

**U.S. DEPARTMENT OF TRANSPORTATION  
Federal Highway Administration**

**Notice of Funding Opportunity for Fiscal Year 2023 Active Transportation Infrastructure Investment Program**

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

**ACTION:** Notice of Funding Opportunity

**SUMMARY:**

The purpose of this Notice of Funding Opportunity (NOFO) is to solicit applications for Fiscal Year (FY) 2023 Active Transportation Infrastructure Investment Program (ATIIP) grants and will result in the distribution of up to \$44,550,000. The actual amount available to be awarded under this NOFO will be subject to the availability of funds.

Funds made available for FY 2023 for ATIIP are to be awarded on a competitive basis to construct eligible projects to provide safe and connected active transportation facilities in an active transportation network or active transportation spine. *See* Section 11529(a) of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58). 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 no later than 11:59 p.m., Eastern Daylight Time, on Monday, June 17, 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 ATIIP in the form of a virtual meeting on Tuesday, April 9, 2024, at 11:00 a.m. Eastern Daylight Time. To join the Webinar, and to get teleconference line information for the audio portion of the Webinar, follow the instructions posted on [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/atiip/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/atiip/). The Webinar will be recorded and posted on FHWA’s Website at [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/atiip/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/atiip/). A Telephone Device for the Deaf (TDD) is available for individuals who are deaf or hard of hearing at (202) 366-3993.

There will be an additional virtual meeting for Tribal nations on Wednesday, April 10, 2024, at 9:00 a.m. Eastern Daylight Time. To join the Webinar, and to get teleconference line information for the audio portion of the Webinar, follow the instructions posted on [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/atiip/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/atiip/). The Webinar will be recorded and posted on FHWA’s Website at

[https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/atiip/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/atiip/). A Telephone Device for the Deaf (TDD) is available for individuals who are deaf or hard of hearing at (202) 366-3993.

**ADDRESSES:**

Applications must be submitted electronically through grants.gov. Refer to Catalog of Federal Domestic Assistance Number: 20.205.

**FOR FURTHER INFORMATION CONTACT:**

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Office hours are from 7:30 a.m. to 4:00 p.m., Eastern Daylight Time, Monday through Friday, except Federal holidays.

FHWA will not review applications in advance, but FHWA staff are available for general questions about ATIIP and this NOFO. FHWA will not provide technical assistance for specific applications, including providing guidance on how to address any information that should be included in an application. However, FHWA will respond to, and publicly post, questions received about this NOFO; the deadline to submit technical questions and requests for clarification is Friday, May 3, 2024. FHWA intends to post answers to questions and requests for clarification at [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/atiip/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/atiip/) and on FHWA's BIL Guidance Website at [Bipartisan Infrastructure Law – Guidance | Federal Highway Administration \(dot.gov\)](#). To ensure applicants receive accurate information about eligibility or the program, each applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions.

## SUPPLEMENTARY INFORMATION:

Each section of this NOFO contains information and instructions relevant to the application process for ATIP 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 (SF) 424, 424A, 424B, 424C, 424D, and SF-LLL has been approved by the Office of Management and Budget (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 failures 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 the grants.gov site for any updates/amendments to this NOFO.**

## A. Program Description

### 1. Overview

Section 11529 of BIL established ATIIP to provide discretionary grants to eligible entities to plan, design, and construct eligible projects that provide safe and connected active transportation infrastructure in an active transportation network or active transportation spine (BIL § 11529(a)).

*Active transportation networks* are facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect between destinations within a community or metropolitan region (BIL § 11529(l)(2)). An active transportation network can include a sidewalk network, bike lane network, or shared use path network within a community and must connect between destinations within a community or metropolitan region, such as by connecting neighborhoods and residences to high-demand destinations like schools, workplaces, commercial centers, recreation areas, medical centers, or other community areas.

*Active transportation spines* are facilities built for active transportation, including sidewalks, bikeways, and pedestrians and bicycle trails, that connect between communities, metropolitan regions, or States (BIL § 11529(l)(3)). An active transportation spine can include a rail trail or rail-with-trail, walking path, or bike route and must connect between two or more communities, metropolitan regions, or States. An active transportation spine can be considered a backbone or primary active transportation route through a particular area or region.

*Active transportation* means mobility options that are powered primarily by human energy (BIL § 11529(l)(1)). These include bicycling and walking and may include, depending on whether the activity is powered primarily by human energy, scooting, skating, or using wheelchairs and other mobility devices. While active transportation does not include electric micromobility options that are not powered primarily by human energy (e.g., e-scooters or certain e-bikes), active transportation spines and networks may accommodate some electric micromobility options and power wheelchairs.

This NOFO will result in the distribution of up to \$44,550,000<sup>1</sup> for two different categories of grants: (1) Planning and Design Grants and (2) Construction Grants. For more information about the eligible activities that can be funded with each type of grant, *see* Section C of this NOFO.

The ATIIP projects will help improve the safety, efficiency, and reliability of active transportation networks and communities; improve connectivity between active transportation modes and public transportation; enhance the resiliency of on- and off-road active transportation infrastructure and help protect the environment; and improve quality of life in disadvantaged communities through the delivery of connected active transportation networks and expanded mobility opportunities.

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<sup>1</sup> Section 11529(j) authorizes to be appropriated \$200,000,000 for each of FYs 2022 through 2026. The Consolidated Appropriations Act, 2023 (Pub. L. 117-328) first appropriated \$45,000,000 for ATIIP. Pursuant to Section 11529(d)(3), which allows FHWA to set aside not more than \$2,000,000 of appropriated ATIIP funds to cover the costs of administration, research, technical assistance, communications, and training activities under ATIIP, FHWA set aside \$450,000, leaving \$44,550,000 available for grants.

The ATIIP grants will allow communities to identify, prioritize, and implement improvements to the largest barriers to safe, accessible, and equitable pedestrian and bicycle network connectivity through the development of infrastructure that will provide substantial additional opportunities for walking and bicycling. Eligible organizations will be able to create plans or implement *active transportation networks* that connect destinations within or between communities or create plans or implement an *active transportation spine* connecting two or more communities, metropolitan regions, or States. The ATIIP also provides an opportunity for eligible organizations to enhance their overall transportation network by integrating active transportation facilities with transit services, where available, to improve access to public transportation.

## 2. Administration Priorities and Departmental Strategic Plan Goals

The DOT seeks to fund projects that advance the Departmental priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth creation as described in the [DOT Strategic Plan, Research, Development and Technology Strategic Plan](#), and in executive orders.<sup>2</sup>

DOT seeks to fund projects under this NOFO that, in combination with the merit selection criteria, advance the following:

### i. Safety

DOT is committed to advancing safe, efficient transportation, including in ATIIP.

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 achieving zero roadway deaths through a Safe System Approach (SSA).<sup>3</sup> The SSA considers five elements of a safe transportation system – safe road users, safe vehicles, safe speeds, safe roads, and post-crash care – in an integrated and holistic manner to address roadway safety challenges.<sup>4</sup> The outcomes anticipated from the projects funded by ATIIP should align with the NRSS.

Applicants should respond to this Administration priority when discussing Merit Criteria 3, 5, and 6, as appropriate. More information on these Merit Criteria can be found in Section E of this NOFO.

### ii. Climate Change and Sustainability

DOT seeks to fund projects under ATIIP that reduce greenhouse gas (GHG) emissions in the transportation sector, incorporate evidence-based climate resilience measures and features, reduce lifecycle GHG emissions from project materials, avoid adverse environmental impacts to air or water quality, wetlands, and endangered species, and address the disproportionate negative

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<sup>2</sup> Executive Order (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).

<sup>3</sup> <https://www.transportation.gov/NRSS>

<sup>4</sup> <https://www.transportation.gov/NRSS/SafeSystem>

environmental impacts of transportation on disadvantaged communities, consistent with E.O. 14008, “Tackling the Climate Crisis at Home and Abroad (86 FR 7619).”<sup>5</sup>

Applicants should respond to this Administration priority when discussing Merit Criteria 1 and 6, as appropriate. More information on these Merit Criteria can be found in Section E of this NOFO.

