



National Scenic Byways Program (NSBP) 2022 Grants Notice of Funding Opportunity (NOFO) Frequently Asked Questions (FAQs)

NSBP NOFO: <https://www.grants.gov/web/grants/view-opportunity.html?oppld=338707>

FHWA NSBP Grants Webpage: https://www.fhwa.dot.gov/hep/scenic_byways/grants/

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U.S. Department of Transportation
Federal Highway Administration

Last Updated: May 20, 2022

NSBP 2022 Grants FAQs

These FAQs provide information for prospective applicants about a one-time funding opportunity for FHWA's National Scenic Byways Program (NSBP) as provided by the Department of Transportation Appropriations Act, 2021 (Pub. L. 116-260) and the Consolidated Appropriations Act, 2022. FHWA posted a Notice of Funding Opportunity (NOFO) for the NSBP, established under 23 U.S.C. 162, on March 16, 2022.

Letter of Intent

1. Is a Letter of Intent (LOI) required?

LOIs are optional, but strongly encouraged so that the Federal Highway Administration (FHWA) review panels, comprised of relevant subject matter experts, may be organized in advance of receipt of applications.

2. Can anyone submit a LOI, or is that only through a State Department of Transportation (DOT) or Tribe?

If a State DOT or Tribe chooses to submit an LOI, the LOI must identify the State DOT or Tribal Government applying for funding. The application point of contact is the State DOT or Tribal Coordinator or other State DOT or Tribal representative that will be responsible for submitting the application on grants.gov. Any planned sub-awardees, including contact information, should be listed as partner or cooperating agencies. Local governments and byways organizations will not be awarded as direct recipients.

3. Does a State DOT or Tribe have to use the fillable form for the LOI, or can they submit a description of the project in another format?

The LOI should be submitted using the [fillable form](#) provided with the NOFO package on grants.gov and available on the NSBP website.

4. What happens if an applicant estimates a total project cost in the LOI, but in developing the application realizes that the costs are different?

The LOI does not request cost estimates, although the applicant may include cost estimates for informational purposes. The cost estimate provided in the final application is what will be evaluated as part of the application review.

Unique Entity Identifier

5. Does a State DOT or Tribe that already has a DUNS Number also need a Unique Entity Identifier (UEI)?

Beginning April 4, 2022, DUNS numbers will no longer be required and it will be replaced by the UEI issued during the SAM.gov registration. If you have a DUNS number, are registered in SAM.gov, and your account is active, you will have an UEI already assigned to you. Agencies can log into their account or search SAM.gov to determine if they already have a UEI. Depending on how an agency is organized, it may have one or more UEIs.

6. Does an agency working as a partner with a State DOT or a Tribe need to register on SAM.gov get a UEI, or just the State DOT or Tribe who will be submitting the application?

Any organization that would receive Federal funding if a grant is awarded will need a UEI.

Grants.gov & Application

7. If a State DOT or Tribe is working with a partner agency or a consultant to assist with the logistics of the byways application preparation and review on grants.gov, should the partner agency or consultant be granted access to the State DOT's or Tribe's grants.gov account or is there a way to create a joined account?

[Grants.gov Workspace](#) allows multiple users (within the State DOT or Tribe and external contributors, including partner agencies or consultants) to simultaneously access and edit different forms within an application. The forms can also be filled out online or offline. Since the State DOT or Tribe is the applicant, the State DOT or Tribe must set up the grants.gov workspace for each application. In doing so, they have flexibility to grant access and level of permissions within the workspace. All users must be registered on grants.gov to access the workspace.

8. What Mandatory Forms are required for construction projects versus non-construction projects? What Mandatory Forms are required if my project has both construction and non-construction elements?

The required forms are linked in the table below (*continued on page 4 of the FAQs*).

