U.S. Department of Transportation
Federal Highway Administration

SUPPORTING STATEMENT A

Promoting Resilient Operations for Transformative, Efficient, and Cost Saving Transportation (PROTECT) Competitive Grant Program

Grant Administration and Technical Assistance Collections

OMB Control No. 2125-XXXX

Introduction:

Federal Highway Administration's (FHWA) requests the Office of Management and Budget (OMB) approve a clearance for the information collection entitled, Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Competitive Grant Program and Voluntary Resilience Improvement Plans. This is a new request for information collection (IC). The supporting statement below covers PROTECT Grant Administration and Technical Assistance. A second supporting statement describes related Program Evaluation activities.

- Responding to the collection is voluntary and is required to obtain or retain a benefit.
- Responders are Metropolitan Planning Organizations (MPOs), States or political subdivisions of a State (including the U.S. Territories Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands), units of local governments, special purpose districts or public authorities with a transportation function, including port authorities, Indian Tribes (as defined in 23 U.S.C. § 207(m)(1)), Federal land management agencies, and multijurisdictional groups comprised of these entities.
- The collection is a grant application, grant agreement, project management during implementation, and project evaluation. It has a reporting requirement.
- 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 FHWA.
- The purpose of the collection is to receive information relevant to evaluating applications to the PROTECT Competitive Grant program, per the NOFO, and reporting requirements agreed to by recipients of the grants.

Part A. Justification.

1. Circumstances that make collection of information necessary:

Section 11405 of the Infrastructure Investment and Jobs Act (IIJA, Pub. L. 117-58, Nov. 15, 2021), established the PROTECT Competitive Grant program, which is codified at 23

U.S.C. § 176. The purpose of the PROTECT Competitive Grant programs is to plan for and strengthen surface transportation to be more resilient to current and future weather events, natural disasters, and changing conditions, such as severe storms, flooding, drought, levee and dam failures, wildfire, rockslides, mudslides, sea level rise, extreme weather, including extreme temperature, and earthquakes.

There are four categories of funding under the PROTECT Competitive Grant Program. One category is for Planning Grants. The other three categories are for Resilience Improvement, Community Resilience and Evacuation Routes, and At-Risk Coastal Infrastructure Grants.

The FHWA issues Notices of Funding Opportunity (NOFO) that describe the requirements of the PROTECT Competitive Grant Program, including the criteria that will be used to evaluate applications. The NOFOs provide a description of the application requirements. Eligible applicants request PROTECT funds in the form of an electronic grant application. Additional information submissions are required for applicants who are selected for a grant (i.e., the grantees) during the grant agreement, grant implementation and evaluation phases.

The relevant sections of the Infrastructure Investment and Jobs Act, Section 11405 is attached hereto as Exhibit A.

Additionally, State DOTs and MPOs may develop Resilience Improvement Plans under the PROTECT Program. A Resilience Improvement Plan is a voluntary, risk-based assessment of vulnerable transportation assets in immediate and long-term transportation planning that demonstrates a systemic approach to surface transportation system resilience (23 U.S.C. 176(e)). A Resilience Improvement Plan can reduce Non-Federal match by up to 10% for both PROTECT Formula and Competitive Grant projects (23 U.S.C. 176(e)(1)(B)). FHWA's Office of Natural Environment will continue to support ad-hoc resilience and planning technical assistance for State DOTs and MPOs on a variety of topics during the PRA covered time frame. These activities may include voluntary virtual or in-person peer exchanges. Participants choosing to enroll in a peer exchange are asked to submit a pre-event questionnaire.

Grant Application Phase

Eligible entities that may apply for PROTECT Competitive grants vary depending on the type of the competitive grant. Planning Grants, Resilience Improvement Grants, and Community Resilience and Evacuation Route Grants have the same statutory rules for eligible applicants. The At-Risk Coastal Infrastructure Grant category has different statutory rules for eligible applicants. During the application process applicants will provide a project narrative and budget information, Standard Form 424, and Disclosure of Lobbying Activities form (SF-LLL).

Grant Agreement Phase

All grant recipients must work with FHWA to develop and execute a grant agreement detailing terms and conditions for use of funds. Some capital projects may need to subsequently process amendments to the grant agreement.

Grant Implementation Phase

During the grant implementation phase, the grantee completes progress and recertification reports to ensure the project budget and schedule are maintained to the maximum extent possible, that compliance with Federal regulations are met, and the project is completed to the highest degree of quality. Post-award reporting responsibilities include Semi-Annual Performance Progress Reports (See EXHIBIT D: FHWA-PPR), and a financial status report called the SF-425 (also known as the Federal Financial Report or SF-FFR). Semi-Annual Project Progress Reports are submitted as an attachment to the SF-425 form. Additionally, grant recipients requesting advance or reimbursement need to provide an SF 270 and an SF 271 form, respectively. After project close and no later than 120 days after the end of the period of performance, grant recipients shall submit a Final Project Progress Report and Recertification, including a final Federal Financial Report (SF-425).

