a State DOT or Tribe is submitting more than one application, when submitting each application, please inform FHWA its priority over the others by numeral ranking with “1” being the highest priority.

#### **ii. Multi-State and Multi-Tribe Applications**

State DOTs may submit multi-State byway applications and Indian Tribes may submit multi-Tribe byway applications for funding. For purposes of the grant administration, a multi-State or multi-Tribe grant is an arrangement whereby one State DOT or Indian Tribe agrees to serve as the lead State DOT or lead Indian Tribe for preparing and submitting a single grant application, as well as administering the grant. The lead State DOT or lead Indian Tribe determines the priority for the multi-State or multi-Tribe grant. Similarly, if the proposed project falls on or is adjacent to both State DOT and Tribal land, the State DOT and Tribe should coordinate to determine who will act as lead for preparing and submitting the application.

#### **iii. Federal Land Management Agencies**

An FLMA is not eligible to apply for NSBP discretionary grants. The FLMAs may coordinate with States or Tribes to submit an application but may not act as lead applicant. If funding is awarded, a State DOT or Tribe may enter into an agreement with an FLMA to carry out the project. In addition, a State may request that funding be directly allocated to the FLMA for administration under an agreement in accordance with 23 U.S.C. 132.

iv. Eligible Projects

Under 23 U.S.C. 162(c), eligible projects to receive a NSBP grant are limited to the following:

1. An activity related to the planning, design, or development of a State or Indian Tribe scenic byway program.
2. Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.
3. Safety improvements to a State scenic byway, Indian Tribe scenic byway, National Scenic Byways or All-American Road (collectively America's Byways®) to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, Indian Tribe scenic byway, National Scenic Byway, or All-American Road.
4. Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, overlook, or interpretive facility.
5. An improvement to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.
6. Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.
7. Development and provision of tourist information to the public, including interpretive information about a scenic byway.
8. Development and implementation of a scenic byway marketing program.

v. Eligible Highways

NSBP-eligible projects may only be implemented on highways designated in 23 U.S.C. 162(b)(1)(A)(i) – (v) as follows:

1. National Scenic Byways;
2. All-American Roads;
3. America's Byways;<sup>4</sup>
4. State scenic byways; or
5. Indian Tribe scenic byways.

vi. Limitation on Award of NSBP Grants

Under 23 U.S.C. 162(d), the Secretary shall not make a grant under 23 U.S.C. 162 for any project that would not protect the scenic, historical, recreational, cultural, natural, or archaeological integrity of a highway or adjacent areas.

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<sup>4</sup> America's Byways® is the umbrella term FHWA uses for the collection of 184 distinct and diverse roads designated by the U.S. Secretary of Transportation. America's Byways include the National Scenic Byways and All-American Roads.

## SECTION D - APPLICATION AND SUBMISSION INFORMATION

### 1. ADDRESS TO REQUEST APPLICATION PACKAGE

All application materials may be found on at <http://www.grants.gov>.

Once at [Grants.gov](http://www.grants.gov), select the Search Grants tab. Then enter one of the following:

- Opportunity Number: **693JJ324NF00029**
- Opportunity Name: ***NATIONAL SCENIC BYWAYS PROGRAM-2024***
- Assistance Listing Number: **20.205**

When at one of these pages, select the Opportunity, which will open to a page with several tabs. The first tab is a synopsis of the opportunity. Select the Application Package tab to download the forms needed to submit an FY 23 and 24 NSBP application.

For Teletypewriter/Telephone Device for the Deaf (TTY/TDD) users, please call 711. If potential applicants are unable to download the application package from the internet, they may send a written request for a paper copy to the below address. Requests should be sent to:

Kenan Hall  
Agreement Specialist  
Office of Acquisition and Grants Management  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE.  
Washington, DC 20590  
Email: [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) (preferred)  
Phone: (202) 366-1533

Alternate:

Ryan Buck  
Team Leader, Grants Support  
Office of Acquisition and Grants Management  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE.  
Washington, DC 20590  
Email: [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) (preferred)  
Phone: (202) 366-4229

Office hours are from 9:00 a.m. to 3:00 p.m., Eastern Time, Monday through Friday, except Federal holidays.

## 2. CONTENT AND FORM OF SUBMISSION

### i. Application

All applications must be submitted electronically through [grants.gov](https://www.grants.gov).

**Note:** DOT may share application information within DOT or with other Federal Agencies if DOT determines that sharing is relevant to the respective program’s objectives.

The application must include the Standard Form 424 (Application for Federal Assistance), Standard Form 424C (Budget Information for Construction Programs) or Standard Form 424A (Budget Information for Non-Construction Programs) and a Project Narrative.

FHWA recommends that the project narrative follow the outline below. Following the outline will also assist evaluators in locating relevant information.