### iii. Equity

DOT seeks to award projects under ATIIP that will create proportional impacts to all populations in a project area, significantly decrease transportation related disparities from 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).”

Applicants should respond to this Administration priority when discussing Merit Criteria 2, 5, and 6, as appropriate. More information on these Merit Criteria can be found in Section E of this NOFO.

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

DOT intends to use ATIIP 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 ATIIP 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 (DBE), Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

Applicants should respond to this Administration priority when discussing Merit Criterion 6. More information on this Merit Criterion can be found in Section E of this NOFO.

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.

## 3. Additional Information

The ATIIP 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. FHWA also recognizes that applicants may be seeking funding from multiple discretionary grant programs and opportunities. An applicant

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<sup>5</sup> See U.S. Department of Transportation Strategic Framework FY 2022–2026 (December 2021) at <https://www.transportation.gov/administrations/office-policy/fy2022-2026-strategic-framework>

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.1.ii.

Applicants may review the FHWA [Bicycle and Pedestrian Planning, Program, and Project Development Guidance](#) which provides background information and guidance on Federal legislation and policies, and reference materials related to bicycle, pedestrian, and shared micromobility programs and projects, including power wheelchairs.

## **B. Federal Award Information**

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

For FY 2023, up to \$44,550,000 is available for ATIIP Discretionary Grant Program awards under this NOFO. Of the \$44,550,000:

- FHWA may award up to **\$41,550,000** in Construction grants.<sup>6</sup> Of that \$41,550,000, at least 30 percent (\$12,465,000) will be set aside for projects that construct active transportation networks (BIL § 11529(d)(1)(A)), and at least 30 percent (\$12,465,000) will be set aside for projects that construct active transportation spines (BIL § 11529(d)(1)(B)).<sup>7</sup>
- FHWA may award up to **\$19,620,000** in Planning and Design grants.<sup>8</sup> At least \$3,000,000 will be set aside for Planning and Design grants (BIL § 11529(d)(2)).
- FHWA will award at least \$3,000,000 in Planning and Design grants, at least \$12,465,000 in Construction grants for active transportation networks, and at least \$12,465,000 in Construction grants for active transportation spines. FHWA reserves the right to award the remaining \$16,620,000 in remaining funding on any type of grant.

Any award under this NOFO will be subject to the availability of funding.

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<sup>6</sup> The Consolidated Appropriations Act, 2023 (Pub. L. 117-328) appropriated \$45,000,000 for ATIIP. BIL § 11529(d)(2) requires at least \$3,000,000 to be set-aside for Planning and Design grants, and FHWA set aside \$450,000 to cover the costs of administration under BIL § 11529(d)(3). Therefore, up to \$41,550,000 is available under this NOFO for Construction grants.

<sup>7</sup> Pursuant to Section 11529(d)(1), subject to Section 11529(d)(2) and (3), at least 30 percent of ATIIP funds must be obligated for projects that construct active transportation networks and at least 30 percent must be obligated for projects that construct active transportation spines. Of the \$41,550,000 available for Construction grants, FHWA will provide at least \$12,465,000 for projects that construct active transportation networks and at least \$12,465,000 for projects that construct active transportation spines.

<sup>8</sup> Pursuant to Section 11529(d)(2), FHWA must award at least \$3,000,000 in Planning and Design Grants. Of the \$41,550,000 available for Construction grants, after the 30 percent set-aside for active transportation networks and the 30 percent set-aside for active transportation spines, FHWA may provide the remaining \$16,620,000 for Planning and Design grants. Combined with the required \$3,000,000 set-aside, FHWA may provide a total of up to \$19,620,000 in Planning and Design grants.

## 2. Award Size

FHWA expects to award multiple Planning and Design grants and fewer Construction grants, depending on the availability of funding and the number of applications received, for projects satisfying the minimum project cost requirements in Section § 11529(l)(6)(B) that are described in the section further below. DOT reserves the right to make more, or fewer, awards.

### i. Planning and Design Grants

Pursuant to Section 11529(l)(6)(B)(ii) of BIL, Planning and Design grants must be for projects that have planning and design costs of not less than \$100,000. There is no maximum statutory award size for Planning and Design grants. FHWA expects ATIIP awards for Planning and Design grants to range between a minimum of \$100,000 and an expected maximum of \$2,000,000.

It is important to note that this statutory minimum represents the total planning and design costs of the project, which includes the requested amount of ATIIP funding and any matching funds. FHWA reserves the discretion to consider award sizes above and below the minimum award sizes listed above, assuming that the total planning and design costs in the application are at least \$100,000.

### ii. Construction Grants

Pursuant to Section 11529(l)(6)(B)(i) of BIL, Construction Grants must have a total project cost of at least \$15,000,000. There is no maximum statutory award size for Construction grants. It is important to note that this statutory minimum represents the total cost of the project, which includes the requested amount of ATIIP funding and any matching funds. In terms of suggested minimum and maximum amounts of ATIIP funds applicants may request, FHWA intends to award a minimum of \$7,500,000 in ATIIP funds for any given Construction grant, and a maximum of \$15,000,000 in ATIIP funds for qualifying disadvantaged communities or \$12,000,000 in ATIIP funds for all other Construction grant applicants. FHWA reserves the discretion to consider award sizes above and below the minimum award sizes listed above, assuming that the total project costs for the application are at least \$15,000,000.

## 3. Type of Award

If the successful applicant is a State department of transportation (State DOT), or a State DOT will serve as a pass-through entity to a non-State DOT entity, ATIIP 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 Fiscal Management Information System (FMIS).

If the successful applicant is a non-State DOT, ATIIP funds will be awarded upon the execution of a grant agreement with FHWA. A determination will be made if the successful applicant will administer the grant, or at the request of the successful applicant, an applicable State DOT will administer the project.

## 4. Availability of Funds

The ATIIP awards should be obligated by a signed grant agreement by September 30, 2026.

Obligation of an ATIIP 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 Title 23, Code of Federal Regulations (CFR), Part 635, subpart C for State DOT applicants or 2 CFR 200.318-.327 for non-State DOT applicants.

#### 5. 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 FMIS. The start of the period of performance will begin on the date of authorization for the project FMIS and end on the project end date in FMIS.

If a grant recipient will be a non-State DOT entity, the DOT Payment System will be “DELPHI iSupplier” and the start of the period of performance will begin on the date of the grant agreement executed by FHWA which will obligate ATIIP and end on the period of performance that is listed in the grant agreement.

FHWA expects the period of performance to be no more than 2 years for Planning and Design grants and 5 years for Construction grants.

### C. Eligibility Information

To be selected for an ATIIP grant, an applicant must meet the eligibility requirements under this section, including Eligible Organization; Eligible Project; Statutory Cost Sharing or Match requirements; and, if the project is partially on Federal land, entry into a cooperative agreement with the Federal Agency with jurisdiction over the Federal land. Applications that do not meet these eligibility requirements will not be evaluated under the criteria in Section E.1.

#### 1. Eligible Organizations

Pursuant to Section 11529(l)(5) of BIL, eligible organizations are the following:

- A local or regional governmental organization, including a metropolitan planning organization (MPO) or regional planning organization or council;
- A multicounty special district;
- State;<sup>9</sup>
- A multistate group of governments; or
- An Indian Tribe.<sup>10</sup>

#### 2. Cost Sharing or Matching

##### i. General Federal Share

Except as stated below for projects in disadvantaged communities in Section C.2.ii, the Federal share of the cost of a project carried out with an ATIIP grant shall not exceed 80 percent of the

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<sup>9</sup> The term “State” means any of the 50 States, the District of Columbia, or Puerto Rico (23 U.S.C. 101(a)(28)).

<sup>10</sup> The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act, which is codified at 25 U.S.C. 5304 (BIL § 11529 (l)(7)).

total project cost (BIL § 11529(f)(1)). Such awardees must provide at least a 20 percent matching share of the total project cost. The total project cost consists of the total Federal share, matching funds, and any additional non-ATIIP Federal funds that are not eligible for match. Other Federal funds may be used as matching funds, but only if specifically allowed by statute. Tribal applicants may use their Tribal Transportation Program funding as non-Federal match in accordance with Title 23, United States Code (U.S.C.), Section 120(k). For more information on Federal share, see 2 CFR 200.306.