Grant Evaluation Phase

During the evaluation phase, reporting is necessary to comply with 2 CFR 200.301, to assess program effectiveness for the Federal Government, and to provide information regarding how the project is achieving the outcomes that grantees have targeted. Grantees collect both baseline and project performance measure data unique to their project as outlined in their grant agreement, and report on their chosen performance measure(s) via an Annual Performance Report (see EXHIBIT C: Grant Agreement Schedule G – Performance Measurement). Annual Performance Reports are submitted electronically to FHWA for three years post project completion for all project types, followed by a final performance report.

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

The information collected will be used by the FHWA.

FHWA will continue to use the information collected in the application phase to evaluate proposals and make decisions on awarding grants to applicants.

FHWA will use the information to monitor the progress of projects that have been awarded PROTECT Competitive Grant funds, and to monitor the proper expenditure of Federal funds. After the grant money has been used by the recipients, FHWA 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.

The project implementation information will be collected by grant recipients. 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.

The project evaluation information required for compliance with 2 CFR 200.301 will be collected by grant recipients. Recipients are offered the opportunity to select performance measures to include in their grant agreements for which they would like to collect information so that the least burdensome, mutually agreeable performance measures may be selected by the government and the grant recipient.

The purpose of this project evaluation information collection is to allow both the Federal government and the grantee to assess the performance gains achieved through PROTECT investments.

3. Extent of automated information collection:

FHWA will receive applications and reports electronically from grant awardees upon approval from OMB. Delivery of reports electronically is the most reliable way to collect information. To minimize the burden on applicants, OMB-approved standard forms are being used to collect information where possible. Such standard forms include the Application for Federal Assistance (SF-424), available online at https://apply07.grants.gov/apply/forms/sample/SF424_2_1-V2.1.pdf , and the post-award Federal Financial Reports form (SF–425), available online at https://apply07.grants.gov/apply/forms/sample/SF425_2_0-V2.0.pdf.

4. Efforts to identify duplication:

The information collected from grantees is project-specific and the information would not be available other than from the grantees. The information will be used to monitor projects on a regular basis as appropriate for the performance metric used to evaluate the impact of the project.

5. Efforts to minimize the burden on small businesses:

Not applicable. Grantees include local and State governments, Tribal governments, MPOs, and other political subdivisions of State or local governments such as cities and counties. No grantees are business organizations, small or otherwise.

6. Impact of less frequent collection of information:

If the information requested in the reports is not collected, the Department will not be able to evaluate project progress or financial conditions in accordance with the Infrastructure Investment and Jobs Act and the Notice of Funding Opportunity for the program.

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.

This 3-year clearance is requested pursuant to 5 CFR 1320.8(d)(4).

FHWA published the 60-day notice to the Federal Register to solicit comments from the public on December 3, 2024, at [89 Fed. Reg. 95895]. The notice received one comment. This comment called for a clear grant application process in order “to improve trust between local and federal governments.” FHWA has considered this comment and will assess options to streamline the application process during the next round of funding. The burden summary provided below covers the entire 3-year PRA period and has been updated since the publication of the 60-Day Federal Register Notice to reflect a more accurate estimate of total number of applications and evaluation activities.

FHWA published a 30-day notice to the Federal Register informing the public of FHWA’s response to any comments and submission to OMB for review on December 1, 2025, [90 FR 55233].

9. Payments or gifts to respondents:

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

10. Assurance of confidentiality:

There is no assurance of confidentiality regarding these submissions.

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, FHWA has calculated an annual burden associated with applications, deliverables and reports. See below.

Form Name and Form Number	Form	Grant Activity/ Process	Respondent Universe	Average Time (hours) per Response	Total Annual Burden Hours or $	Total Annual Dollar Cost Equivalent
Submitting Application for Planning Grants (334 over three years)	Grants.gov	Application	334	1	334	$27,388
Submitting Application for Resilience Improvement Grants (190 over three years)	Grants.gov	Application	190	1	190	$15,580
Submitting Application for Community Resilience & Evacuation Route Grants (38 over three years)	Grants.gov	Application	38	1	38	$3,116
Submitting Application for At-Risk Coastal Infrastructure (38 over three years)	Grants.gov	Application	38	1	38	$3,116
Planning Grants Application (334 over three years) including narrative discussing and quantifying how the applicant meets all criteria as outlined in the Notice of Funding Opportunity (NOFO).	Attachment to Grants.gov	Application	334	157	52,438	$4,299,916
Resilience Improvement Grants Application (190 over three years) including narrative discussing how the applicant meets the criteria as outlined in the NOFO including the benefit cost analysis of the project.	Attachment to Grants.gov	Application	190	208	39,520	$3,240,640