I. Basic Project Information – Description, Location, and Parties	See D.2.I
II. Grant Funds, Sources and Uses of all Project Funding	See D.2.II
III. Merit Criteria	See D.2.III
IV. Project Readiness and Environmental Risk	See D.2.IV
V. Statutorily Required Project Selection Priorities and FHWA Priority Selection Considerations	See D.2.V

The project narrative should provide information necessary for FHWA to determine that the project satisfies project requirements described in Section C for the grant program and to assess the merit criteria specified in Section E.1.

To the extent practicable, applicants should provide supporting data and documentation in a form that is publicly available and directly verifiable by FHWA. FHWA may, but is not required to, request additional information, including additional data, to clarify supporting data and documentation submitted in an application, but FHWA encourages applicants to submit the most relevant and complete information they can provide. To ensure a fair and unbiased evaluation of applications submitted under this NOFO, FHWA will not request additional information to perfect incomplete applications.

In addition to the information submitted in an application template, applicants should submit a detailed statement of work (SOW), detailed project schedule, and detailed project budget.

Applicants must submit narratives to support these project elements and should include a table of contents, maps, and graphics, as appropriate, to make the information easier to review.

FHWA recommends that the project narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative may not exceed 10 pages in length. Appendices may include documents supporting assertions or conclusions made in the 10-page project narrative and do not count towards the 10-page limit. 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 FHWA financial assistance program may be referenced and described as unchanged. FHWA recommends using appropriately descriptive final names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding and Letters of Support," etc.) for all attachments. DOT recommends applications include the following sections:

## **I. Basic Project Information – Project Description, Location, and Parties**

The project narrative should be submitted in a single PDF document and should thoroughly address each of the below statutory eligibility criteria and merit criteria with as much detail as possible, without exceeding the overall page limit. FHWA recommends that the Basic Project Information section follow the outline below to address the program requirements and assist evaluators in locating relevant information:

1. Name/title of proposed project.
2. The State DOT or Indian Tribe applying for funding (23 U.S.C. 162(b)(1)).
3. Name and contact information for the State DOT or Tribal applicant point of contact.
4. Name of the byway(s) impacted by the proposed project, and whether the project is a statewide or multi-State project.
5. Designation type of the byway(s) impacted by the proposed project (National Scenic Byway, All-American Road, State scenic byway, or Indian Tribe scenic byway) (23 U.S.C. 162(b)(1)(A)(i) – (v)).
6. The primary project type under which the proposed project aligns (23 U.S.C. 162(c)).
7. If applicable, the additional project types identified.
8. Project Abstract (maximum five sentences): Summarize project work that would be completed under the project. The project abstract must succinctly describe how the specific request for NSBP funds would be used to complete the project.

### **(a) Project Description**

The applicant should provide detailed information about the project, including current challenges and how the project would address these challenges. The project description must also detail how the project will protect the scenic, historical, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas (23 U.S.C. 162(d)).



The applicant should provide a concise discussion of the project’s history and a description of 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.

To the extent possible, FHWA encourages, but is not requiring, applicants to identify the degree to which the project may contribute to the functioning and growth of the economy, including the extent to which the project addresses congestion or freight connectivity, bridges service gaps in rural areas, or promotes greater land-use productivity, including main street revitalization or locally-driven density decisions that support equitable commercial and mixed-income residential development.

This section of the application should also provide details about the lead applicant. The details should include the lead applicant’s demonstrated experience with receipt and expenditure of Federal-aid highway program funds under 23 U.S.C. FHWA will consider the degree of experience as part of the project readiness evaluation. If an application is rated highly under other criteria, but the applicant has no or limited experience with the receipt and expenditure of Federal-aid highway program funds, FHWA may contact the applicant prior to final selection of FY 2024 awards to discuss technical resources that may be available to assist the applicant in obtaining the capacity and expertise to ensure compliance with all applicable Federal requirements and timely delivery of the project. The applicant should describe in detail all of 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.

#### (b) Project Location

The applicant should describe in the application the project location, including a detailed geographical description of the proposed project and a listing of project zip codes, a map of the project’s location and connections to existing transportation infrastructure, and geospatial data describing the project location. The application should include whether the project is located in an urban or rural community. For the purpose of this NOFO, FHWA will consider communities that are within Urbanized Areas (i.e., areas with a population of 50,000 or more) to be urban communities and all other communities to be rural. FHWA will rely on the digital maps and geographic shapefiles for the 2020 Census urban areas depicted on FHWA HEPGIS maps of [MPO and 2020 Census Urban Areas - FHWA HEPGIS Maps \(dot.gov\)](#) (refer to the “MPO and Air Quality Tab” and then scroll to “MPO and 2020 Census Urban Areas”) which correlates the definitions of “urban”<sup>[1]</sup> and “rural areas”<sup>[2]</sup> under 23 U.S.C. and Bureau of the Census data. A list of 2020 census designated urban areas is available in the Census Bureau’s [December 29, 2022 Federal Register Notice](#) (87 FR 80114).”