Construction Projects & Projects with both Construction and Non-Construction elements	Non-Construction Projects
» SF424 Mandatory Form [V3.0] » Budget Information for Construction Programs (SF-424C) [V2.0] » Assurances for Construction Programs (SF-424D - Mandatory) [V1.1]	» SF424 Mandatory Form [V3.0] » Budget Information for Non-Construction Programs (SF-424A) [V1.0] » Assurances for Non-Construction Programs (SF-424B - Mandatory) [V1.1]

- [» Project Narrative Attachment Form \[V1.2\]](#)
- [» Budget Narrative Attachment Form \[V1.2\]](#)
- [» Disclosure of Lobbying Activities \(SF-LLL\) \[V2.0\]](#)
- [» Grants.gov Lobbying Form \[V1.1\]](#)

- [» Project Narrative Attachment Form \[V1.2\]](#)
- [» Budget Narrative Attachment Form \[V1.2\]](#)
- [» Disclosure of Lobbying Activities \(SF-LLL\) \[V2.0\]](#)
- [» Grants.gov Lobbying Form \[V1.1\]](#)

9. The NOFO states that the Project Narrative should be submitted as a single PDF document and the Budget Narrative should be submitted as a PDF document. Is the Budget Narrative included in the 8-page limit?

No. The Budget Narrative (page 11 of 24 in the NOFO) should be submitted as a separate PDF document attached to the Budget Narrative Attachment Form [V1.2], and does not count against the 8-page limit. Any additional budget information or supporting budget documentation may be included as part of the Budget Narrative.

The 8-page application is comprised of the Table of Contents and the Project Narrative, which includes 13 items divided between the Project Identification (includes the 5-sentence abstract) and Project Description. Please see Section D.1.b of the NOFO for more information.

Eligible Applicants

10. The NOFO states that only State DOTs and Tribes are eligible applicants. Are byway organizations unable to submit an application?

Per [23 U.S.C. 162\(b\)](#), States and Tribes are the only eligible applicants. Other entities, such as byway organizations, may partner with a State DOT or Tribal government to develop and submit an application in grants.gov, but the eligible applicant must be a State DOT or Indian Tribe. The application project narrative must detail any cooperating or partner agencies involved in or likely to be involved in the funding and/or implementation of the project.

11. Is a State recognized Indian Tribe, or other non-federally recognized Indian Tribe, an eligible applicant?

No. Only federally recognized Indian Tribes acknowledged by the U.S. Bureau of Indian Affairs (BIA) are eligible under the NSBP. Please see the BIA, Notice, "[Indian Entities Recognized by and Eligible to Receive Services From the United States Bureau of Indian Affairs](#)" (87 FR 4636, Jan. 28, 2022). However, a State recognized Indian Tribe may be a subrecipient to an eligible State DOT or federally recognized Indian Tribe.

12. Would a State DOT or federally recognized Indian Tribe be an eligible applicant for a project that is within Reservation boundaries but along a State Scenic Byway, not an Indian Tribe Scenic Byway?

A federally recognized Tribe is an eligible applicant. Given the location of the project, the Tribe and State DOT can partner to submit a joint application. They would need to coordinate to decide whether the State DOT or Tribe would act as the lead for preparing and submitting the application in grants.gov and administering the project if awarded. The lead State DOT or lead Indian Tribe also determines the priority ranking for the grant application. More information on multi-State or multi-Tribal applications is detailed in Section C.1 of the NOFO on page 8.

13. Can an Indian Tribe submit an application separately from the State DOT?

Yes. A Tribe may apply as a direct recipient or submit an application through the State DOT.

14. Which agencies qualify as Federal Land Management Agencies (FLMAs) for the purposes of partnering with a State and/or Indian Tribe for the NSBP grant?

FLMAs include the National Park Service, the Forest Service, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Reclamation, and independent Federal agencies with natural resource and land management responsibilities. Please note, FLMAs are not eligible applicants, but could partner with a State and/or Indian Tribe.

Eligible Projects

15. What projects are eligible under the NSBP NOFO?

Information about project eligibility for the NSBP Grants is outlined in [23 U.S.C. 162\(c\)](#) and provided in the [NSBP Notice of Funding Opportunity](#).