Form Name and Form Number	Form	Grant Activity/ Process	Respondent Universe	Average Time (hours) per Response	Total Annual Burden Hours or $	Total Annual Dollar Cost Equivalent
Community Resilience & Evacuation Route Grants Application (38 over three years)	Attachment to Grants.gov	Application	38	208	7,904	$648,128
At-Risk Coastal Infrastructure Application (38 over three years)	Attachment to Grants.gov	Application	38	108	4,104	$336,528
Resilience Improvement Plans (States and MPOs may choose to create an RIP for independent reasons; Assumption is 25 MPOs and 25DOTs will complete	Attachment to Grants.gov	Application	50	250	12,500	$1,025,000
Application for Federal Assistance (SF 424)	SF 424 (OMB)	Application	600	1.1	660	$54,120
Budget Information for Non-Construction Programs (SF 424A)	SF 424A (OMB)	Application	334	3	1,002	$82,164
Assurances for Non-Construction Programs (SF 424B)	SF 424B (OMB)	Application	334	0.25	84	$6,847
Budget Information for Construction Programs (SF 424C)	SF 424C (OMB)	Application	266	3	798	$65,436
Assurances for Construction Programs (SF 424D)	SF 424D (OMB)	Application	266	0.25	67	$5,453
Disclosure of Lobbying Activities (SF LLL)	SF LLL (OMB)	Application	600	0.25	150	$12,300
Grant Agreement (FHWA) (assuming 65 planning grantees; 90 Resilience Improvement grantees, 25 Community Resilience and Evacuation Route grantees, and 20 At-risk Coastal Infrastructure Awardees)	FHWA	Awards & Maintenance	200	30	6,000	$492,000
Grant Agreement Amendments (FHWA) Some capital projects may need to process amendments to the grant agreement which is expected to take an additional 10-15 hours. Assuming 2 per grant agreement (15x2=30 hours).	FHWA	Awards & Maintenance	135	30	4,050	$332,100
Federal Financial Report (200 new and existing grant recipients submit semi-annually; 200x2x3=1,200) (SF 425; existing recipients)	SF 425	Awards & Maintenance	1200	1	1,200	$98,400
FHWA Performance Progress Report (FHWA-PPR) OMB# 2125-0695 (200 new and existing grant recipients submit each semi-annually; 200x2x3=1,200)	FHWA	Awards & Maintenance	1,200	1	1,200	$98,400
Annual Performance Report Resilience Improvement Grants (Schedule G) (90 grant recipients submit each year; 90x3=270)	FHWA	Awards & Maintenance	270	2	540	$44,280
Annual Performance Report (Schedule G) Community Resilience & Evacuation Route Grants (25 grant recipients submit each year; 25x3=75)	FHWA	Awards & Maintenance	75	2	150	$12,300
Annual Performance Report for At-Risk Coastal Infrastructure (Schedule G) (20 grant recipients submit each year; 20x3=60)	FHWA	Awards & Maintenance	60	2	120	$9,840
Request for Advance or Reimbursement (Expected to be rare; 5 grantees annually) (SF 270; Planning and Demonstration Grant recipients) (OMB)	SF 270	Awards & Maintenance	15	1	15	$1,230
Outlay Report and Request for Reimbursement for Construction Programs (200 existing grant recipients submit an average of 6 per year, 200x6x3=3,600) (SF 271; Implementation Grant recipients) (OMB)	SF 271	Awards and Maintenance	3,600	1	3,600	$295,200
Resilience Planning Peer Exchanges pre-event questions (4 peer exchanges anticipated for 2026 and 2027).	Questionnaire on resilience activities from state and local partners	Application and post award assistance	350	1	350	$28,700
TOTAL	N/A	N/A	N/A	N/A	137,052	$11,238,182

The average hourly salary rate for a respondent is $50.44, based on an estimated median average wage of a project management specialist in the local government sector 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, March 2025) resulting in a total labor cost of $81.71 per hour. Estimated total annual cost to respondent: 137,051 hours x $82 per hour = $11,238,182.

13. Estimate of total annual costs to respondents:

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

14. Estimate of cost to the Federal government:

The annual estimated cost of Federal staff apart from the FHWA contractor support is $3 million. This estimate is based on expected Federal staff coordination support and an approximate salary rate of a Federal employee at GS-14, Step 5 of $77.38 per OPM's Salary Table 2025-DCB with which is factored by 1.62 to account for the cost of employer-provided benefits (Bureau of Labor Statistics, Employer Costs for Employee Compensation, June 18, 2024), resulting in a total labor cost of $125.36 per hour.

Metric	Grant Activity/ Process	Total Responses	Average Time (hours) per Response	Frequency	Total Annual Burden Hours	Total Federal Cost (3 years)
Federal Staff	All	N/A	4 FTE	Annual	8,320	$3,128,985
TOTAL						**$3.1 million**

15. Explanation of program changes or adjustments:

Not applicable. This is a new program.

16. Publication of results of data collection:

Not applicable.

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

Not applicable. Expiration date will be displayed.

18. Exceptions to certification statement:

No exceptions are stated.

List of All Exhibits for this Request:

EXHIBIT A
LEGISLATIVE AUTHORITY FROM THE INFRASTRUCTURE INVESTMENT AND JOBS ACT

EXHIBIT B
NOTICE OF FUNDING OPPORTUNITY

Exhibit C
GRANT AGREEMENT

EXHIBIT D
FHWA PERFORMANCE PROGRESS REPORT (FHWA-PPR)

Exhibit A

LEGISLATIVE AUTHORITY FROM THE INFRASTRUCTURE INVESMENT AND JOBS ACT

§176. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program

(a) Definitions.-In this section:

(1) Emergency event.-The term "emergency event" means a natural disaster or catastrophic failure resulting in-

(A) an emergency declared by the Governor of the State in which the disaster or failure occurred; or

(B) an emergency or disaster declared by the President.