The application should also identify:

- i. If the project is located within the boundary of a 2020 Census-designated Urbanized Area, the application should identify the Urbanized Area;<sup>5</sup> and
- ii. Whether the project is located in one of four federally designated community development zones (Opportunity Zones, Empowerment Zones, Promise Zones, or Choice Neighborhoods).

Information under (ii) may be used for DOT's internal data tracking.

## **II. Grant Funds, Sources and Uses of all Project Funding**

The applicant should describe the project's budget in detail and the plans for covering the full cost of the project from all sources. The project budget should show how different funding sources will share in each major project activity and present those data in dollars and percentages. The budget should identify other Federal funds the applicant is applying for or has been awarded, if any, that the applicant intends to use. Funding sources should be grouped into three categories: (1) Non-Federal; (2) NSBP Funds; and (3) Other Federal Funds with specific amounts from each funding source.

The project budget should identify all Federal funds to be used for future eligible costs of the project, including the requested NSBP grant amount, other Federal grants that have been awarded to the project or for which the project intends to apply in the future, and any Federal formula funds that have already been programmed for the project 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. Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, or private funds.

If the project contains components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should be detailed enough to demonstrate that the project satisfies the NSBP statutory cost-sharing requirements under Section C and those associated with each category of Federal funding.

The application should include information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated cost increases. In addition to the information enumerated above, this section should provide complete information on how all project funds may be used, availability and funding commitments. 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

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<sup>5</sup> Lists of Urbanized Areas are available on the Census Bureau Website at [http://www2.census.gov/geo/maps/dc10map/UAUC\\_RefMap/ua/](http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/) and maps are available at <https://tigerweb.geo.census.gov/tigerweb/>.

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

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

### **III. Merit Criteria**

The applicant should describe how the proposal meets the Merit Criteria under Section E.1.

### **IV. Project Readiness and Environmental Risk**

The application should include information that, when considered with the project budget information, is sufficient for FHWA to evaluate whether the project is reasonably expected to begin construction in a timely manner. To assist with FHWA's project readiness assessment, the applicant should provide the information requested on technical feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections. Applicants are not required to follow the specific format described here, but this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators.

#### **(a) Technical Feasibility**

The applicant should demonstrate the technical feasibility of the project with engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed SOW that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed. The applicant must demonstrate compliance with Title VI/Civil Rights requirements, to ensure that no person is excluded from participation, denied benefits, or otherwise subjected to discrimination under any program or activity, on the basis of race, color, national origin, sex, age, or disability.

#### **(b) Project Schedule**

The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals (programming on the Statewide Transportation Improvement Program (STIP)); start and completion of the National Environmental Policy Act (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; project partnership and implementation agreements including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that:

- All necessary activities will be complete to allow NSBP funds to be obligated<sup>6</sup> sufficiently in advance of the statutory deadline and that any unexpected delays will not put the funds at risk of expiring before they are obligated;
- All real property and right-of-way acquisition necessary for the project 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.

(c) Required Approvals

- i. **Environmental Permits and Reviews.** The application should provide documentation of receipt (or the schedule for anticipated receipt) of all environmental approvals and permits necessary for the project to meet the project delivery timeline specified in the project schedule, and necessary to meet the statutory obligation deadline if applicable, including satisfaction of all Federal, State, and local requirements and completion of the NEPA process. Specifically, in this section the applicant may elaborate on the NEPA evaluation process. If the final agency action with respect to NEPA occurred more than 3 years before the application date, the applicant should describe a proposed approach for updating this material in accordance with applicable NEPA reconsideration requirements.

This section should also provide:

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

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<sup>6</sup> Obligation for a NSBP grant occurs when a selected applicant enters a project agreement with FHWA and FHWA authorizes the project to proceed. For construction, this is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements and compliance with 23 CFR 635 subpart C “Physical Construction Authorization.”

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

ii. **State and Local Approvals.**

The applicant should demonstrate receipt (or the schedule for anticipated receipt) of State and local approvals on which the project depends, such as State and local environmental and planning approvals, and STIP, Tribal Transportation Improvement Program (TTIP), or transportation improvement program (TIP) funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

iii. **Federal Transportation Requirements Affecting State and Local Planning.**

The planning requirements applicable to the Federal-aid highway program apply to all NSBP projects.<sup>7</sup> Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the 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. Applicants should provide links or other documentation supporting this consideration.