16. My State hasn't had a scenic byways program in years. Can we apply for a NSBP grant to revive our State scenic byways program?

Yes. Per 23 U.S.C. 162(b) and 23 U.S.C. 162(c)(1), grants and technical assistance are available to States or Indian Tribes to plan, design, and develop a State or Indian Tribe scenic byway program.

17. Can NSBP funds be used for administrative program costs, such as hiring personnel?

No. NSBP funds may not be used for the ongoing administrative, operating or maintenance expenses of the following project activities: a State DOT or Indian tribe scenic byway program, a byway marketing program, or Corridor Management Plan expenses of a byway organization. For example, general staffing; hosting and maintenance of a website; organizing and sponsoring

annual promotional events or festivals; toll free number maintenance; and costs associated with the fulfillment of individual information requests are not eligible expenses.

18. What qualifies as construction under the NSBP Grants?

[23 U.S.C 101\(a\)\(4\)](#) defines “construction” in part as the “supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a highway or any project eligible for assistance under this title . . .” Several of the 8 eligible projects identified in 23 U.S.C. 162(c) (Safety Improvements, Byway Facilities, Access to Recreation, and Resource Protection) include construction related activities.

19. Does a State Designated Scenic Byway qualify for this program? It is not a National Scenic Byway yet.

Yes. Per 23 U.S.C. 162(b), grants and technical assistance are available to States and Indian Tribes to implement projects on highways designated as National Scenic Byways and All-American Roads (America’s Byways®); State scenic byways; or Indian Tribe scenic byways.

20. Can a State DOT or Tribe submit an application for a project along a proposed scenic byway, currently in the process of being designated?

The byway must have been designated as a National Scenic Byway or All-American Road (America’s Byways®) or State or Indian Tribe Scenic Byway by the application due date. See 23 U.S.C. 162(b)(1)(A).

21. How close to a Scenic Byway does a proposed grant project have to be in order to be eligible for funding?

A project should be located within the byway corridor. However, FHWA does not define a set mileage or distance away from the byway that is considered the corridor.

22. Can NSBP funds be used on a project located on Federal lands?

Yes, if the eligible project is located on a highway designated as a National Scenic Byway or All-American Road (America’s Byways®), State scenic byway, or Indian Tribe scenic byway, and if the project is on or passing through Federal Lands. A project on a highway designated as a FLMA byway is not eligible. See 23 U.S.C. 162 (b)(1)(A).

Project Grouping

23. Historically, many byway projects are small. Can a State DOT or Tribe group multiple projects into a single application?

Yes. A State DOT or Tribe may group related activities as a consolidated project. For example, a State or Tribe could submit a project that included developing strategies to maintain historic

sites along a specific byway, restoring a specific historic site to use as the byway interpretive facility, and updating directional signage to the various historic sites along that byway.

24. Can a State DOT or Tribe submit a single application for multiple byways?

Yes. A State DOT or Tribe may submit a single application for multiple byways, if the project is related across byways. For example, a State could submit a project to develop a marketing program that would include marking activities for all the byways across the State.

Match & Cost Sharing

25. Is in-kind work allowed under this grant?

You should confirm with your State DOT whether any in-kind match is allowed. Several States prefer cash match only.

Per the NOFO (page 8), property and materials are accepted toward the match share if the source is an individual or a private entity, local government, or Indian Tribe submitting an application 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 submitting an application through the State DOT. For additional information on Cost Sharing and matching, see the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in 2 CFR Part 200, including section 200.306.

26. Can Recreational Trails Program funds be used as a match?

If a project is eligible under both the NSBP and Recreational Trails Program (RTP), RTP funds may be used as match for the NSBP funds, per the [Recreational Trails Program Federal Share and Matching Provisions](#). See 23 U.S.C. 206(f)(4).

Application Ranking

27. If a State DOT or Tribe is submitting multiple applications, is there a way to rank the applications in grants.gov, or should the State DOT or Tribe determine the ranking prior to submitting the applications in grants.gov? How or where should the priority ranking for each application be provided to FHWA?