Additional information on non-Federal matching requirements can be found at [https://www.fhwa.dot.gov/legsregs/directives/policy/memonfmr\\_tapered20190515.htm](https://www.fhwa.dot.gov/legsregs/directives/policy/memonfmr_tapered20190515.htm).

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.ii for information about documenting cost sharing in the application. Applicants should also note that while projects meeting the 20 percent matching share requirement will be eligible, projects with a greater matching share may receive a higher rating under Merit Criterion 4, as described in more detail in Section E.1.

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.

#### ii. Federal Share for Disadvantaged Communities

For projects serving communities with a poverty rate of over 40 percent based on the majority of census tracts served by the project, the Federal share is 100 percent of the total project cost (BIL § 11529(f)(2)). For such projects, this means that no matching funds are required for the project to be eligible. In addition, such projects will automatically receive the highest rating under Merit Criterion 4, as described in Section E.1.

To identify as such a disadvantaged community and be eligible for a 100 percent Federal share, applicants must provide FHWA with sufficient information that the proposed project would serve communities with a poverty rate of over 40 percent based on the majority of census tracts served by the project, including identifying each census tract that will be served by the project, the poverty rate of each of those census tracts, and how the project serves each identified census tract. Applicants should explain how the proposed project may serve census tracts outside of the census tract(s) where the proposed project is located.

It is important to note that FHWA will make the final determination of whether a project is eligible for the 100 percent Federal share under BIL § 11529(f)(2). For that reason, it may be advisable for applicants who believe they are eligible for the 100 percent Federal share described in this section to nonetheless provide information indicating that, alternatively, they can provide a 20 percent non-Federal share. Otherwise, if FHWA determines that the application is not eligible for the 100 percent Federal share and the applicant does not provide additional information, that application would be deemed ineligible and would not receive ATIIP funds under this NOFO.

One method of determining the poverty rate of the census tracts surrounding your project is as follows:

1. Go to [data.census.gov](https://data.census.gov).
2. Click Advanced Search below the search bar.
3. In the sidebar, click Geography > Census Tract > [Your state] > [Your county].
4. Either choose the census tracts you know your project impact or choose “All Census Tracts within [Your county].”
5. In the sidebar, click “Search for filter” and type in “Poverty.” Check the box labeled “Poverty” and then click the X on the top right of the window will.
6. Next, click the “Maps” tab on the top navigation, then select “S1701 | POVERTY STATUS IN THE PAST 12 MONTHS.” You should now see a map with the census tracts of your selected geography displaying the percentage of residents living below the poverty level among the population for whom poverty status is determined using the most up-to-date Census data.
7. Next, click “Classes” in the map toolbar at the top of the window. Add a break value of 40 percent. The map classification will update to clearly show which census tracts have a poverty rate above 40 percent.

### 3. Eligible Projects Partially on Federal Land

Any eligible organization that submits a project located in part on Federal land must have a cooperative agreement with the appropriate Federal Agency with jurisdiction over the Federal land before submitting an application (BIL § 11529(b)(2)). For projects located in part on Federal land, the eligible organization must include a copy of that cooperative agreement.

This is an eligibility requirement, and a project partially located on Federal lands that does not submit a copy of such a cooperative agreement will not be eligible for ATIIP funds under this NOFO.

### 4. Other

#### i. Eligible Projects

To be eligible to receive ATIIP funds, projects must consist of an active transportation project or group of projects within or between a community or group of communities, at least one of which falls under the jurisdiction of the applicant (BIL § 11529(l)(6)(A)).

Applicants may apply for more than one grant. Applicants may apply for both a Planning and Design grant and a Construction grant; however, the applications must be for separate projects. If an applicant applies for a Planning and Design grant and a Construction grant for the same project, it will be treated as a Construction grant. Construction grants may include the full range of planning and design activities that may be undertaken as part of a Planning and Design grant.

Projects must also abide by the minimum project costs described in Section B.2 to be eligible. This means that projects seeking Planning and Design grants must have planning and design costs of at least \$100,000 (BIL § 11529(l)(6)(B)(ii)), and projects seeking Construction grants must have total project costs of at least \$15,000,000 (BIL § 11529(l)(6)(B)(i)).

Applicants can seek a Planning and Design grant for projects that develop a plan for an active transportation network or spine project. Applicants with an existing plan may also apply for a Planning and Design grant to update and further develop their plan.

ii. Eligible Project Costs

*a. Planning and Design Grants*

Planning grants may be used to fund:

- Public engagement activities, including community visioning, outreach to affected disadvantaged populations, or other place-based strategies for public input into project plans;
- Design and planning studies that support the development of a construction project such as traffic studies supporting an active transportation outcome, active transportation network plans, connectivity analyses, asset inventories, and data collection of active transportation network gaps;
- Conceptual and preliminary engineering tied to projects in an approved plan;
- Other related transportation planning activities for active transportation networks or spines.

*b. Construction Grants*

Construction Grants may be used to fund, among other things:

- Property acquisition;
- Site preparation, demolition, or development;
- Payment of bonds/notes;
- Fees in connection with execution and financing of the project;
- Cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessments;
- Cost of construction, rehabilitation, reconstruction;
- Cost of land improvements;
- Contractor fees;
- Training and education related to safety of users as part of project.

All costs must conform with applicable law to be eligible, including 23 U.S.C.; 23 CFR; and 2 CFR part 200, as applicable.

## **D. Application and Submission Information**

### **1. Address to Request Application Package**

All grant application materials can be accessed at [grants.gov](https://grants.gov).

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

- Opportunity Number: 693JJ324NF00012
- Opportunity Name: Active Transportation Infrastructure Investment Program
- 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 2023 ATIIP application.

For a Telephone Device for the Deaf (TDD), please call (202) 366-3993. 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: [ATIIP@dot.gov](mailto:ATIIP@dot.gov) (preferred)  
 Phone: 202-366-1533

Alternate:  
 Hector Santamaria  
 Agreement Officer/Team Leader  
 Office of Acquisition and Grants Management  
 Federal Highway Administration  
 U.S. Department of Transportation  
 1200 New Jersey Avenue, SE.  
 Washington, DC 20590  
 Email: [ATIIP@dot.gov](mailto:ATIIP@dot.gov) (preferred)  
 Phone: 202-493-2402

**2. Content and Form of Application Submission**

Planning and Design Grants and Construction Grants have distinct application submission and supporting document requirements. The FHWA strongly recommends use of the template provided below. All applications should submit the following: SF; Narrative; and Budget.

**i. Application**

All applications must be submitted electronically through grants.gov.

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

*a. Standard Forms*

All applicants must submit the following SFs:

<b>Required Forms for Planning and Design Grant Applications:</b>	<b>Required Forms for Construction Grant Applications:</b>
SF 424 (Application for Federal Assistance)	SF 424 (Application for Federal Assistance)

<b>Note:</b> Applicants may leave fields 5a, 5b, 6, 7, and 13 blank. The Project Narrative must be added as an Attachment to Item 15 of the SF-424.	<b>Note:</b> Applicants may leave fields 5a, 5b, 6, 7, and 13 blank. The Project Narrative must be added as an Attachment to Item 15 of the SF-424.
Grants.gov Lobbying Form (Certification Regarding Lobbying)	Grants.gov Lobbying Form (Certification Regarding Lobbying)
Disclosure of Lobbying Activities form (SFLLL)	Disclosure of Lobbying Activities form (SFLLL)
SF 424A (Budget Information for Non-Construction Programs) <b>Note:</b> The form should be supported by a budget narrative explaining each element of cost.	SF 424C (Budget Information for Construction Programs) <b>Note:</b> The form should be supported by a budget narrative explaining each element of cost.
SF 424B (Assurances for Non-Construction Programs)	SF 424D (Assurances for Construction Programs)

All mandatory SFs of the 424 family are available for download at <https://www.grants.gov/forms/forms-repository/sf-424-family>.