(2) Evacuation route.-The term "evacuation route" means a transportation route or system that-

(A) is owned, operated, or maintained by a Federal, State, Tribal, or local government;

(B) is used-

(i) to transport the public away from emergency events; or

(ii) to transport emergency responders and recovery resources; and

(C) is designated by the eligible entity with jurisdiction over the area in which the route is located for the purposes described in subparagraph (B).

(3) Program.-The term "program" means the program established under subsection (b)(1).

(4) Resilience improvement.-The term "resilience improvement" means the use of materials or structural or nonstructural techniques, including natural infrastructure-

(A) that allow a project-

(i) to better anticipate, prepare for, and adapt to changing conditions and to withstand and respond to disruptions; and

(ii) to be better able to continue to serve the primary function of the project during and after weather events and natural disasters for the expected life of the project; or

(B) that-

(i) reduce the magnitude and duration of impacts of current and future weather events and natural disasters to a project; or

(ii) have the absorptive capacity, adaptive capacity, and recoverability to decrease project vulnerability to current and future weather events or natural disasters.

(b) Establishment.-

(1) In general.-The Secretary shall establish a program, to be known as the "Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation program" or the "PROTECT program".

(2) Purpose.-The purpose of the program is to provide grants for resilience improvements through-

(A) formula funding distributed to States to carry out subsection (c);

(B) competitive planning grants to enable communities to assess vulnerabilities to current and future weather events and natural disasters and changing conditions, including sea level rise, and plan transportation improvements and emergency response strategies to address those vulnerabilities; and

(C) competitive resilience improvement grants to protect-

(i) surface transportation assets by making the assets more resilient to current and future weather events and natural disasters, such as severe storms, flooding, drought, levee and dam failures, wildfire, rockslides, mudslides, sea level rise, extreme weather, including extreme temperature, and earthquakes;

(ii) communities through resilience improvements and strategies that allow for the continued operation or rapid recovery of surface transportation systems that-

(I) serve critical local, regional, and national needs, including evacuation routes; and

(II) provide access or service to hospitals and other medical or emergency service facilities, major employers, critical manufacturing centers, ports and intermodal facilities, utilities, and Federal facilities;

(iii) coastal infrastructure, such as a tide gate to protect highways, that is at long-term risk to sea level rise; and

(iv) natural infrastructure that protects and enhances surface transportation assets while improving ecosystem conditions, including culverts that ensure adequate flows in rivers and estuarine systems.

(c) Eligible Activities for Apportioned Funding.-

(1) In general.-Except as provided in paragraph (2), funds apportioned to the State under section 104(b)(8) shall be obligated for activities eligible under subparagraph (A), (B), or (C) of subsection (d)(4).

(2) Planning set-aside.-Of the funds apportioned to a State under section 104(b)(8) for each fiscal year, not less than 2 percent shall be for activities described in subsection (d)(3).

(3) Requirements.-

(A) Projects in certain areas.-If a project under this subsection is carried out, in whole or in part, within a base floodplain, the State shall-

(i) identify the base floodplain in which the project is to be located and disclose that information to the Secretary; and

(ii) indicate to the Secretary whether the State plans to implement 1 or more components of the risk mitigation plan under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) with respect to the area.

(B) Eligibilities.-A State shall use funds apportioned to the State under section 104(b)(8) for-

(i) a highway project eligible for assistance under this title;

(ii) a public transportation facility or service eligible for assistance under chapter 53 of title 49; or

(iii) a port facility, including a facility that-

(I) connects a port to other modes of transportation;

(II) improves the efficiency of evacuations and disaster relief; or

(III) aids transportation.

(C) System resilience.-A project carried out by a State with funds apportioned to the State under section 104(b)(8) may include the use of natural infrastructure or the construction or modification of storm surge, flood protection, or aquatic ecosystem restoration elements that are functionally connected to a transportation improvement, such as-

(i) increasing marsh health and total area adjacent to a highway right-of-way to promote additional flood storage;

(ii) upgrades to and installation of culverts designed to withstand 100-year flood events;

(iii) upgrades to and installation of tide gates to protect highways;

(iv) upgrades to and installation of flood gates to protect tunnel entrances; and

(v) improving functionality and resiliency of stormwater controls, including inventory inspections, upgrades to, and preservation of best management practices to protect surface transportation infrastructure.

(D) Federal cost share.-

(i) In general.-Except as provided in subsection (e)(1), the Federal share of the cost of a project carried out using funds apportioned to the State under section 104(b)(8) shall not exceed 80 percent of the total project cost.

(ii) Non-federal share.-A State may use Federal funds other than Federal funds apportioned to the State under section 104(b)(8) to meet the non-Federal cost share requirement for a project under this subsection.

(E) Eligible project costs.-

(i) In general.-Except as provided in clause (ii), eligible project costs for activities carried out by a State with funds apportioned to the State under section 104(b)(8) may include the costs of-

(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(II) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

(ii) Eligible planning costs.-In the case of a planning activity described in subsection (d)(3) that is carried out by a State with funds apportioned to the State under section 104(b)(8), eligible costs may include development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, other preconstruction activities, and other activities consistent with carrying out the purposes of subsection (d)(3).