Because projects have different schedules, the construction start date for each grant will be specified in the project-specific agreements signed by FHWA and the grant recipients, will be based on critical path items that applicants identify in the application, and will be consistent with relevant State and local plans.

iv. **Assessment of Project Risks and Mitigation Strategies.**

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

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<sup>7</sup> In accordance with 23 U.S.C. §§ 134 and 135, all projects requiring an action by FHWA must be in the applicable plan and programming documents (e.g., metropolitan transportation plan (MTP), TIP, and STIP or TTIP). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming MTP and TIP. Inclusion in the TTIP or STIP is required under certain circumstances. To the extent a project is required to be on a MTP, TIP, TTIP, and/or STIP, it will not receive a grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and metropolitan planning organization. Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive a grant.

or will undertake to mitigate those risks.<sup>8</sup> The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

To the extent it is unfamiliar with the Federal-aid highway program, the applicant should contact the FHWA division office in their State as found at [Field Offices | Federal Highway Administration \(dot.gov\)](#) for information on what steps are prerequisite to the obligation of Federal funds to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

## **V. Statutorily Required Project Selection Priorities and FHWA Priority Selection Considerations**

The applicant should include a section to highlight any priority considerations the project will address. Detailed information demonstrating how the project supports the priority consideration(s) and references to earlier sections of the narrative along with supporting documentation should be included in the application.

### **3. UNIQUE ENTITY IDENTIFIER AND SYSTEM FOR AWARD (SAM)**

The Data Universal Numbering System (DUNS), required for entities doing business with the Federal Government, was replaced by the Unique Entity Identifier (UEI) in the System for Award Management (SAM). As of April 4, 2022, applicants must use their UEI, issued during the SAM.gov registration process, to do business with DOT. If your entity was actively registered, then your UEI was automatically assigned, and it is currently viewable in SAM.gov; there is no action for registered entities to take at this time to obtain your SAM UEI. If you are a new entity or your registration has expired, you must register your entity in SAM.gov and you will be assigned a UEI.

Each applicant is required to:

- a. Be registered in SAM before submitting their application;
- b. Provide a valid UEI in their application; and
- c. Continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by a Federal awarding Agency.

Please see <https://grants.gov/applicants/applicant-faqs#uei> or more information on the transition from DUNS to SAM UEI, including what UEI to enter into the UEI field on [grants.gov](#) and on application package forms.

FHWA may not make a Federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements. If an applicant has not fully complied with the

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<sup>8</sup> FHWA considers an applicant's lack of experience with receipt and expenditure of Federal-aid highway funds under title 23, U.S.C. a material risk.

requirements by the time the Federal awarding Agency is ready to make a Federal award, the Federal awarding Agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

**NOTE TO APPLICANTS: The SAM.gov requires the registrant to provide a UEI number to complete the registration. These processes can take several weeks to complete so they should be started well before the application deadline.**

#### **4. SUBMISSION DATES AND TIMES**

Applications must be submitted electronically through [grants.gov](https://www.grants.gov) no later than 11:59 p.m., Eastern Time on Monday, December 16, 2024 (the “application deadline”).

#### **5. INTERGOVERNMENTAL REVIEW**

An application under this NOFO is not subject to the State review under E.O. 12372.

#### **6. FUNDING RESTRICTIONS**

##### **a. Costs incurred Prior to Award and Obligation of Grant Funds (Pre-Award Costs)**

Under 2 CFR 200.458, pre-award costs are those costs incurred prior to the effective date of a Federal award or subaward directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work.

##### Non-State DOT Administered Grants

For projects that will be administered by a non-State DOT, unless authorized by FHWA in writing, any pre-award costs incurred prior to the execution of a project agreement and FHWA’s obligation of funds for a project are *ineligible* for reimbursement.

##### State DOT Administered Grants

For projects that will be administered by a State DOT, costs incurred prior to FHWA’s obligation of funds for a project may be *eligible* for reimbursement under an Advance Construction authorization project agreement in accordance with 23 U.S.C. 115.

##### **b. Grant funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.**

## **7. OTHER SUBMISSION REQUIREMENTS**

### **a. Scalable Project Options**

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project or a bundled project at the full requested amount. If an applicant advises that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FHWA may award a lesser amount whether or not a scalable option is provided.

### **b. Submission Location**

Applications must be submitted to [grants.gov](https://www.grants.gov).