*b. Project Narrative*

The project narrative should clearly state whether the application is for a Planning and Design grant or a Construction grant.

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.b.I
II. Grant Funds, Sources, and Uses of all Project Funding	See D.2.i.b.II
III. Merit Criteria	See D.2.i.b.III
IV. Project Readiness and Environmental Risk	See D.2.i.b.IV
V. Administration Priorities and Departmental Strategic Plan Goals	See D.2.i.b.V
VI. FHWA Priority Selection Considerations	See D.2.i.b.VI
VIII. Letters of Support	

The project narrative should provide information, including a table of contents, maps, and graphics as appropriate, necessary for FHWA to determine that the project satisfies project requirements described in Section C 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 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. FHWA also encourages applicants, to the extent practicable, to provide data in a form that is publicly available or verifiable. To ensure a fair and unbiased evaluation of applications submitted under this NOFO, FHWA will not request additional information to perfect incomplete applications.

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). For Planning and Design Grants, the project narrative should not exceed 15 pages; for Construction Grants, the narrative should not exceed 20 pages. Appendices may include documents supporting assertions or conclusions made in the 15- or 20-page project narrative and do not count toward the page limit. If possible, Website links to supporting documents 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. FHWA recommends using appropriately descriptive final names (e.g., “Project Narratives,” “Maps,” “Memoranda of Understanding and Letters of Support,” etc.) for all attachments.

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

##### a) Project Description

The applicant should provide a concise description of the project, including a discussion of the project’s history and a description of any previously incurred project costs. This section should describe what improvements the project will provide for the relevant active transportation network or spine, describe the communities impacted by the project and how the proposed project will reduce emissions by providing low or zero-emission transportation options, improve access to economic opportunity and community economic benefits, and increase safety for those communities, and any other high-level background information that would be useful to understand the rest of the application. The applicant may use this section to place the project into a broader context of other infrastructure investments being pursued by the project sponsor.

##### b) Project Location

The application should provide a concise description of the project, including a detailed geographical description of the proposed project, a map of the project’s location and connections to existing transportation infrastructure, and geospatial data describing the project location (shapefiles will be accepted under 200 MB file size). This section should also describe current barriers to community connectivity, including to safe mobility, access, or economic development, as well as a description of the surrounding community impacted by the project. This section should include a detailed geographic description and map of the project area location and identify elements of the existing transportation network.

If the applicant is requesting a 100 percent Federal share under Section C.2.ii of this NOFO, the applicant should clearly indicate which communities the project is serving, how the project serves those communities, and the poverty rates of those communities.

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>11</sup> and “rural areas”<sup>12</sup> under 23 U.S.C. and Bureau of the Census (Census Bureau) 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).”

#### c) Lead Applicant

This section of the application should 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 2023 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.

#### d) Other Public and Private Parties

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.

The applicant should state whether or not a private or non-private entity will receive a direct and predictable financial benefit if the project is selected for award. This includes, but is not limited to, private and non-private entities directly benefitting from completion of the proposed project. If this project directly involves or benefits a specific private corporation, a non-public entity, or a public entity, please identify the full name of each entity, separated by a comma.

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<sup>11</sup> The term “urban area” means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Census Bureau having a population of 5,000 or more and not within any urbanized area in each State, or urban place as designated by the Census Bureau having a population of 5,000 or more and not within any urbanized area. (23 U.S.C. 101(35)). The term “urbanized area” means an area with a population of 50,000 or more designated by the Census Bureau, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Census Bureau. (23 U.S.C. 101(36)).

<sup>12</sup> The term “rural areas” means all areas of a State not included in urban areas. (23 U.S.C. 101(25)).

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

In addition to the information provided in the mandatory forms described above, as part of the project narrative, applicants 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) ATIIP 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 ATIIP 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 should be provided.

If a 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 ATIIP statutory cost-sharing requirement described in Section C.2, if applicable, 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 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.

This section of the narrative should also identify any other Federal programs and opportunities the applicant has applied for and intends to apply for and describe any additional non-ATIIP funding that is available to the applicant.

## III. Merit Criteria

The applicant should describe how the proposal meets the merit criteria listed in Section E.1. FHWA encourages applicants to address each criterion. Insufficient information to assess any criterion will negatively impact the project rating. Applicants should note that merit reviewers will focus on this section of the application and will not be required to reference the other

sections in the application package; therefore, all relevant information to demonstrate alignment with the merit criteria as described in Section E.1 should be included in this section of the application. Applicants should describe the merit criteria in the order in which they are described in the NOFO and address each criterion separately. Guidance describing how FHWA will evaluate projects against the merit criteria is in Section E.1 of this NOFO. Applicants should review that section before considering how to organize their application.

#### 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. All applications should include a detailed project schedule.

Applications for Construction grants will be reviewed for Project Readiness and assigned three separate readiness evaluation ratings: Environmental Risk Assessment, Technical Capacity Assessment, and Financial Completeness Assessment. Therefore, this section for Construction grant applications should include information that addresses the Environmental Risk Assessment and Technical Capacity Assessment described in Section E. The Financial Completeness Assessment will be based on information contained throughout the application.

Applications for Planning and Design grants will be reviewed for Project Readiness and assigned two evaluation ratings: Technical Capacity Assessment and Financial Completeness Assessment. Therefore, this section for Planning and Design grant applications should include information that addresses the Technical Capacity Assessment described in Section E. The Financial Completeness Assessment will be based on information contained throughout the budget section of the application. An Environmental Risk Assessment will not be performed for planning applications, so applications for Planning and Design grants do not need to provide information related to this assessment.

Applications are not required to follow the specific format described here, but should be organized, address each relevant area of project readiness, as applicable, and promote a clear discussion that assists project evaluators.

##### a) Technical Feasibility (Construction, and Planning and Design grants)

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 statement of work 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) Environmental Risk (Construction grants only)

This section of the application should include sufficient information for FHWA to evaluate whether the project is reasonably expected to begin construction in a timely manner consistent with all applicable Federal, State, and local requirements. To assist FHWA's project environmental risk review, applicants should provide the information requested on project schedule, required approvals, and risk and mitigation strategies, each of which is described in greater detail in the following sections.

### *1. Detailed 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 review under 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 completed to allow ATIIP funds to be obligated on a timely basis and that any unexpected delays will not put the funds at risk of expiring before they are obligated; and
- All real property and right-of-way acquisition necessary for the project will be completed in a timely manner in accordance with 49 CFR 24, 23 CFR 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.

### *2. 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.
- 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 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 ATIP projects.<sup>13</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

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<sup>13</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, TIP, and STIP). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, 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 MPO. 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.

the lead applicant and any project partners have undertaken or will undertake to mitigate those risks.<sup>14</sup> The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

To the extent an applicant is unfamiliar with the Federal-aid highway program, the applicant should contact the FHWA Division Office in their State as found at <https://www.fhwa.dot.gov/about/field.cfm> 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.

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

Applications should discuss the administration priorities outlined in Section A and how the project addresses them along with the respective corresponding merit criteria.

#### **I. Safety**

Applicants should address how their project provides substantial safety benefits in Merit Criteria 3, 5, and 6, as applicable. Prior to receiving funds, all projects are expected to, at a minimum, identify and mitigate to the extent practicable any significant safety risks that could result after the project's completion. Applicants should include how their project will not negatively impact the overall safety of the traveling public.

#### **II. Climate Change and Sustainability**

Applicants should address how the project will consider climate change and environmental justice in the planning stage and in project delivery in Merit Criteria 1 and 6, as applicable. In particular, applicants should address how the project reduces GHG emissions in the transportation sector, incorporates evidence-based climate resilience measures and features, and reduces the lifecycle GHG emissions from the project materials. Applicants should provide information on the potential of the project to avoid emissions caused by high-emission forms of transportation, such as single-occupancy vehicles, by providing opportunities for active transportation trips. Applicants should also address the extent to which the project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, as well as address disproportionate negative impacts of climate change and pollution on disadvantaged communities, including natural disasters, with a focus on prevention, response, and recovery.