(F) Limitations.-A State-

(i) may use not more than 40 percent of the amounts apportioned to the State under section 104(b)(8) for the construction of new capacity; and

(ii) may use not more than 10 percent of the amounts apportioned to the State under section 104(b)(8) for activities described in subparagraph (E)(i)(I).

(d) Competitive Awards.-

(1) In general.-In addition to funds apportioned to States under section 104(b)(8) to carry out activities under subsection (c), the Secretary shall provide grants on a competitive basis under this subsection to eligible entities described in paragraph (2).

(2) Eligible entities.-Except as provided in paragraph (4)(C), the Secretary may make a grant under this subsection to any of the following:

(A) A State or political subdivision of a State.
(B) A metropolitan planning organization.
(C) A unit of local government.
(D) A special purpose district or public authority with a transportation function, including a port authority.
(E) An Indian tribe (as defined in section 207(m)(1)).
(F) A Federal land management agency that applies jointly with a State or group of States.
(G) A multi-State or multijurisdictional group of entities described in subparagraphs (A) through (F).
(3) Planning grants.-Using funds made available under this subsection, the Secretary shall provide planning grants to eligible entities for the purpose of-
(A) in the case of a State or metropolitan planning organization, developing a resilience improvement plan under subsection (e)(2);
(B) resilience planning, predesign, design, or the development of data tools to simulate transportation disruption scenarios, including vulnerability assessments;
(C) technical capacity building by the eligible entity to facilitate the ability of the eligible entity to assess the vulnerabilities of the surface transportation assets and community response strategies of the eligible entity under current conditions and a range of potential future conditions; or
(D) evacuation planning and preparation.
(4) Resilience grants.-
(A) Resilience improvement grants.-
(i) In general.-Using funds made available under this subsection, the Secretary shall provide resilience improvement grants to eligible entities to carry out 1 or more eligible activities under clause (ii).
(ii) Eligible activities.-
(I) In general.-An eligible entity may use a resilience improvement grant under this subparagraph for 1 or more construction activities to improve the ability of an existing surface transportation asset to withstand 1 or more elements of a weather event or natural disaster, or to increase the resilience of surface transportation infrastructure from the impacts of changing conditions, such as sea level rise, flooding, wildfires, extreme weather events, and other natural disasters.
(II) Inclusions.-An activity eligible to be carried out under this subparagraph includes-
(aa) resurfacing, restoration, rehabilitation, reconstruction, replacement, improvement, or realignment of an existing surface transportation facility eligible for assistance under this title;
(bb) the incorporation of natural infrastructure;
(cc) the upgrade of an existing surface transportation facility to meet or exceed a design standard adopted by the Federal Highway Administration;
(dd) the installation of mitigation measures that prevent the intrusion of floodwaters into surface transportation systems;
(ee) strengthening systems that remove rainwater from surface transportation facilities;
(ff) upgrades to and installation of structural stormwater controls;
(gg) a resilience project that addresses identified vulnerabilities described in the resilience improvement plan of the eligible entity, if applicable;
(hh) relocating roadways in a base floodplain to higher ground above projected flood elevation levels, or away from slide prone areas;
(ii) stabilizing slide areas or slopes;
(jj) installing riprap;
(kk) lengthening or raising bridges to increase waterway openings, including to respond to extreme weather;
(ll) increasing the size or number of drainage structures;
(mm) installing seismic retrofits on bridges;
(nn) adding scour protection at bridges;
(oo) adding scour, stream stability, coastal, and other hydraulic countermeasures, including spur dikes;
(pp) vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, facilitate wildfire control, and provide erosion control; and
(qq) any other protective features, including natural infrastructure, as determined by the Secretary.
(iii) Priority.-The Secretary shall prioritize a resilience improvement grant to an eligible entity if-
(I) the Secretary determines-
(aa) the benefits of the eligible activity proposed to be carried out by the eligible entity exceed the costs of the activity; and

(bb) there is a need to address the vulnerabilities of surface transportation assets of the eligible entity with a high risk of, and impacts associated with, failure due to the impacts of weather events, natural disasters, or changing conditions, such as sea level rise, wildfires, and increased flood risk; or

(II) the eligible activity proposed to be carried out by the eligible entity is included in the applicable resilience improvement plan under subsection (e)(2).

(B) Community resilience and evacuation route grants.-

(i) In general.-Using funds made available under this subsection, the Secretary shall provide community resilience and evacuation route grants to eligible entities to carry out 1 or more eligible activities under clause (ii).

(ii) Eligible activities.-An eligible entity may use a community resilience and evacuation route grant under this subparagraph for 1 or more projects that strengthen and protect evacuation routes that are essential for providing and supporting evacuations caused by emergency events, including a project that-

(I) is an eligible activity under subparagraph (A)(ii), if that eligible activity will improve an evacuation route;

(II) ensures the ability of the evacuation route to provide safe passage during an evacuation and reduces the risk of damage to evacuation routes as a result of future emergency events, including restoring or replacing existing evacuation routes that are in poor condition or not designed to meet the anticipated demand during an emergency event, and including steps to protect routes from mud, rock, or other debris slides;

(III) if the eligible entity notifies the Secretary that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources, expands the capacity of evacuation routes to swiftly and safely accommodate evacuations, including installation of-

(aa) communications and intelligent transportation system equipment and infrastructure;

(bb) counterflow measures; or

(cc) shoulders;

(IV) is for the construction of new or redundant evacuation routes, if the eligible entity notifies the Secretary that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources;

(V) is for the acquisition of evacuation route or traffic incident management equipment or signage; or

(VI) will ensure access or service to critical destinations, including hospitals and other medical or emergency service facilities, major employers, critical manufacturing centers, ports and intermodal facilities, utilities, and Federal facilities.