If a State DOT or Tribe is submitting more than one application, they should determine the priority ranking for each project prior to submitting the applications in grants.gov. There is flexibility for where in the application the priority ranking can be indicated, as long as it is clearly noted. For example, on the SF-424 Application Form, you could number the projects in the title (e.g. 1 – Smith Byway Lookout Facility), or you could use block 6. State Application Identifier (e.g. Ohio DOT-1) or block 11. Descriptive Title of Applicant's Project (e.g. Priority 1 of 9, This project ...).

28. Is there guidance on how a State DOT or Tribe should prioritize and rank projects? Does a State DOT or Tribe have to submit all project applications received?

No. FHWA does not set requirements for how State DOTs and Tribes should prioritize applications. State DOTs and Tribes, as the eligible applicants, may limit projects to certain byway designations or project types, establish internal deadlines, and/or set project cost thresholds, in accordance with the processes and procedures each State DOT or Tribe establishes for prioritizing which project applications to submit.

29. If a State DOT's or Tribe's #1 priority project is not selected by FHWA, could FHWA choose other projects the same State DOT or Tribe submitted?

Yes. FHWA will review all eligible project applications submitted, regardless of priority ranking, and may choose to award other lower-prioritized projects that better align with the Project Selection Criteria, and Statutory Priority and Policy Considerations.

Statutory Priority and Policy Considerations

30. Does an application have to meet the \$500,000 total project cost threshold, or can a State DOT or Tribe submit an application for less than \$500,000?

There is no threshold or funding floor required for a NSBP grant application. The preference for large scale projects with a total project cost of \$500,000 or larger is one of four equally-evaluated Policy Considerations identified in Section E.3 of the NOFO and does not exclude applicants from submitting projects that have a total project cost of less than \$500,000.

FHWA will first consider projects with an overall application rating of Highly Qualified, which is based on the Project Selection Criteria identified in Section E.2 of the NOFO. The Policy Considerations (e.g. projects \$500,000 or larger) are then applied to the pool of Highly Qualified applications to help prioritize those applications for funding. Please see the Review and Selection Process outlined in Section E.4 of the NOFO (beginning on page 20 of 24) for more information on how project applications will be evaluated.

31. Does the \$500,000 Policy Consideration apply to each application or the combination of all byways applying in a State?

The Policy Considerations are applied to each individual Highly Qualified project application and may be applied to certain Qualified applications according to the Review and Selection Process outlined in Section E.4 of the NOFO.

32. In order to receive the best score possible, does the project only need to score in one of the four Policy Considerations? In other words, does it get all the points possible by hitting just one of the four Policy Considerations, and thus, the points are maxed out and hitting two or three doesn't really matter? Or it is a project likely to get a better score if it hits two of the four areas? And an even better score if it hits three of the priority areas?

There is no point system for evaluating applications. Per the Review and Selection Process outlined in Section E.4 of the NOFO (beginning on page 20 of 24), the FHWA Technical Review Team will first assign applications a rating of Highly Qualified, Qualified, or Not Qualified based on the Project Selection Criteria identified in Section E.2 of the NOFO.

The Technical Review Team will also evaluate each application's responsiveness to the Statutory Priority, Project Goals Priority, and Policy Considerations in Section E.3. FHWA will give funding priority to Highly Qualified projects that meet one or more of each of the following: the Statutory Priorities; Project Goal Priorities; and Policy Considerations. Thereafter, FHWA will seek to fund as many remaining Highly Qualified applications that meet at least one of the Statutory Priorities and Project Goal Priorities, or Policy Considerations. Section E.4 also discusses how projects rated as Qualified may be considered.

33. Does a byway need a Corridor Management Plan (CMP) to compete for NSBP funds?

No. However, per 23 U.S.C. 162(b)(2), in making grants, FHWA shall give priority to 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 CMP for the byway. FHWA shall also give priority to each eligible project along a State or Indian Tribe scenic byway that is consistent with the CMP 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.