#### **III. Equity**

Applicants should address how the project will consider equity in the planning stage and in project delivery in Merit Criteria 2, 5, and 6, as applicable. Applicants should address how their project will include an equity assessment which evaluates whether the project will create proportional impacts and remove transportation related disparities to all populations in a project area. Applicants should demonstrate how meaningful public engagement will occur throughout a project's life cycle. Applicants should address how project benefits will increase affordable

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<sup>14</sup> FHWA considers an applicant's lack of experience with receipt and expenditure of Federal-aid highway funds under 23 U.S.C. a material risk.

transportation options, improve safety, connect Americans to good-paying jobs, fight climate change, and/or improve access to resources and quality of life.

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

Applicants should address how their project will create good-paying jobs with the free and fair choice to join a union; promote investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships, with a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); and change hiring policies and workplace cultures to promote the entry and retention of underrepresented populations in Merit Criterion 6. Applicants should address how the project promotes local inclusive economic development and entrepreneurship such as the utilization of DBEs, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

##### *d. FHWA Priority Selection Considerations*

The applicant should describe how the proposal meets the FHWA Priority Selection Considerations listed in Section E.1. 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 (UEI) and System for Award Management (SAM)

Effective April 4, 2022, the Data Universal Numbering System (DUNS) number is no longer required for entities doing business with the Federal Government and has been replaced by the SAM UEI. As of that date, applicants are required to use a UEI issued during the SAM.gov registration process. Active registrants in SAM.gov have had their SAM UEI automatically assigned and it is currently viewable within SAM.gov. There is no additional action necessary for registered entities to take to obtain their 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: (i) Be registered in SAM.gov before submitting an application; (ii) Provide a valid UEI in their application; and (iii) Maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal Agency.

Please see <https://www.grants.gov/web/grants/applicants/applicant-faqs.html#UEI> for 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 requirements by the time FHWA is ready to make an award, FHWA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant.

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

#### 4. Submission Dates and Times

Applications must be submitted electronically through grants.gov no later than 11:59 p.m., Eastern Daylight Time on Monday, June 17, 2024.

#### 5. Intergovernmental Review

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

#### 6. Funding Restrictions

Unless authorized by FHWA in writing after FHWA's announcement of FY 2023 ATIIP awards, any costs incurred prior to FHWA's obligation of funds for a project ("pre-award costs") are ineligible for reimbursement or to count as cost share.

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

##### i. 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.

##### ii. Submission Location

The complete application must be submitted via [www.grants.gov](http://www.grants.gov).

##### iii. Consideration of Applications

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

##### iv. Late Applications

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

- Details of the technical issue experienced;
- Screen capture(s) of the technical issues experienced along with corresponding Grants.gov "Grant tracking number";
- The "Legal Business Name" for the applicant that was provided in the SF-424;
- The Point of Contact name submitted in the SF-424;

- The UEI associated with the application; and
- The 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 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 contacts the 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. FHWA will not accept appeals of an 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.

#### Compliance with Section 508 of the Rehabilitation Act of 1973

FHWA 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/>.

### E. Application Review Information

#### 1. Criteria

FHWA will award ATIIP funds based on an evaluation of merit criteria, project readiness, and responsiveness to the FHWA Priority Selection Considerations as described in this section.

##### i. Merit Criteria

FHWA will evaluate FY 2023 ATIIP grant applications using the following merit criteria:

#### **Criterion #1: Mobility and Community Connectivity**

FHWA will assess whether the eligible organization submitted a plan for an eligible project that is likely to provide substantial additional opportunities for walking and bicycling, including effective plans to (1) create an active transportation *network* connecting destinations within or between communities, including schools, workplaces, residences, businesses, recreation areas, and other community areas, or create an active transportation *spine* connecting two or more communities, metropolitan regions, or States; and (2) integrate active transportation facilities with transit services, where available, to improve access to public transportation.

The application should include a plan for the proposed project, preferentially one that includes a description and map of the proposed project. The plan should include information on how the project will provide opportunities for walking and bicycling and the extent of those opportunities, including access to key destinations and economic benefits associated with those opportunities, the sizes, and kinds of destinations that the project would connect to, and the percentage of the community’s population living within walking or biking distance of the project. For active transportation networks, the plan should also describe the community destinations the project would connect, including schools, workplaces, residences, businesses, recreation areas,

and other community areas. For active transportation spines, the plan should describe how the project will connect two or more communities, metropolitan regions, or States.

In addition, the plan should show or describe the locations at which the active transportation facilities will integrate with transit services, if available, and the extent to which the project will improve access to public transportation, such as by showing how the project would extend or complement public transit trips. The application should also describe how physically integrated the transit network currently is with active transportation facilities.

*High:* For projects related to active transportation networks, the plan substantively and comprehensively demonstrates how the project will connect community destinations and, if available, public transit facilities, to improve access to jobs, schools, and key destinations. For projects related to active transportation spines, the plan substantively and comprehensively demonstrates how the project will connect two or more communities, metropolitan regions, or States. For all projects, the plan demonstrates that the project is likely to provide substantial additional opportunities for active transportation and access to jobs, schools, and key destinations, including demonstrating how the proposed active transportation infrastructure would extend or complement public transit trips, if available in the project area.

*Medium:* For projects related to active transportation networks, the plan is moderately responsive in demonstrating how the project will connect community destinations and, if available, public transit facilities, to improve access to jobs, schools, and key destinations. For projects related to active transportation spines, the plan is moderately responsive in demonstrating how the project will connect two or more communities, metropolitan areas, or States. For all projects, the plan demonstrates that the project is likely to increase active transportation trips and access to jobs, schools, and key destinations.

*Low:* For projects related to active transportation networks, the plan minimally demonstrates how the project will connect community destinations and, if available, public transit facilities, to improve access to jobs, schools, and key destinations. For projects related to active transportation spines, the plan minimally demonstrates how the project will connect two or more communities, metropolitan areas or States. For all projects, the plan demonstrates that the project is likely to only minimally increase active transportation trips and access to jobs, schools, and key destinations.

*Non-Responsive:* The plan is not likely to provide additional opportunities for walking and bicycling.

### **Criterion #2: Community Support**

FHWA will assess whether the eligible organization demonstrates broad community support through the use of public input in the development of transportation plans, and the commitment of community leaders to the success and timely implementation of an eligible project.

Applications should demonstrate support from municipalities in the project area, relevant community leaders, and other partners like private sector entities. Applications should include documentation of this support, such as through letters of support. Applications may also include evidence of partnerships leveraged within the project area, such as with other governmental

entities, nongovernmental organizations, private sector entities, academic institutions, and other relevant stakeholders to achieve project benefits. The application should describe the commitment community leaders have made to the success and timely implementation of the project.

Applications should also provide a history of transportation planning in the project area, particularly with respect to the proposed project, and evidence of public involvement, including public involvement of disadvantaged communities. Public involvement may be shown through community benefit agreements and discussions with relevant stakeholders, such as private sector and community groups. Applications should demonstrate how public input has impacted transportation planning, particularly with respect to the proposed project, if applicable.

*High:* The application shows comprehensive and substantial community support in the development of transportation plans, including the plan for the proposed project, and comprehensive and substantial community support in the implementation of the proposed project from a broad cross-section of the community within and around the project area, including disadvantaged communities. If applicable based on community feedback received, the project advances the aims of disadvantaged communities. The application demonstrates full support from community leaders and organizations critical to the timely completion of the project to ensure its success.

*Medium:* The application shows moderate community support of the project in the development of transportation plans and the implementation of the proposed project or only shows extensive support from a limited cross-section of the community within and around the project area. The project does not negatively impact disadvantaged communities, based on community feedback received from such communities. The application demonstrates some support from community leaders and organizations that may likely lead to its timely completion and may likely ensure its success.

*Low:* The application shows limited community support in the development of transportation plans and the implementation of the proposed project. The project does not negatively impact disadvantaged communities, based on community feedback received from such communities. The application does not fully demonstrate that community leaders and organizations critical to the timely completion and success of the project support it.