(iii) Priority.-The Secretary shall prioritize community resilience and evacuation route grants under this subparagraph for eligible activities that are cost-effective, as determined by the Secretary, taking into account-

(I) current and future vulnerabilities to an evacuation route due to future occurrence or recurrence of emergency events that are likely to occur in the geographic area in which the evacuation route is located; and

(II) projected changes in development patterns, demographics, and extreme weather events based on the best available evidence and analysis.

(iv) Consultation.-In providing grants for community resilience and evacuation routes under this subparagraph, the Secretary may consult with the Administrator of the Federal Emergency Management Agency, who may provide technical assistance to the Secretary and to eligible entities.

(C) At-risk coastal infrastructure grants.-

(i) Definition of eligible entity.-In this subparagraph, the term "eligible entity" means any of the following:

(I) A State (including the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

(II) A political subdivision of a State described in subclause (I).

(III) A metropolitan planning organization in a State described in subclause (I).

(IV) A unit of local government in a State described in subclause (I).

(V) A special purpose district or public authority with a transportation function, including a port authority, in a State described in subclause (I).

(VI) An Indian tribe in a State described in subclause (I).

(VII) A Federal land management agency that applies jointly with a State or group of States described in subclause (I).

(VIII) A multi-State or multijurisdictional group of entities described in subclauses (I) through (VII).

(ii) Grants.-Using funds made available under this subsection, the Secretary shall provide at-risk coastal infrastructure grants to eligible entities to carry out 1 or more eligible activities under clause (iii).

(iii) Eligible activities.-An eligible entity may use an at-risk coastal infrastructure grant under this subparagraph for strengthening, stabilizing, hardening, elevating, relocating, or otherwise enhancing the resilience of highway and non-rail infrastructure, including bridges, roads, pedestrian walkways, and bicycle lanes, and associated infrastructure, such as culverts and tide gates to protect highways, that are subject to, or face increased long-term future risks of, a weather event, a natural disaster, or changing conditions, including coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

(iv) Criteria.-The Secretary shall provide at-risk coastal infrastructure grants under this subparagraph for a project-

(I) that addresses the risks from a current or future weather event or natural disaster, including coastal flooding, coastal erosion, wave action, storm surge, or sea level change; and

(II) that reduces long-term infrastructure costs by avoiding larger future maintenance or rebuilding costs.

(v) Coastal benefits.-In addition to the criteria under clause (iv), for the purpose of providing at-risk coastal infrastructure grants under this subparagraph, the Secretary shall evaluate the extent to which a project will provide-

(I) access to coastal homes, businesses, communities, and other critical infrastructure, including access by first responders and other emergency personnel; or

(II) access to a designated evacuation route.

(5) Grant requirements.-

(A) Solicitations for grants.-In providing grants under this subsection, the Secretary shall conduct a transparent and competitive national solicitation process to select eligible projects to receive grants under paragraph (3) and subparagraphs (A), (B), and (C) of paragraph (4).

(B) Applications.-

(i) In general.-To be eligible to receive a grant under paragraph (3) or subparagraph (A), (B), or (C) of paragraph (4), an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines to be necessary.

(ii) Projects in certain areas.-If a project is proposed to be carried out by the eligible entity, in whole or in part, within a base floodplain, the eligible entity shall-

(I) as part of the application, identify the floodplain in which the project is to be located and disclose that information to the Secretary; and

(II) indicate in the application whether, if selected, the eligible entity will implement 1 or more components of the risk mitigation plan under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) with respect to the area.

(C) Eligibilities.-The Secretary may make a grant under paragraph (3) or subparagraph (A), (B), or (C) of paragraph (4) only for-

(i) a highway project eligible for assistance under this title;

(ii) a public transportation facility or service eligible for assistance under chapter 53 of title 49;

(iii) a facility or service for intercity rail passenger transportation (as defined in section 24102 of title 49); or

(iv) a port facility, including a facility that-

(I) connects a port to other modes of transportation;

(II) improves the efficiency of evacuations and disaster relief; or

(III) aids transportation.

(D) System resilience.-A project for which a grant is provided under paragraph (3) or subparagraph (A), (B), or (C) of paragraph (4) may include the use of natural infrastructure or the construction or modification of storm surge, flood protection, or aquatic ecosystem restoration elements that the Secretary determines are functionally connected to a transportation improvement, such as-

(i) increasing marsh health and total area adjacent to a highway right-of-way to promote additional flood storage;

(ii) upgrades to and installing of culverts designed to withstand 100-year flood events;

(iii) upgrades to and installation of tide gates to protect highways; and

(iv) upgrades to and installation of flood gates to protect tunnel entrances.

(E) Federal cost share.-

(i) Planning grant.-The Federal share of the cost of a planning activity carried out using a planning grant under paragraph (3) shall be 100 percent.

(ii) Resilience grants.-

(I) In general.-Except as provided in subclause (II) and subsection (e)(1), the Federal share of the cost of a project carried out using a grant under subparagraph (A), (B), or (C) of paragraph (4) shall not exceed 80 percent of the total project cost.

(II) Tribal projects.-On the determination of the Secretary, the Federal share of the cost of a project carried out using a grant under subparagraph (A), (B), or (C) of paragraph (4) by an Indian tribe (as defined in section 207(m)(1)) may be up to 100 percent.

(iii) Non-federal share.-The eligible entity may use Federal funds other than Federal funds provided under this subsection to meet the non-Federal cost share requirement for a project carried out with a grant under this subsection.

(F) Eligible project costs.-

(i) Resilience grant projects.-Eligible project costs for activities funded with a grant under subparagraph (A), (B), or (C) of paragraph (4) may include the costs of-

(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(II) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

(ii) Planning grants.-Eligible project costs for activities funded with a grant under paragraph (3) may include the costs of development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, other preconstruction activities, and other activities consistent with carrying out the purposes of that paragraph.

(G) Limitations.-

(i) In general.-An eligible entity that receives a grant under subparagraph (A), (B), or (C) of paragraph (4)-

(I) may use not more than 40 percent of the amount of the grant for the construction of new capacity; and

(II) may use not more than 10 percent of the amount of the grant for activities described in subparagraph (F)(i)(I).

(ii) Limit on certain activities.-For each fiscal year, not more than 25 percent of the total amount provided under this subsection may be used for projects described in subparagraph (C)(iii).

(H) Distribution of grants.-

(i) In general.-Subject to the availability of funds, an eligible entity may request and the Secretary may distribute funds for a grant under this subsection on a multiyear basis, as the Secretary determines to be necessary.

(ii) Rural set-aside.-Of the amounts made available to carry out this subsection for each fiscal year, the Secretary shall use not less than 25 percent for grants for projects located in areas that are outside an urbanized area with a population of over 200,000.

(iii) Tribal set-aside.-Of the amounts made available to carry out this subsection for each fiscal year, the Secretary shall use not less than 2 percent for grants to Indian tribes (as defined in section 207(m)(1)).

(iv) Reallocation.-For any fiscal year, if the Secretary determines that the amount described in clause (ii) or (iii) will not be fully utilized for the grant described in that clause, the Secretary may reallocate the unutilized funds to provide grants to other eligible entities under this subsection.

(6) Consultation.-In carrying out this subsection, the Secretary shall-

(A) consult with the Assistant Secretary of the Army for Civil Works, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and the Secretary of Commerce; and

(B) solicit technical support from the Administrator of the Federal Emergency Management Agency.

(7) Grant administration.-The Secretary may-

(A) retain not more than a total of 5 percent of the funds made available to carry out this subsection and to review applications for grants under this subsection; and

(B) transfer portions of the funds retained under subparagraph (A) to the relevant Administrators to fund the award and oversight of grants provided under this subsection.

(e) Resilience Improvement Plan and Lower Non-Federal Share.-

(1) Federal share reductions.-

(A) In general.-A State that receives funds apportioned to the State under section 104(b)(8) or an eligible entity that receives a grant under subsection (d) shall have the non-Federal share of a project carried out with the funds or grant, as applicable, reduced by an amount described in subparagraph (B) if the State or eligible entity meets the applicable requirements under that subparagraph.

(B) Amount of reductions.-

(i) Resilience improvement plan.-Subject to clause (iii), the amount of the non-Federal share of the costs of a project carried out with funds apportioned to a State under section 104(b)(8) or a grant under subsection (d) shall be reduced by 7 percentage points if-

(I) in the case of a State or an eligible entity that is a State or a metropolitan planning organization, the State or eligible entity has-

(aa) developed a resilience improvement plan in accordance with this subsection; and

(bb) prioritized the project on that resilience improvement plan; and

(II) in the case of an eligible entity not described in subclause (I), the eligible entity is located in a State or an area served by a metropolitan planning organization that has-

(aa) developed a resilience improvement plan in accordance with this subsection; and

(bb) prioritized the project on that resilience improvement plan.

(ii) Incorporation of resilience improvement plan in other planning.-Subject to clause (iii), the amount of the non-Federal share of the cost of a project carried out with funds under subsection (c) or a grant under subsection (d) shall be reduced by 3 percentage points if-

(I) in the case of a State or an eligible entity that is a State or a metropolitan planning organization, the resilience improvement plan developed in accordance with this subsection has been incorporated into the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable; and

(II) in the case of an eligible entity not described in subclause (I), the eligible entity is located in a State or an area served by a metropolitan planning organization that incorporated a resilience improvement plan into the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable.

(iii) Limitations.-

(I) Maximum reduction.-A State or eligible entity may not receive a reduction under this paragraph of more than 10 percentage points for any single project carried out with funds under subsection (c) or a grant under subsection (d).

(II) No negative non-federal share.-A reduction under this paragraph shall not reduce the non-Federal share of the costs of a project carried out with funds under subsection (c) or a grant under subsection (d) to an amount that is less than zero.

(2) Plan contents.-A resilience improvement plan referred to in paragraph (1)-

(A) shall be for the immediate and long-range planning activities and investments of the State or metropolitan planning organization with respect to resilience of the surface transportation system within the boundaries of the State or metropolitan planning organization, as applicable;

(B) shall demonstrate a systemic approach to surface transportation system resilience and be consistent with and complementary of the State and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165);

(C) shall include a risk-based assessment of vulnerabilities of transportation assets and systems to current and future weather events and natural disasters, such as severe storms, flooding, drought, levee and dam failures, wildfire, rockslides, mudslides, sea level rise, extreme weather, including extreme temperatures, and earthquakes;

(D) may-

(i) designate evacuation routes and strategies, including multimodal facilities, designated with consideration for individuals without access to personal vehicles;

(ii) plan for response to anticipated emergencies, including plans for the mobility of-

(I) emergency response personnel and equipment; and

(II) access to emergency services, including for vulnerable or disadvantaged populations;

(iii) describe the resilience improvement policies, including strategies, land-use and zoning changes, investments in natural infrastructure, or performance measures that will inform the transportation investment decisions of the State or metropolitan planning organization with the goal of increasing resilience;

(iv) include an investment plan that-

(I) includes a list of priority projects; and

(II) describes how funds apportioned to the State under section 104(b)(8) or provided by a grant under the program would be invested and matched, which shall not be subject to fiscal constraint requirements; and

(v) use science and data and indicate the source of data and methodologies; and

(E) shall, as appropriate-

(i) include a description of how the plan will improve the ability of the State or metropolitan planning organization-

(I) to respond promptly to the impacts of weather events and natural disasters; and

(II) to be prepared for changing conditions, such as sea level rise and increased flood risk;

(ii) describe the codes, standards, and regulatory framework, if any, adopted and enforced to ensure resilience improvements within the impacted area of proposed projects included in the resilience improvement plan;

(iii) consider the benefits of combining hard surface transportation assets, and natural infrastructure, through coordinated efforts by the Federal Government and the States;

(iv) assess the resilience of other community assets, including buildings and housing, emergency management assets, and energy, water, and communication infrastructure;

(v) use a long-term planning period; and

(vi) include such other information as the State or metropolitan planning organization considers appropriate.

(3) No new planning requirements.-Nothing in this section requires a metropolitan planning organization or a State to develop a resilience improvement plan or to include a resilience improvement plan under the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable, of the metropolitan planning organization or State.

(f) Monitoring.-

(1) In general.-Not later than 18 months after the date of enactment of this section, the Secretary shall-

(A) establish, for the purpose of evaluating the effectiveness and impacts of projects carried out with a grant under subsection (d)-

(i) subject to paragraph (2), transportation and any other metrics as the Secretary determines to be necessary; and

(ii) procedures for monitoring and evaluating projects based on those metrics; and

(B) select a representative sample of projects to evaluate based on the metrics and procedures established under subparagraph (A).

(2) Notice.-Before adopting any metrics described in paragraph (1), the Secretary shall-

(A) publish the proposed metrics in the Federal Register; and

(B) provide to the public an opportunity for comment on the proposed metrics.

(g) Reports.-

(1) Reports from eligible entities.-Not later than 1 year after the date on which a project carried out with a grant under subsection (d) is completed, the eligible entity that carried out the project shall submit to the Secretary a report on the results of the project and the use of the funds awarded.

(2) Reports to congress.-

(A) Annual reports.-The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and publish on the website of the Department of Transportation, an annual report that describes the implementation of the program during the preceding calendar year, including-

(i) each project for which a grant was provided under subsection (d);

(ii) information relating to project applications received;

(iii) the manner in which the consultation requirements were implemented under subsection (d);

(iv) recommendations to improve the administration of subsection (d), including whether assistance from additional or fewer agencies to carry out the program is appropriate;

(v) the period required to disburse grant funds to eligible entities based on applicable Federal coordination requirements; and

(vi) a list of facilities that repeatedly require repair or reconstruction due to emergency events.

(B) Final report.-Not later than 5 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to Congress a report that includes the results of the reports submitted under subparagraph (A).

(h) Treatment of Projects.-Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.

(Added Pub. L. 117–58, div. A, title I, §11405(a), Nov. 15, 2021, 135 Stat. 561 .)

EXHIBIT B

NOTICE OF FUNDING OPPORTUNITY

FOR THE

PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST-SAVING TRANSPORTATION (PROTECT) GRANTS

(attached)

EXHIBIT C

GRANT AGREEMENT

FOR THE

PLANNING GRANTS, RESILIENCE IMPROVEMENT GRANTS, COMMUNITY RESILIENCE & EVACUATION ROUTE GRANTS, and AT-RISK COASTAL INFRASTRUCTURE GRANTS.

(attached)

EXHIBIT D

FHWA Performance Progress Report (FHWA-PPR)

FOR THE

PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST-SAVING TRANSPORTATION (PROTECT) GRANTS

(attached)