### **c. Consideration of Applications**

Only applicants who comply with all submission deadlines described in this NOFO and electronically submit valid applications through [grants.gov](https://www.grants.gov) will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

### **d. Late Applications**

Applicants experiencing technical issues with [Grants.gov](https://www.grants.gov) that are beyond the applicant's control must contact [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) prior to the application deadline with the username of the registrant and details of the technical issue experienced. The applicant must provide:

- (1) Details of the technical issue experienced;
- (2) Screen capture(s) of the technical issues experienced along with corresponding [Grants.gov](https://www.grants.gov) "Grant tracking number;"
- (3) The "Legal Business Name" for the applicant that was provided in the SF-424;
- (4) The point of contact name submitted in the SF-424;
- (5) The UEI associated with the application; and
- (6) The [Grants.gov](https://www.grants.gov) Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the registration process before the deadline; (2) failure to follow [Grants.gov](https://www.grants.gov) instructions on how to register and apply as posted on its Website; (3) failure to follow all instructions in this NOFO of funding opportunity; and (4) technical issues experienced with the applicant's computer or information technology environment.

After FHWA reviews all information submitted and contact the [Grants.gov](https://www.grants.gov) Help Desk to validate reported technical issues, FHWA staff will contact late applicants to approve or deny a request to submit a late application through [Grants.gov](https://www.grants.gov). FHWA will not accept appeals of FHWA decision



to approve or deny a request for a late application. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

**e. Compliance with Section 508 of the Rehabilitation Act of 1973**

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

## SECTION E - APPLICATION REVIEW INFORMATION

### 1. CRITERIA

FHWA will award NSBP grants based on an evaluation of the Merit Criteria, Statutorily Required Project Selection Priorities, and FHWA Priority Selection Considerations described in this Section E. 1 and the Selection and Review process described in E.2.

#### I. Merit Criteria

- (a) FHWA will evaluate the extent to which the project will advance at least one of the four NSBP goals: (1) Safety; (2) Climate and Sustainability; (3) Equity; and (4) Workforce Development, Job Quality, and Wealth Creation. If the project will advance more than one goal, identify each goal by name and its subsection listed below, and address the respective goal definition. Please include data (qualitative or quantitative) or evidence (newspaper articles, public meetings etc.) that supports how the project will meet each identified goal(s). (The application does not need to demonstrate all of the goals.)

Safety: Applicants will be rated higher on this goal if they can clearly demonstrate that the project will:

- Make our transportation system safer for all; and
- Prioritize safety and public health using informed decision making and data-driven approaches, working toward a future where transportation-related serious injuries and fatalities are eliminated.

Climate and Sustainability: The applicants that rate highest on this goal will be those with projects that will:

- Tackle the climate crisis;
- Work to ensure that transportation, which is the largest contributor to climate change, plays a central role in the solution by reducing transportation-related GHGs; and
- Build a more resilient infrastructure.

Equity: Applicants will be rated higher on this goal if they can clearly demonstrate that the project will:

- Address inequities;
- Restore, reconnect, and mitigate current and future inequitable impacts to communities and their people;
- Build and maintain equitable transportation systems; and
- Promote affordable and accessible options that foster opportunity for all across urban, suburban, and rural areas.

Workforce Development, Job Quality, and Wealth Creation: Applicants will rate more highly on this goal if they can demonstrate that the project will:

- Grow the economy;
- Support policies that create good American jobs and the training to build the

- workforce of the future;
- Strengthen our economic competitiveness; and
- Maintain and modernize our core infrastructure assets to efficiently move people and goods.

It is not the intention to evaluate the application on all four of the goals. This criterion will evaluate how the application responds on the question of the NSBP goals in general. The discussion of the NSBP goals will be evaluated as follows:

**Highly Qualified:** The application clearly describes how the proposed project will advance at least one of the goals. Data provided in the application directly supports the need to advance the goal(s) on the identified highway.

**Qualified:** The application describes how the proposed project will advance at least one of the goals. The data provided in the application is limited and does not directly support the need to advance the goal(s) on the identified highway.

**Not Qualified:** The application does not clearly describe how the proposed project will advance at least one of the goals. The data provided in the application does not support the need to advance the goal(s) on the identified highway or no data is included in the application.

- (b) Describe how the project will benefit the byway community and/or traveler and how it will protect the intrinsic qualities that support the byway's designation:

**Highly Qualified:** Application clearly describes with a high level of detail how the project will benefit the byway community and/or traveler and how it will protect the intrinsic qualities that support the byway's designation.

**Qualified:** Application broadly describes how the project benefits the byway community and/or traveler and how it will protect the intrinsic qualities that support the byway's designation.

**Not Qualified:** Application does not describe how the project will benefit the byway community and/or traveler and how it will protect the intrinsic qualities that support the byway's designation.

- (c) Describe the proposed timeline for the project, including project phases, if applicable. This description should identify any planning or other efforts that have already been put into the project, and the project's readiness for implementation if funding is awarded (e.g., how soon after funding is awarded will funds be matched and obligated). Sufficient information should be provided for reviewers to evaluate the feasibility of the proposed approach as well as the applicant's capability to achieve the proposed outcomes within the designated grant time frame.