34. How is rural defined for this program?

As discussed in the NOFO Section E.3(c)(1), if a project is fully located outside a Census-designated urbanized area with a population less than 50,000, it is designated as a rural project. 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.

35. Will National Scenic Byways and All-American Roads (America's Byways®) receive funding priority over State and Indian Tribe scenic byways?

No. All eligible scenic byways have an equal chance to compete with no preference given to the type of byway designation. However, the Statutory Priorities in Section E.3 of the NOFO (per 23 U.S.C. 162(b)(2)) allow for priority consideration of certain eligible projects along National Scenic Byways, All-American Roads, and State and Indian Tribe scenic byways.

Deadlines

36. What is the application deadline? How can I stay informed of any changes?

Per the NOFO, all applications must be completed online and submitted electronically on grants.gov by 11:59 p.m. ET on Monday, June 20, 2022. Applicants are highly encouraged to subscribe to the NOFO on grants.gov to receive email notifications of any updates.

37. What are the dates for awarded funds to be obligated and for the work to be completed?

FY 2021 funds (\$16 million) awarded under this NOFO must be obligated by FHWA by September 30, 2024 and work must be completed and all funds fully expended by awardees by September 30, 2029. The remaining FY 2022 funds (\$6 million), will have an additional year and must be obligated by FHWA by September 30, 2025 and expended by awardees by September 30, 2030.

Award

38. When will awards be made? How will applicants be notified?

Awards are anticipated to be made in Fall 2022. FHWA will announce the awarded projects by posting a list of selected projects at https://www.fhwa.dot.gov/hep/scenic_byways/. Following the announcement, successful applicants and unsuccessful applicants will be notified separately.

39. How will FHWA decide which awarded projects receive FY 2021 funding versus FY 2022 funding?

Upon selection of awardees, consideration will be given to the best allocation of funding based on many factors including, but not limited to, size of award and proposed period of performance.

40. Will applications be funded in part?

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, instead of the full project described in the application. The final funding decisions will be made by the FHWA Administrator.

41. Is there a maximum number of grant applications that can be submitted by a State DOT or Tribe or grants that can be awarded in a State?

No. There is no limit to the number of applications that can be submitted by a State DOT or Tribe or the number of grant awards in a State.

42. Are awards under the NSBP NOFO considered to be reimbursable awards?

Yes. Similar to other Federal-aid projects, a project agreement must be approved by the appropriate State DOT or Indian Tribe and Federal officials before costs for any work on the project will be reimbursed for eligible expenses. Costs incurred prior to the execution of a project agreement and authorization-to-proceed are not eligible for reimbursement.

43. Can an agency partnering with a State DOT or Tribe be awarded as a direct recipient?

No. If awarded, the State DOT or Tribe, as the direct recipient, may enter into an agreement with another State agency (Tourism, Natural Resources, etc.), Federal Land Management Agency (BIA, National Park Service, etc.), or local government/byway organization to administer the funds. The State DOT or Tribe will be required to provide regular Federal-Aid Stewardship and Oversight of projects once awarded and submit quarterly progress reports to the FHWA Division Office.

44. State DOTs and Indian Tribes are the only entities that can apply for awards, but the projects can be at the State, Tribe, City, County, or Byway level. Is FHWA expecting State DOTs to pay for overruns on projects?

If selected for award, a resultant funding document will list the total project value, broken down by the Federal share and the non-Federal cost share/matching in dollars. In conducting stewardship and oversight of the Federal-aid project, the State DOT has a responsibility to ensure the sub-awarded entity completes the project in accordance with the award. If there are cost overruns, the Federal award amount will not change. The cost overrun funding can come from any allowable funding source and is not required to come from the State DOT.

45. If a Tribe is awarded a grant, will they be able to administer the project or does the State DOT need to administer the project?

Tribes may apply and be awarded as direct recipients, and as such, are able to administer the project.

46. If a State DOT or Tribe does not apply or receive an award this time around, is more grant funding expected annually?

Through this NOFO, FHWA is conducting a one-time grants solicitation. Future funding for the NSBP is unknown.