*Non-Responsive:* The application does not demonstrate community support, or the application demonstrates that disadvantaged communities will be negatively impacted by the proposed project based on community feedback from such communities.

### **Criterion #3: Commitment to Increasing Walking, Biking, and Other Types of Active Transportation**

FHWA will assess whether the eligible organization provides evidence of the following that facilitate significant increases in walking and biking:

- Commitment to and improvement of traffic safety,

- Regulations (such as development/land use codes that support/enable active transportation),
- Financial incentives (such as transportation demand management strategies), or
- Community design policies (such as policies or design guidance that prioritize safety, comfort, and accessibility of pedestrians and bicyclists).

Applications should detail the specific steps they are taking to provide a commitment to traffic safety, and any regulations, financial incentives, or community design policies related to active transportation. Applications should detail how those commitments, regulations, financial incentives, and design policies have facilitated increases in walking and bicycling and the extent of that increase. Where possible, applicants should demonstrate how the project integrates principles from DOT's NRSS and the SSA.

*High:* The application demonstrates commitment to traffic safety, regulations, financial incentives, or community design policies that facilitate significant increases in walking and bicycling. The application shows how these commitments, regulations, financial incentives, or community design policies have significantly improved safety, in line with the NRSS and SSA.

*Medium:* The application demonstrates commitment to traffic safety, regulations, financial incentives, or community design policies that facilitate increases in walking and bicycling. The application shows how these commitments, regulations, financial incentives, or community design policies have improved safety.

*Low:* The application explains minimally how the applicant has demonstrated commitment to traffic safety, regulations, financial incentives, or community design policies that facilitate increases in walking and bicycling; or the application explains how the applicant has demonstrated commitment to traffic safety, regulations, financial incentives, or community design policies that facilitate limited increases in walking and bicycling.

*Non-Responsive:* The application does not address how the applicant has shown a commitment to traffic safety, regulations, financial incentives, or community design policies, or the application does not show how those are connected to increases in walking and bicycling, or the application demonstrates or suggests that the project will result in negative safety outcomes.

#### **Criterion #4: Financial Completeness**

FHWA will assess the extent to which the eligible organization demonstrates commitment of State, local, or eligible Federal matching funds, and in-kind contributions such as land, in addition to the local match required under subsection C.2, unless the applicant qualifies for an exception under subsection C.2.ii, in which case the application will receive a *High* score for this criterion.

More detail on required information to be included in the project narrative regarding grant funds, sources, and uses of all project funding is presented in Section D. 1.ii.b of this NOFO. More detail on cost sharing or matching is presented in Section C.2 of this NOFO.

*High:* The application demonstrates fully committed funding that goes above and beyond the 80 percent match requirement, or the project qualifies for a 100 percent Federal share pursuant to Section C.2.ii of the NOFO.

*Medium:* The application demonstrates fully committed funding that meets the 80 percent match requirement.

*Low:* The applicant demonstrated funding that meets the 80 percent match requirement, but one or more Federal or non-Federal match sources are still uncertain as to whether they will be secured.

*Non-Responsive:* The application does not demonstrate a full commitment of funding to meet the 80 percent match requirement.

### **Criterion #5: Equitable Development**

FHWA will assess the extent to which the eligible organization demonstrates that the project will address existing disparities in bicyclist and pedestrian fatality rates based on race or income level or provide access to jobs, schools, and services for low-income communities, disadvantaged communities, and people with disabilities.

Applications should describe how they intend to measure change in existing disparities and what metrics the applicant will use throughout the lifecycle of the project. Applicants are encouraged to use the FHWA [Screening Tool for Equity Analysis of Projects](#) to understand what groups will be impacted by the proposed project, as applicable.

Applicants should provide a plan for how they will identify groups based on race or income level with existing disparities to the general population of the community in terms of bicyclist and pedestrian fatality rates. The application should explain how the project intends to decrease such disparities, such as through an equity analysis and how the project intends to measure changes and what metrics will be used.

The application should also describe how it intends to provide access to jobs and services for low-income communities and disadvantaged communities (e.g., children, seniors, Black, Latino, Indigenous and Native Americans, Asian Americans and Pacific Islanders, other persons of color, persons with disabilities, persons who live in rural areas, and persons otherwise adversely affected by persistent poverty or inequality), and how the project would support economic competitiveness and wealth creation, such as through increased mobility and expanded connectivity.

Applicants are strongly encouraged to use the [DOT Equitable Transportation Community \(ETC\) Explorer](#) to understand how their project area is experiencing disadvantage in terms of existing disparities in bicyclist and pedestrian fatality rates or access to jobs and services and use the analysis to help explain how the proposed project will positively impact the root causes of disadvantage.

*High:* The application demonstrates that the project will reduce existing disparities in bicyclist and pedestrian fatality rates based on race or income level *and* provide access to jobs, schools,

and other key destinations. The application provides how the project will measure effectiveness over its lifecycle in terms of decreasing disparities and includes relevant metrics to be tracked.

*Medium:* The application demonstrates that the project will reduce existing disparities in bicyclist and pedestrian fatality rates based on race or income level *or* demonstrates how it will provide access to jobs, schools, and other key destinations.

*Low:* The application demonstrates that the project will reduce existing disparities in bicyclist and pedestrian fatality rates based on race or income level only to a limited degree *or* will only provide limited access to jobs, schools, and other key destinations.

*Non-Responsive:* The project did not address the Equitable Development criterion, or the project negatively impacts disadvantaged communities, or the project increases disparities faced by disadvantaged communities.

### **Criterion #6: Other DOT Goals and Priorities**

FHWA will assess whether the eligible organization demonstrates how their investment in active transportation will advance:

- Safety for pedestrians and cyclists,
- Access to jobs and key destinations,
- Economic competitiveness,
- Environmental protection, and
- Quality of life.

In addressing this criterion in applications, applicants should not present duplicative information already supplied in their application. The focus of this criterion is on demonstrating how the applicant's investment in active transportation will advance mode shift to reduce GHG emissions, improve access for people of all ages and abilities, and address workforce considerations.

The applicant should describe how its investment in active transportation, especially through the proposed project, advances the above key priorities and the metrics the applicant will use to measure progress made in achieving these priorities throughout the life cycle of the project.

In terms of safety, applications should demonstrate how the implementation of the proposed project advances safety for all pedestrians and cyclists, including through the incorporation of the [Complete Streets Design Model](#).

In terms of access to jobs, schools, and key destinations, applications should demonstrate how the implementation of the proposed project, advances and improves access to jobs, schools, and key destinations.

In terms of economic competitiveness, applications should describe how the implementation of the proposed project, advances workforce development goals, such as by incorporating strong labor standards for skilled construction labor needed on the project (e.g., wages and benefits at or above prevailing; use of project labor agreements or registered apprenticeship programs); committing to supporting training opportunities as part of the project, including pre-

apprenticeship or apprenticeship readiness programs, youth corps, and conservation corps; tracking and publishing aggregate workforce data, including information demonstrating that employment opportunities are available for historically underserved or disadvantaged individuals in the community; and furthering local inclusive economic development and entrepreneurship, such as by utilizing DBEs, Minority-owned Businesses, Women-owned businesses, or 8(a) firms.

In terms of environmental protection, applications should describe how the implementation of the proposed project advances environmental protection goals, such as through an analysis of the project's anticipated increase in the percentage of person trips by active transportation and by transit integrated with active transportation facilities; resultant reductions in air pollution and GHG emissions; and any changes in land-use patterns that may reduce emissions. Where applicable, applications should also explain how the project incorporates climate resilience measures and features, reduces lifecycle GHG emissions from project materials, avoids adverse environmental impacts, and addresses the disproportionate negative impacts of transportation on disadvantaged communities. Applications should incorporate analysis of emissions reduction strategies for transportation infrastructure such as those considered in a State Carbon Reduction Plan or TIP or equivalent local plan.

In terms of quality of life, applications should describe how the implementation of the proposed project, is comfortable for and accessible to the needs of all active transportation users, including young children, older adults, and people with disabilities.

*High:* The application demonstrates how the project's investment in active transportation will support all five goals described above: improvement in safety for pedestrians and cyclists; improvement in access to jobs and key destinations; improvement in economic competitiveness; improvements in environmental protection; *and* improvement in quality of life by showing how the project will support accessibility for all users and abilities.

*Medium:* The application demonstrates how the project's investment in active transportation will support three of the five goals described above: improvement in safety for pedestrians and cyclists; improvement in access to jobs and key destinations; improvement in economic competitiveness; improvements in environmental protection; and improvement in quality of life by showing how the project will support accessibility for all users and abilities.

*Low:* The application demonstrates how the project's investment in active transportation will support one of the five goals described above: improvement in safety for pedestrians and cyclists; improvement in access to jobs and key destinations; improvement in economic competitiveness; improvements in environmental protection; *or* improvement in quality of life by showing how the project will support accessibility for all users and abilities.

*Non-Responsive:* The application does not address how investment in active transportation will advance any of the five goals described above: improvement in safety for pedestrians and cyclists; improvement in access to jobs and key destinations; improvement in economic competitiveness; improvements in environmental protection; or improvement in quality of life by showing how the project will support accessibility for all users and abilities.

ii. Project Readiness

FHWA will consider project readiness to assess the likelihood of a successful project.

Projects applying for Construction grants will be reviewed for Project Readiness and assigned three evaluation ratings: Environmental Risk Assessment, Technical Capacity Assessment, and Financial Completeness Assessment.

Projects applying for Planning and Design grants will be assigned two evaluation ratings: Technical Capacity Assessment and Financial Completeness Assessment. An Environmental Risk Assessment will not be performed for applications for Planning and Design grants. For applications for Construction grants, applications should contain a section that explicitly addresses Environmental Risk. The Technical Capacity Assessment and Financial Completeness Assessment will be completed for all applications based on information contained throughout the application.

For Construction grants, the Environmental Risk Assessment analyzes the project’s environmental approvals and the likelihood of the necessary approval affecting project obligation, resulting in a rating of “high risk,” “moderate risk,” or “low risk.”

The Technical Capacity Assessment will be reviewed for all eligible applications and will assess the applicant’s capacity to successfully deliver the project in compliance with applicable Federal requirements based on factors including the recipient’s experience working with Federal Agencies, civil rights compliance (including compliance with Title VI of the Civil Rights Act of 1964 and accompanying FHWA regulations, the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act), previous experience with DOT or FHWA discretionary grant awards, and the technical experience and resources dedicated to the project. The Technical Capacity Assessment for each application will result in a rating of “certain,” “somewhat certain or unknown,” or “uncertain.” Lack of previous project delivery experience according to Federal requirements is not a sufficient justification by itself for a rating of “uncertain,” but may result in a rating of “unknown.”

The Financial Completeness Assessment will be reviewed for all eligible applications and will review the availability of matching funds and whether the applicant presented a complete funding package. The Financial Completeness Assessment for each application will result in a rating of “complete,” “partially complete,” or “incomplete.” For projects that receive a rating of “complete” and include funding estimates that are based on early stages of design (e.g., less than 30 percent design) or outdated cost estimates, without specified contingency, evaluators may add a comment to note the potential for uncertainty in the estimated project costs. All applicants should describe a plan to address potential cost overruns and future maintenance and preservation costs and how those costs will be funded.

The Project Readiness Ratings described above will be translated to a high, medium-high, medium, medium-low, or low rating, using the tables below:

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

To determine the overall Project Readiness rating for applications for Construction grants, FHWA will use the following table:

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

To determine the overall Project Readiness rating for applications for Planning and Design grants, FHWA will use the following table:

<b>Rating</b>	<b>Description</b>
High	All 3's
Medium-High	One 3, one 2
Medium	All 2's
Low	Any 1's

iii. Overall Application Rating

FHWA will assign each eligible application an overall rating of 'Highly Recommended,' 'Recommended,' or 'Not Recommended' on the following basis:

<b>Overall Merit Rating</b>	<b>Individual Criteria Rating</b>
Highly Recommended	<u>Merit Criteria</u> <ul style="list-style-type: none"> <li>• At least three 'High' ratings; and</li> <li>• No more than one 'Low' rating; and</li> <li>• No 'Non-Responsive' ratings; and</li> </ul> <u>Project Readiness</u> <ul style="list-style-type: none"> <li>• At least a Medium-High rating</li> </ul>
Recommended	<u>Merit Criteria</u> <ul style="list-style-type: none"> <li>• At least one 'High' rating; and</li> <li>• No more than one 'Low' rating; and</li> <li>• No 'Non-Responsive' ratings; and</li> </ul> <u>Project Readiness</u> <ul style="list-style-type: none"> <li>• At least a Medium rating</li> </ul>
Not Recommended	<u>Merit Criteria</u> <ul style="list-style-type: none"> <li>• One or more 'Non-Responsive' ratings; or</li> <li>• Combination of ratings that do not fit within the definitions of Highly Recommended, Recommended; or</li> </ul> <u>Project Readiness</u> <ul style="list-style-type: none"> <li>• A Medium-Low or Low rating</li> </ul>

iv. Priority Selection Considerations

After completing the merit review, among projects of similar merit, FHWA will prioritize FY 2023 ATIP projects that meet the following:

- Projects that connect key community institutions through active transportation infrastructure, particularly schools; and
- Projects that provide substantial benefits to disadvantaged communities within or around the project area.

## 2. Review and Selection Process

FHWA will conduct an application intake and eligibility review by providing an initial eligibility screening based on the criteria in Section C. Only eligible projects will be evaluated against the merit criteria and for project readiness as described in Section E.1. The ATIIP application evaluation and selection project consists of (1) a Technical Review, (2) an FHWA Senior Review, and (3) Project Selections.

### i. Technical Review

The evaluation of eligible applications will be conducted by a Technical Review Team who may consist of FHWA staff with broad expertise in the subject areas included in the criteria. The Technical Review Team will evaluate each eligible application against the merit criteria in Section E.1.i. and assign an overall application rating as defined under Section E.1.iii. The Technical Review Team will also evaluate the Project Readiness Rating in Section E.1.

Based on the outcome of these reviews, the Technical Review Team will assign an overall rating of Highly Recommended, Recommended, or Not Recommended to each application as outlined in Section E.1.iii.

All of the Highly Recommended and Recommended applications will be reviewed by the FHWA Division Office in the State in which the project is located. The Divisions will review the respective applications and evaluate whether there are any aspects in the delivery of the proposed projects that may prevent the project from timely moving forward upon receipt of an ATIIP grant.

The Technical Review Team will also evaluate each Highly Recommended and Recommended application against its responsiveness to the FHWA Priority Selection Considerations.

### ii. Applications Recommended for Consideration by the FHWA Senior Review Team (SRT)

The Technical Review Team will send to the FHWA SRT the overall application rating for each eligible ATIIP application and evaluation of responsiveness to the FHWA Priority Selection Considerations for all Highly Recommended and Recommended projects.

### iii. FHWA SRT Process

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

The FHWA SRT may also propose the selection of a project that is rated Recommended over a Highly Recommended project. When proposing a Recommended project over a Highly Recommended one, the FHWA SRT will select Recommended projects by considering how well the project addressed the merit criteria and number of criteria rated High, as well as the responsiveness to the FHWA Priority Selection Considerations.

When identifying applications to recommend to the FHWA Administrator, the FHWA SRT may consider geographic diversity including, as applicable, the need for a balance between the needs

of rural and urban communities. They may also consider an application's responsiveness to the DOT Priority Selection Considerations.

#### iv. Project Selections

The FHWA Administrator makes final project selections and will select among the projects advanced by the FHWA SRT. The review process gives the Administrator the discretion to determine which applications best address program requirements, advance the Administration's Priorities and Departmental Strategic Plan Goals, and should be selected. When selecting projects, the Administrator may also consider geographic diversity including the need for a balance between the needs of rural and urban communities, and selecting projects that ensure the effective use of Federal funding.