**Highly Qualified:** Application provides detailed information on the project timeline, including identifying planning or other efforts that have gone into the project already and

evidence of the project's readiness for implementation. Information provided is sufficient for reviewers to evaluate the feasibility of the project and the applicant's ability to achieve the proposed outcomes within the NSBP obligation and expenditure deadlines.

**Qualified:** Application provides some information on the project timeline and limited evidence of the project's readiness for implementation. Information provided may be vague or insufficient for reviewers to evaluate the feasibility of the project and the applicant's ability to achieve the proposed outcomes within the grant timeframe.

**Not Qualified:** Application does not clearly describe the project timeline, planning efforts, or evidence of the project's readiness for implementation. Reviewers are unable to evaluate the feasibility of the project and the applicant's ability to achieve the proposed outcomes within the grant timeframe based on the information provided.

- (d) Describe, in detail, the proposed project budget. The description should include a detailed description of the start and end for major project activities, milestones, and deliverables. The description should also include a detailed project budget with the total project cost. The budget should identify all funding sources, amounts, and percentage of total cost of the project including the NSBP requested grant amount and other funding sources, as appropriate, including other Federal funds; State funds; Tribal funds; local funds; and other funds such as private funds.

**Highly Qualified:** Application describes the project in detail including the major project activities, milestones, and deliverables. For each major project activity, milestones, and deliverable, the application provides a start and end date for each. The application includes a detailed budget that shows the total project cost, all funding sources and amounts, and percentage of total project costs.

**Qualified:** Application broadly describes the project. The application is vague about the major project activities, milestones, and deliverables and/or does not completely provide the start and end dates for each. The application includes a budget but does not provide the detailed breakdown for funding sources and amounts, and percentage of total project costs.

**Not Qualified:** Application does not clearly describe the project. The application does not include major project activities, milestones, and deliverables. The application does not provide the start and end dates for each. No budget is included in the application.

### **Overall Application Rating**

FHWA will assign each eligible application a rating of Highly Qualified, Qualified, or Not Qualified. The rating will be assigned by FHWA on the following basis:

- A **Highly Qualified** project is one that receives a rating of Highly Qualified on all merit criteria.

- A **Qualified** project is one that receives at least one Qualified rating on a merit criterion, and a rating of Qualified or Highly Qualified for all remaining merit criteria.
- A **Not Qualified** project is one that does not meet one or more of the statutory eligibility requirements, or a project that receives at least one Not Qualified rating on a merit criterion.

## **II. Statutorily Required Project Selection Priorities and FHWA Priority Selection Considerations**

### **a. Statutorily Required Project Selection Priorities**

Per 23 U.S.C. 162(b)(2), in making grants, FHWA shall give priority to the following:

- Each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;
- Each eligible project along a State or Indian Tribe scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or an All-American Road; and
- Each eligible project that is associated with the development of a State or Indian Tribe scenic byway program.

### **b. FHWA Priority Selection Considerations**

After completing the technical review consisting of the Merit Criteria and Statutorily Required Project Selection Priorities, among projects of similar merit, FHWA may prioritize a Project that will address one or more of the following priorities:

- The project will advance two or more of the NSBP goals.
- The majority of the project's costs will be spent within (or on the boundary of) a Census-designated rural area.

For purposes of this notice, a project is designated as urban if it is located within (or on the boundary of) a Census-designated urbanized area that had a population greater than 50,000 in the 2020 Census. If a project is located outside a Census-designated urbanized area with a population of 50,000 or more, it is designated as a rural project. A project located in both an urban and a rural area will be designated as urban if the majority of the project's costs will be spent within (or on the boundary of) a Census-designated urbanized area. Conversely, a project located in both an urban area and a rural area will be designated as rural if the majority of the project's costs will be spent within (or on the boundary of) a Census-designated rural area.

If the majority of project costs will be located within (or on the boundary of) a Census-designated rural area, the application should include a cost breakdown specific to geographic location to demonstrate that more than 50 percent of funds will be spent within or on the boundary of a rural area.

- iii. At least part of the project falls within an economically distressed community per the U.S. Economic Development Administration.

FHWA encourages the use of the U.S. Economic Development Administration Economically Distressed Areas tool to verify: <http://www.statsamerica.org/distress/distress.aspx>. However, additional evidence can be provided for verification. If applicable, in the application discuss what part(s) of the byway are located in distressed communities.

- iv. Applicant has identified cost sharing and leveraging of non-Federal funds beyond the required 20 percent non-Federal match.

## **2. REVIEW AND SELECTION PROCESS**

FHWA will conduct an application intake and eligibility review by providing an initial eligibility screening based on the statutory eligibility requirements in Section C. Only eligible projects will be evaluated against the Merit Criteria and responsiveness to the Statutorily Required Project Selection Priorities and FHWA Priority Selection Considerations.

The NSBP evaluation of eligible applications consists of the following: (1) a Technical Review Team (TRT) review and (2) an FHWA Senior Review Team (SRT) review.

### **a. Technical Merit Review**

The evaluation of eligible applications will be conducted by a TRT which may consist of individuals from FHWA Headquarters and Division offices. The TRT will evaluate each eligible application against the Merit Criteria under Section E.1 and assign an Overall Application Rating.

All Highly Qualified and Qualified applications recommended for funding will be reviewed by the FHWA division office in the State in which the project is located. The division offices will review the respective applications and evaluate whether there are any aspects in the delivery of the proposed project that may prevent the project from moving forward.

The TRT will also evaluate each Highly Qualified and Qualified application against its responsiveness to the Statutorily Required Project Selection Priorities and the FHWA Priority Selection Considerations. The TRT will send to the FHWA SRT (1) the Highly Qualified and Qualified projects that meet the Statutorily Required Project Selection Priorities, and the evaluation of responsiveness to the FHWA Priority Selection Considerations; and (2) the Highly Qualified and Qualified projects that do not meet the Statutorily Required Project Selection Priorities, and the evaluation of the responsiveness to

the FHWA Priority Selection Considerations.

#### **b. Senior Review**

FHWA SRT consists of senior FHWA officials who have been requested to serve by the FHWA Administrator. FHWA SRT, which may include the FHWA Administrator's participation in the review process, advises the FHWA Administrator which projects the FHWA Administrator should select for funding.

FHWA SRT will determine which Highly Qualified projects that meet the Statutorily Required Project Selection Priorities advance to the FHWA Administrator. The FHWA SRT may also recommend for selection a project that is rated Qualified and meets the Statutorily Required Selection Priorities over a Highly Qualified project. When recommending one of these projects that is rated Qualified over a Highly Qualified project, the SRT will select Qualified projects by considering the responsiveness to the FHWA Priority Selection Considerations and number of Merit Criteria rated Highly Qualified. Thereafter, based on funding availability, FHWA will seek to fund remaining Highly Qualified projects and then Qualified projects based on responsiveness to the FHWA Priority Selection Considerations.

If the total amount of funding requested for applications exceeds the amount of available funding, FHWA may select one or more independent components of recommended projects. The status of each component should be clearly described (for example, in the project schedule). FHWA may award funds for a component, instead of the larger project, if that component (1) independently aligns well with the selection criteria; and (2) meets NEPA requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of DOT funds even if no other improvements are made in the area and will be ready for intended use upon completion of that component's construction. To be eligible, a component must meet eligibility criteria and must be a transportation project that has independent utility (i.e., is usable if a reasonable expenditure of Federal funds even if no other improvements are made in the area). This means that FHWA may fund an independent component of a project, instead of the full project described in the application.

The FHWA Administrator makes final project selections and will select among the projects advanced by the FHWA SRT. The review process gives the FHWA Administrator the discretion to determine which applications best address Program requirements, the Statutorily Required Project Selection Priorities, and the FHWA Priority Selection Considerations and should be selected. When selecting projects, the FHWA Administrator may also consider geographic diversity, including the need for a balance of awards across the Nation and by selecting projects that ensure the effective use of Federal funding.

FHWA is not obligated to make any award as a result of this NOFO.

### **3. ADDITIONAL INFORMATION**

- a. FHWA may, during the selection process, enter into discussions with an applicant that may include mutually agreeing upon a lesser amount of a potential award than originally requested in the application if necessary due to the quantity, size and scope of the applications received in response to this notice and the results of the application review process. Discussions may include scalable project options as described under Section D.7.a. of this notice.
  
- b. Prior to award, each selected applicant will be subject to a risk assessment in accordance with 2 CFR 200.206. The risk evaluation will consider several factors, as outlined in 2 CFR 200.206. In addition, DOT 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. FHWA 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.



## **SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION**

### **1. FEDERAL AWARD NOTICES**

Following the evaluation outlined in Section E, the FHWA Administrator will announce awarded projects by posting a list of selected projects at [https://www.fhwa.dot.gov/hep/scenic\\_byways/grants/](https://www.fhwa.dot.gov/hep/scenic_byways/grants/). Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following that announcement, FHWA will contact the point of contact listed in the SF 424 to initiate negotiation of the project/grant agreement for authorization.

Recipients of NSBP grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, FHWA will primarily reimburse NSBP grant funds to recipients only after a project agreement has been executed, the project is listed in TTIP/TIP/STIP, allowable expenses are incurred, and valid requests for reimbursement are submitted. Recipients or sub-recipients do have the option to request alternative funding arrangements. Under the reimbursement approach, program funds will reimburse recipients only for costs incurred after execution of grants that DOT determines to be allowable, reasonable, and allocable, as defined under 2 CFR Part 200, and after the recipient submits valid requests for reimbursement. If the recipient or sub-recipients requests alternative funding arrangements, DOT will consider these arrangements and determine allowance at its sole discretion and in accordance with 2 CFR 200.305.