In selecting projects, the Administrator will ensure that the funding requirements described in Section B.1 of this NOFO are met.

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

### 3. Risk Assessment

Prior to entering into a grant agreement, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. The 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.

### 4. Additional Information

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 NOFO and the results of the application review process. However, at no times will grants be awarded for projects that would fall beneath the minimum total project cost thresholds of \$100,000 in planning and design costs for Planning and Design grants and \$15,000,000 in total costs for Construction grants. Discussions may include scalable project options as described under Section D.6.i of this NOFO.

Because award recipients under this program may be first-time recipients of Federal funding, FHWA is committed to implementing the program as flexibly as permitted by statute and to provide assistance to help award recipients through the process of securing a grant agreement.

## 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/environment/bicycle\\_pedestrian/atiip/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/atiip/). 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 agreement for authorization. If the negotiations do not result in the execution of a grant agreement, FHWA reserves the right to decline to fund the announced project.

Recipients of ATIIP Grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, FHWA will reimburse ATIIP Grant funds only after a project agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. Unless authorized by FHWA in writing after FHWA's announcement of FY 2023 ATIIP 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 title 23, U.S.C., and title 23 of the 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 the DOT and FHWA; and applicable Federal financial assistance and contracting principles promulgated by OMB. 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 Carriers 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.

i. Program Requirements

*a. Critical Infrastructure Security, Cybersecurity and Resilience*

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including physical and cyber risks, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience, and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Each applicant selected for Federal funding must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by DOT and the U.S. Department of Homeland Security, will be required to do so before receiving funds.

*b. 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 policy of the executive branch is to 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 requirements for steel, iron, and manufactured products found in 23 U.S.C. 313, as implemented by 23 CFR 635.410, and the domestic preference requirements for construction materials found in the Build America, Buy America Act (Pub. L. 117-58, div. G §§ 70901-70927), as implemented by 2 CFR part 184. FHWA expects all applicants to comply with those requirements.

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(h), FHWA’s Buy America requirements regarding steel, iron, and manufactured products 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.

*c. 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, 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. FHWA Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

*d. Federal Contract Compliance*

As a condition of grant award and consistent with E.O. 11246, “Equal Employment Opportunity (30 FR 12319, and as amended),” all federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on geography for construction work hours and for

work being performed by people of color. Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The U.S. Department of Labor's (DOL) Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing E.O. 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. The OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under "Scheduling" on DOL's Website: <https://www.dol.gov/agencies/ofccp/faqs/construction-compliance>.

### 3. Reporting

#### i. Progress Reporting on Grant Activities

Each applicant selected for ATIIP grant funding must submit semi-annual progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in ATIIP.

#### ii. Performance and Program Evaluation

As a condition of grant award, ATIIP grant recipients may be required to participate in an evaluation undertaken by FHWA, or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. The DOT may require applicants to collect data elements to aid the evaluation and/or use information available through other reporting. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; (4) access to right-of-way to contractor or FHWA staff for long-term data and observation collection; and (5) follow evaluation procedures as specified by the evaluation contractor or FHWA staff.

Recipients and sub-recipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115-435 (2019) urges Federal Awarding Agencies and Federal assistance recipients and sub-recipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means "an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency" (codified at 5 U.S.C. § 311). For grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment

needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR Part 200).

### iii. ATIIIP Project Specific Reporting Requirements

Each applicant selected for ATIIIP grant funding must collect and report to FHWA information on the project's performance based on performance indicators FHWA identifies related to program goals and other information as requested by FHWA. Program goals include: 1) improving safety for people walking, bicycling, and rolling; 2) promoting equity throughout the active transportation planning, design, funding, implementation, and evaluation process; 3) achieving safe, accessible, comfortable, and connected multimodal networks; and 4) getting more people walking, bicycling, and rolling. Performance indicators should include measurable goals or targets that FHWA will use internally to determine whether the project meets program goals, and grant funds achieve the intended long-term outcomes of ATIIIP. FHWA will work with the grant recipient to establish a recommended two to four performance measures that enable FHWA to measure and evaluate the outcomes of the individual grant. Performance reporting continues for several years after project construction is completed.

Each applicant selected for ATIIIP grant funding must report to FHWA on 1) best practices in implementing their project and 2) impediments experienced in developing and shifting to active transportation.

### iv. 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.

### v. 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.

## G. Federal Awarding Agency Information

For questions concerning this NOFO and ATIIIP, [please contact](#):

Kenan Hall  
Agreement Officer  
Office of Acquisition and Grants Management  
Federal Highway Administration

U.S. Department of Transportation  
1200 New Jersey Avenue, SE.  
Washington, DC 20590  
Email: [ATIIP@dot.gov](mailto:ATIIP@dot.gov) (preferred)  
Phone: 202-366-1533

Alternate:

Hector Santamaria  
Agreement Officer/Team Leader  
Office of Acquisition and Grants Management  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE.  
Washington, DC 20590  
Email: [ATIIP@dot.gov](mailto:ATIIP@dot.gov) (preferred)  
Phone: 202-493-2402

A TDD is available for individuals who are deaf or hard of hearing at (202) 366-3993.

Office hours are from 7:30 a.m. to 4:00 p.m., Eastern Daylight Time, Monday through Friday, except Federal holidays.

## **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. This includes unsuccessful applicants. 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. Feedback on Applications

Debriefs by FHWA are available to applicants not selected for award to receive information about the evaluation of their application.

## 4. Grant Application Resources

FHWA intends to provide resources to help interested applicants understand ATIIP discretionary grant programs through Webinars, frequently asked questions, and other materials provided such as the ATIIP program Website [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/atiip/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/atiip/). Additional grant applications resources for this and other Departmental grant programs can be found on the DOT Navigator at [www.transportation.gov/dot-navigator](http://www.transportation.gov/dot-navigator). User-friendly information and resources regarding DOT’s discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) Website at [www.transportation.gov/rural](http://www.transportation.gov/rural). Resources on meaningful public involvement can be found at <https://www.transportation.gov/priorities/equity/promising-practices-meaningful-public-involvement-transportation-decision-making>.

## 5. Definitions

Term	Definition
Active Transportation	Mobility options powered primarily by human energy, including bicycling and walking. <i>See</i> BIL § 11529(1)(1).
Active Transportation Network	Facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect destinations within a community or metropolitan region. <i>See</i> BIL § 11529(1)(2).
Active Transportation Spine	Facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails that connect between communities, metropolitan regions, or States. <i>See</i> BIL § 11529(1)(3).
Community	A geographic area that is socioeconomically interdependent and may include rural, suburban, and urban jurisdictions. <i>See</i> BIL § 11529(1)(4).
Complete Streets	Complete Streets are streets designed and operated to enable safe use and support mobility for all users. Those include people of all ages and abilities, regardless of whether they are travelling as drivers, pedestrians, bicyclists, or public transportation riders. The concept of Complete Streets encompasses many approaches to planning, designing, and operating roadways and rights of way with all users in mind to make the transportation network safer and more efficient.

Term	Definition
	Complete Street policies are set at the State, regional, and local levels and are frequently supported by roadway design guidelines.
Disadvantaged Community	Communities with a poverty rate of over 40% based on the majority of census tracts served by the proposed project. <i>See</i> BIL § 11529(f)(2).
Indian Tribe	<p>Has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304, defined below):</p> <p>Any Indian Tribe, band, nation, or other organized group, or community, including pueblos, rancherias, colonies and any Alaska Native Village, or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. <i>See</i> BIL § 11529(1)(7).</p>
State	Any of the 50 States, the District of Columbia, or Puerto Rico. <i>See</i> 23 U.S.C. 101(a)(28).
Safe System Approach	The SSA is a data-driven, holistic, and equitable method to roadway safety that fully integrates the needs of all users, anticipates the possibility of errors by drivers and other road users, and manages crash impact forces to levels tolerated by the human body. The SSA includes five elements: safe road users, safe vehicles, safe speeds, safe roads, and post-crash care.