Unless authorized by FHWA in writing or advance construction is authorized, after FHWA's announcement of FY 2024 NSBP awards, any costs that a recipient incurs before FHWA executes a project agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

### **2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS**

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR Part 1201. Applicable Federal laws, rules, and regulations set forth in 23 U.S.C. and 23 CFR shall apply to awards provided under this program.

In connection with any program or activity conducted with or benefiting from funds awarded under this NOFO, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of DOT; 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 FHWA determines that a recipient has failed to comply with applicable Federal requirements, FHWA may terminate the award of funds and

disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

In particular, E.O. 14005 directs the Executive Branch Departments and Agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. Any grant projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carrier Safety Regulations (FMCSR), or vehicles that are exempt from FMVSS or FMCSR in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

Critical Infrastructure Security and Resilience: It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all threats and hazards, including physical and cyber risks, consistent with National Security Memorandum 22 to Secure and Enhance the Resilience of U.S. Critical Infrastructure. Each applicant selected for Federal funding must demonstrate, prior to the signing of the grant agreement, an 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 U.S. Department of Homeland Security, will be required to do so before receiving funds.

Domestic Preference Requirements: As expressed in E.O. 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this NOFO are subject to the domestic preference requirement at Build America, Buy America Act (Pub. L. No 117-58, div. G §§ 70901–70927). The DOT expects all applicants to comply with that requirement.

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, U.S.C., 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.

Civil Rights and Title VI: As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR § 21), the ADA of 1990, 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.

### **3. REPORTING**

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

Required reporting follows the requirements for regular Federal-aid projects. Each applicant selected for NSBP grant funding must submit quarterly progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the NSBP grant program.

#### **2. Performance and Program Evaluation**

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. part 200) require the measurement of grant performance including a demonstration of the achievement of program goals and objectives. Under 2 CFR 200.301(a), FHWA requires each selected applicant to collect and report on the project's performance based on specific identified indicators related to program goals.

FHWA will work with each applicant selected for the NSBP grant funding to select at least two performance measures that enable FHWA to measure and evaluate the outcomes of the individual grant, relative to the statutory NSBP goals and objectives, and the FY 2024 NSBP grant selection criteria.

For more information, refer to the NSBP Discretionary Grants Performance Measurement Guidance: the

[https://www.fhwa.dot.gov/hep/scenic\\_byways/grants/2022\\_awards/nsbp\\_performance\\_measures.pdf](https://www.fhwa.dot.gov/hep/scenic_byways/grants/2022_awards/nsbp_performance_measures.pdf).

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

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

#### 4. **Other**

FHWA reserves the right to request additional information, if deemed needed, to better understand the status of the project. The successful applicant will provide additional financial reporting beyond the semi-annual reporting if such statements are necessary to address FHWA's stewardship and oversight responsibility of the funds. The successful applicant also agrees to allow periodic project inspections and FHWA will provide notice for such inspections.

## SECTION G – FEDERAL AWARDING AGENCY CONTACTS

For questions concerning this NOFO and the NSBP, please contact:

Kenan Hall  
Agreement Specialist  
Office of Acquisition and Grants Management  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE.  
Washington, DC 20590  
Email: [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) (preferred)  
Phone: (202) 366-1533

Alternate:  
Ryan Buck  
Team Leader, Grants Support  
Office of Acquisition and Grants Management  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE.  
Washington, DC 20590  
Email: [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) (preferred)  
Phone: (202) 366-4229

For TTY/TDD users, please call 711. Office hours are from 7:30 a.m. to 4:00 p.m., Eastern Time, Monday through Friday, except Federal holidays.

## **SECTION H – OTHER INFORMATION**

### **1. PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION.**

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) state on the cover of that document that it “Contains Confidential Business Information (CBI)”; (2) mark each page that contains confidential information with “CBI”; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If FHWA receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, FHWA will follow the procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under § 7.29 will be exempt from disclosure under FOIA.

### **2. PUBLICATION/SHARING OF APPLICATION INFORMATION.**

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

### **3. DOT FEEDBACK ON APPLICATIONS**

Unsuccessful applicants may request a debriefing up to 90 days after the selected funding recipients are publicly announced. The request must be submitted by the applicant identified on the SF-424. The debrief will be limited to how the application responded to the grant program evaluation criteria described in Section E of the NOFO. During the debrief, DOT will not provide technical assistance to any applicant on how to improve an application for a future grant funding opportunity. All debrief requests should be submitted to [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov).