

**693JJ322NF00008**

**2022 NATIONAL SCENIC  
BYWAYS PROGRAM**

**GRANTS AND TECHNICAL  
ASSISTANCE**

**Opening Date: March 16, 2022**

**Webinar: March 31, 2022**

**Letter of Intent Due: April 4, 2022**

**Application Due: May 16, 2022**

**U.S. DEPARTMENT OF TRANSPORTATION  
Federal Highway Administration  
Notice of Funding Opportunity for the 2022 National Scenic Byways Program Grants and  
Technical Assistance**

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

**ACTION:** Notice of funding opportunity (NOFO).

**SUMMARY:** This notice announces a funding opportunity and requests grant applications for FHWA's National Scenic Byways Program (NSBP) as provided by the Department of Transportation Appropriations Act, 2021 (Public Law 116-260) and the Consolidated Appropriations Act, 2022.

Established in Title 23, Section 162 of the United States Code (U.S.C.), the NSBP is a grass-roots collaborative effort to help recognize, preserve, and enhance selected roads throughout the United States.

Per 23 U.S.C. 162(b), grants and technical assistance are available to State departments of transportation (State DOT) or Indian Tribes to implement eligible projects on highways designated as National Scenic Byways, All-American Roads (collectively America's Byways®), State scenic byways, or Indian Tribe scenic byways; and plan, design, and develop a State or Indian Tribe scenic byway program.

This grant opportunity will result in the distribution of up to \$22 million that are currently available. If additional funding is provided for the NSBP during FY 2022, FHWA intends to use those funds for projects selected to receive a grant under this NOFO. This notice identifies selection criteria, application requirements, and technical assistance during the grant solicitation period for this one-time solicitation. The FHWA will distribute these funds, as described in this notice, on a competitive basis in a manner consistent with the selection criteria. For the 2022 NSBP grants, FHWA seeks projects that meet the statutory eligibility and advance one or more of the four goals: (1) Safety; (2) Equity and Accessibility; (3) Economic Strength; and (4) Climate and Sustainability.

**ASSISTANCE LISTING (formerly CATALOG OF FEDERAL DOMESTIC ASSISTANCE)**

**NUMBER:** 20.205

**DATES:** Letters of Intent are strongly encouraged. If the applicant decides to submit a Letter of Intent, it should be submitted by filling out a PDF form, available at [https://www.fhwa.dot.gov/hep/scenic\\_byways/](https://www.fhwa.dot.gov/hep/scenic_byways/), and emailing the completed form to [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) no later than 4:00 p.m., Eastern Time, on the date identified on the title page of this NOFO.

Applications must be submitted electronically through [grants.gov](https://www.grants.gov) no later than 11:59 p.m., Eastern Time, by the date identified on the title page of this NOFO (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.

**WEBINAR:** The FHWA plans to conduct outreach regarding NSBP in the form of a Zoom Webinar on March 31, 2022 from 2:30 PM to 4:00 PM, Eastern Time. To register for the Webinar, go to [https://usdot.zoomgov.com/webinar/register/WN\\_D6bEx7oRRpuCfifP\\_fTR-w](https://usdot.zoomgov.com/webinar/register/WN_D6bEx7oRRpuCfifP_fTR-w). To join the Webinar, follow the instructions sent to your email upon registering.

**ADDRESSES:** Letters of Intent must be submitted via e-mail to [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov).

**APPLICATIONS:** Applications must be submitted electronically through <https://www.grants.gov/>.

**FOR FURTHER INFORMATION CONTACT:**

Rick Murray  
Agreement Officer  
Office of Acquisition and Grants Management  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Ave., SE.  
Washington, DC 20590  
Email: [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) (preferred)  
Phone: (202) 366-4250

Alternate:

Robin Hobbs  
Agreement Officer/Team Leader  
Office of Acquisition and Grants Management  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Ave., SE.  
Washington, DC 20590  
Email: [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) (preferred)  
Phone: (202) 366-4004

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

The FHWA will not review applications in advance, but FHWA staff are available for technical questions and assistance. In addition, FHWA will post answers to questions and requests for clarifications at [Grants.gov](https://www.grants.gov) under this NOFO's page. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions.

**SUPPLEMENTARY INFORMATION:** The Department of Transportation Appropriations Act, 2021 (Public Law 116-260), enacted on December 27, 2020, appropriated \$16 million in Highway

Infrastructure Program funds for the NSBP under 23 U.S.C. 162. The Consolidated Appropriations Act, 2022, enacted on March 15, 2022, appropriated an additional \$6 million in Highway Infrastructure Program funds for the NSBP. Through this NOFO, FHWA is conducting a one-time grants solicitation to implement projects on designated highways for the planning, design, and development of State or Indian Tribe scenic byway programs. If additional funding is provided for the NSBP during FY 2022, FHWA intends to use those funds for projects selected to receive a grant under this NOFO.

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

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## A. PROGRAM DESCRIPTION

The NSBP is administered by FHWA. Established in Title 23, Section 162 of the U.S.C., the purpose of the program is to help recognize, preserve and enhance selected roads throughout the United States. Discretionary funding for the NSBP was last authorized in 2012 under the Surface Transportation Extension Act of 2012 (Public Law 112-102, March 30, 2012).

The Department of Transportation Appropriations Act, 2021 (Public Law 116-260), enacted on December 27, 2020, appropriated \$16 million in Highway Infrastructure Program funds for the NSBP under 23 U.S.C. 162. The Consolidated Appropriations Act, 2022, enacted on March 15, 2022, appropriated an additional \$6 million in Highway Infrastructure Program funds for the NSBP. If additional funding is provided for the NSBP during FY 2022, FHWA intends to use those funds for projects selected to receive a grant under this NOFO.

Section 162 of title 23, U.S.C. provides that grants and technical assistance be made available to State DOTs or Indian Tribes to (a) implement eligible projects on highways designated as National Scenic Byways, All-American Roads (collectively America's Byways®), State scenic byways, or Indian Tribe scenic byways; and (b) plan, design, and develop a State or Indian Tribe scenic byway program. Eligible projects include access to recreation, byway facilities, construction, corridor management plans, highway improvements, interpretive information, marketing programs, resource protection, safety improvements, State and Indian Tribe scenic byway programs, and tourist information. Eligible projects are listed at 23 U.S.C. 162(c). Between 1992 and 2012, FHWA awarded over \$505 million in NSBP grants. In 2012, FHWA awarded approximately \$37 million to 125 projects. For information on all Scenic Byways grants issued between 1992 and 2012, see [https://www.fhwa.dot.gov/hep/scenic\\_byways/grants/funded/](https://www.fhwa.dot.gov/hep/scenic_byways/grants/funded/).

For the 2022 NSBP grants, FHWA seeks projects that meet the statutory eligibility and advance one or more of the four goals: (1) Safety; (2) Equity and Accessibility; (3) Economic Strength; and (4) Climate and Sustainability.

Links to the Letter of Intent form and NOFO on grants.gov are provided on the Grants Webpage of the National Scenic Byways Website: [https://www.fhwa.dot.gov/hep/scenic\\_byways/grants/](https://www.fhwa.dot.gov/hep/scenic_byways/grants/).

## B. FEDERAL AWARD INFORMATION

### 1. Award Amount Available

The Department of Transportation Appropriations Act, 2021 (Public Law 116-260) appropriated \$16 million in Highway Infrastructure Program funds to be awarded by DOT for the NSBP under 23 U.S.C. 162. Awards provided with FY 2021 appropriated funding must be obligated by September 30, 2024 and expended by September 30, 2029. The additional \$6 million appropriated for FY 2022 in the Consolidated Appropriations Act, 2022, must be obligated by September 30, 2025, and expended by September 30, 2030. If additional funding is provided for

the NSBP during FY 2022, applicants selected to receive FY 2022 funds will be informed of the obligation and expenditure deadlines accordingly.

## 2. Award Size

There is no minimum or maximum award size; however, applicants are encouraged to submit comprehensive applications for large-scale projects of \$500,000 or greater. The FHWA anticipates awarding between 40-50 grants. If additional funding is made available, additional awards may be made.

## 3. Award Type

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

If the successful applicant is an Indian Tribe, NSBP funds will be awarded upon the execution of a grant agreement between FHWA and the Tribe.

## 4. 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, the DOT Payment System will be FHWA's FMIS and the start of the period of performance will begin on the date NSBP funds are obligated in FMIS and end on the project end date in FMIS.

If a grant recipient will be an Indian Tribe, the DOT Payment System will be determined upon award. If it is determined that the Department's Delphi accounting system is preferred, the start of the period of performance will begin on the date NSBP funds are obligated in Delphi and end on the project end date in Delphi. If it is determined that FMIS is the preferred method of payment, the start of the period of performance will begin on the date NSBP funds are obligated in FMIS and end on the project end date in FMIS.

## 5. Degree of Federal Involvement

This grant award does not provide for substantial involvement of the Federal awarding agency in carrying out the activity contemplated by the Federal award. Please refer to Section F. Federal Award Administration Information.

## C. ELIGIBILITY INFORMATION

### 1. Eligible Applicants

Eligible applicants for NSBP discretionary grants are State DOTs and Indian Tribes. Other entities may partner with a State DOT or Tribal government to submit an application, but the eligible applicant must be a State DOT or Indian Tribe.

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

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

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

### 2. Cost Sharing or Matching

Per 23 U.S.C. 162(f), the “Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byway project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.” 80 percent means up to 80 percent of total project costs. Private, local, Indian Tribe and State funds may be used as the non-Federal matching share. Additional information on non-Federal matching requirements can be found at [https://www.fhwa.dot.gov/legsregs/directives/policy/fedaid\\_guidance\\_nfmr.pdf](https://www.fhwa.dot.gov/legsregs/directives/policy/fedaid_guidance_nfmr.pdf).

Property and materials are accepted toward the match share if the source is an individual or a private entity, local government, or Indian Tribe submitting an application through the State DOT. Services are accepted toward the match share if the source is an individual or a private entity, local government, or Indian Tribe submitting an application through the State DOT directly to FHWA. In general, indirect costs are allowable only if a State DOT or Indian Tribe has an indirect cost rate approved by the FHWA Division Office.

### 3. Other

#### a. Eligible Projects

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

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

#### b. Eligible Highways

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

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

#### c. Limitation on Award of NSBP Grants

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

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<sup>1</sup> America's Byways® is the umbrella term we use for the collection of 184 distinct and diverse roads designated by the U.S. Secretary of Transportation. America's Byways include the National Scenic Byways and All-American Roads.

## D. APPLICATION AND SUBMISSION INFORMATION

### 1. Content and Form of Applications

#### a. Letter of Intent

Letters of Intent are strongly encouraged so that FHWA review panels, comprised of relevant subject matter experts, may be organized in advance of receipt of final proposals.

Letters of Intent are strongly encouraged. If the applicant decides to submit a Letter of Intent, it should be submitted by filling out a PDF form, available at [https://www.fhwa.dot.gov/hep/scenic\\_byways/](https://www.fhwa.dot.gov/hep/scenic_byways/), and emailing the completed form to [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) no later than 4:00 p.m., Eastern Time, on the date identified on the title page of this NOFO.

The Letter of Intent must include items #1 to #10 from the Project Narrative's Project Identification section below.

After a Letter of Intent is submitted, the applicant may change the goal or eligible project. The application should describe this change.

If the applicant intends to apply for more than one NSBP grant and to submit Letters of Intent, the applicant should include separate letters for each application. As a reminder, Letters of Intent are optional but are strongly encouraged.

#### b. Application

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

Applicants must use standard formatting (a double-spaced document, using standard 12-point Times New Roman font, with 1-inch margins) to prepare their application narratives. The maximum application length is eight pages, including a table of contents; project characteristics; project abstract, project narrative, and cost breakdown. Forms do not count against the page limit. The applicant may submit up to an additional four pages of attachments (maps, graphics, etc.). Material that exceeds the page limit will not be evaluated. The Project Narrative should be submitted as a single PDF document. The Budget Narrative should be submitted as a PDF document. Forms should be submitted as individual PDF documents in addition to the application; forms are not included in the page limit.

#### Project Narrative

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

### Project Identification

1. The State DOT or Indian Tribe applying for funding.
2. Name and contact information for the application point of contact.
3. Any cooperating or partner entities involved in or likely to be involved in the funding and/or implementation of the project.
4. Name of the byway impacted by the proposed project.
5. Designation type of the byway impacted by the proposed project (National Scenic Byways, All-American Road, State scenic byway, or Indian Tribe scenic byway)
6. Name/title of proposed project.
7. Project Abstract (maximum five sentences): Summarize project work that would be completed under the project. The project abstract must succinctly describe how the specific request for NSBP funds would be used to complete the project.
8. The goal under which the proposed project is aligned.
9. The primary project type under which the proposed project aligns.
10. If applicable, the additional project types identified.

### Project Description

11. Applicant information;
12. Project Description: Include detailed information about the project, current challenges and how the project would address these challenges; and
13. Project Selection Criteria: Include a description of how the proposal meets all of the project selection criteria in section E.2.

The project narrative should include the information necessary for DOT to determine that the project meets the statutory eligibility requirements described in section sections C.1, C.3(a) and C.3(b) and to assess the project selection criteria specified in section E.2. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by DOT.

The FHWA may, but is not required to, request additional information, including additional data, to clarify an application, but FHWA encourages applicants to submit the most relevant and complete information they can provide. The FHWA also encourages applicants, to the extent practicable, to provide data in a form that is publicly available or verifiable.

### Budget Narrative

**Grant Funds and Sources/Uses of Project Funds:** Include information about the amount of grant funding requested for the project, availability and commitment of funds sources and uses of all project funds, total project costs, percentage of project costs that would be paid for with NSBP funds, and the identity and percentage shares of all parties providing funds for the project (including Federal funds provided under other programs).

The application must include the forms listed below with the Budget Narrative.

The following forms are to be submitted as individual PDF documents:

- Standard Form 424 (Application for Federal Assistance) (mandatory);
- Grants.gov Lobbying Form (mandatory);
- Disclosure of Lobbying Activities form (SF-LLL) (mandatory);
- Key Contacts (optional)

And either

- Standard Form 424A (Budget Information for Non-Construction Programs) (mandatory) and Standard Form 424B (Assurances for Non-Construction Programs) (mandatory);

or

- Standard Form 424C (Budget Information for Construction Programs) (mandatory) and Standard Form 424D (Assurances for Construction Programs) (mandatory)

Applicants proposing non-construction-related projects should submit forms SF 424A and SF 424B with their application. Applicants proposing construction-related projects should submit forms SF 424C and SF 424D with their application.

Forms are available for download at <https://www.grants.gov/web/grants/forms/sf-424-mandatory-family.html>.

The Standard Form 424B or 424D (as applicable) should be supported by a budget narrative explaining each element of cost.

## 2. Unique Entity Identifier (UEI) and System for Award Management (SAM)

NOTE TO APPLICANTS: Effective April 4, 2022, the Data Universal Numbering System (DUNS) number will no longer be required for entities doing business with the Federal Government and will be replaced by the SAM UEI. As of that date, applicants will need 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 action for registered entities to take at this time to obtain their SAM UEI. Note that, prior to April 4, 2022, applicants should have or obtain both a DUNS number and a SAM UEI as the DUNS will remain the authoritative identifier until that date. 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.

Effective April 4, 2022, each applicant is required to:

- a. Have an active registration in SAM.gov at the time the applicant submits an application;
- b. Provide a valid UEI in their application; and
- c. Continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by a Federal awarding agency.

The 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 the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not eligible to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

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

### 3. Submission Dates and Times

#### a. Deadlines

i. Letters of Intent must be submitted with the fillable form provided at [https://www.fhwa.dot.gov/hep/scenic\\_byways/](https://www.fhwa.dot.gov/hep/scenic_byways/). The form should be emailed to [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) no later than 4:00 p.m., Eastern Time, on the date identified on the title page of this NOFO.

ii. Applications must be submitted electronically through grants.gov no later than 11:59 p.m., Eastern Time on the date identified on title page of this NOFO (the “application deadline”).

b. Consideration of Applications – Only applicants who comply with the application submission deadline described in this notice and electronically submit valid applications through grants.gov will be eligible for award. Applicants are strongly encouraged to make submissions in advance of deadlines. Applications will not be evaluated, and awards will not be made, until after the application deadline.

#### c. Late Applications –

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

- (1) Details of the technical issue experienced;
- (2) Screen capture(s) of the technical issues experienced along with corresponding Grants.gov “Grant tracking number;”
- (3) The “Legal Business Name” for the applicant that was provided in the SF-424;
- (4) The Point of Contact name submitted in the SF-424;
- (5) The UEI associated with the application; and
- (6) The Grants.gov 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 notice of funding opportunity; and (4) technical issues experienced with the applicant's computer or information technology environment. After FHWA reviews all information submitted and contact the Grants.gov 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 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.

#### 4. Intergovernmental Review

The NSBP is not subject to the Intergovernmental Review of Federal programs.

#### 5. Funding Restrictions

There are no funding restrictions on any applications. However, FHWA anticipates high demand for this limited amount of funding and encourages comprehensive, large-scale applications of \$500,000 or larger. Applicants should clearly demonstrate the independent components of each project that can be completed if only partial funding is provided.

#### 6. Other Submission Requirements

a. Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a 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. The FHWA may award a lesser amount whether or not a scalable option is provided.

b. To submit an application through *Grants.gov*, applicants must:

- a. Register with SAM at [www.SAM.gov](http://www.SAM.gov)
- b. Obtain a valid UEI;
  - Before April 4, 2022, obtain both a DUNS number (from Dunn & Bradstreet) and SAM UEI; or
  - As of April 4, 2022, obtain a SAM UEI only.
- c. Create a *Grants.gov* username and password; and
- d. Respond to the registration email sent to the E-Business Point of Contact from *Grants.gov*, and login at *Grants.gov* to authorize the applicant as the Authorized

Organization Representative (AOR). Please note that there can be more than one AOR for an organization. **Please note that the *Grants.gov* registration process usually takes 2 to 4 weeks.**

For information and instruction on each of these processes, please see instructions at <http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If applicants experience difficulties at any point during the registration or application process, please call the *Grants.gov* Customer Service Support Hotline at (800) 518-4726, Monday-Friday from 7:00 a.m. to 9:00 p.m. Eastern Time.

## E. APPLICATION REVIEW INFORMATION

The FHWA will award NSBP funds based on the statutory eligibility criteria, project selection criteria, and policy considerations as outlined below.

### 1. Statutory Eligibility Criteria and General Project Information

(a) Applicants must identify:

1. The State DOT or Indian Tribe applying for funding (23 U.S.C. 162(b)(1)).
2. Name and contact information for the application points of contact.
3. Any cooperating or partner entities involved in or likely to be involved in the funding and/or implementation of the project, including a description of the entities' specific role(s) in the project.
4. Name of the byway impacted by the proposed project, including the type of byway designation (National Scenic Byways, All-American Road, State scenic byway, or Indian Tribe scenic byway (23 U.S.C. 162(b)(1)(A)(i) – (v)).
5. Name/title of proposed project.
6. If applicable, identifying information for other projects submitted by the applicant and the priority ranking of the proposed project (if a Tribe or State DOT is submitting applications for more than one project).
7. The eligible project under 23 U.S.C. 162(c).

(b) Applicants must also include an explanation as to how the project will protect the scenic, historical, recreational, cultural, natural and archaeological integrity of a highway and adjacent areas<sup>2</sup>. (23 U.S.C. 162(d))

### 2. Project Selection Criteria

(a) Describe the challenge(s) or issue(s) the proposed project is seeking to mitigate and/or address. Please include data or evidence that supports the existence of the challenge(s) or issue(s) that the project is intended to address.

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<sup>2</sup> The Secretary shall not make a grant under 23 U.S.C. 162 for any project that would not protect the scenic, historical, recreational, cultural, natural, or archaeological integrity of a highway or adjacent areas.

**Highly Qualified:** The challenge(s) or issue(s) are clearly identified and described. Data provided in the application directly supports the need to mitigate or address the challenge(s) or issue(s).

**Qualified:** The challenge(s) or issue(s) are clearly identified and described. Data provided in the application does not clearly support the need to mitigate or address the challenge(s) or issue(s).

**Not Qualified:** The challenge(s) or issue(s) are not clearly identified or described in the application. The data provided is incomplete to assess how it supports an identified challenge(s) or issue(s) or no data is provided in the application.

(b) Describe how the proposed project will achieve one or more of the four NSBP goals. If the project will achieve more than one goal, identify each goal by name and its subsection listed below, and address the respective goal definition. Please include data (qualitative or quantitative) or evidence (newspaper articles, public meetings etc.) that supports how the project will meet each identified goal(s).

- i. Safety (E.2(b)(i)): Make our transportation system safer for all. Prioritize safety and public health using informed decision-making and data-driven approaches, working toward a future where transportation-related serious injuries and fatalities are eliminated.
- ii. Equity and Accessibility (E.2(b)(ii)): Address inequities. Restore, reconnect and mitigate current and future inequitable impacts to communities and their people, build and maintain equitable transportation systems, and promote affordable and accessible options that foster opportunity for all across urban, suburban, and rural areas.
- iii. Economic Strength (E.2b(iii)): Grow the economy. Support policies that create good American jobs and the training to build the workforce of the future, strengthen our economic competitiveness, and maintain and modernize our core infrastructure assets to efficiently move people and goods.
- iv. Climate & Sustainability (E.2b(iv)): Tackle the climate crisis. Work to ensure that transportation, which is the largest contributor to climate change, plays a central role in the solution by reducing transportation-related greenhouse gas emissions and building more resilient infrastructure.

Each goal addressed in the application will be separately rated as follows:

**Highly Qualified:** The application clearly describes how the proposed project will advance the goal. Data provided in the application directly supports the need to advance the goal on the identified highway.

**Qualified:** The application describes how the proposed project will advance the goal. The data provided in the application is limited and does not directly support the need to advance the goal on the identified highway.

**Not Qualified:** The application does not clearly describe how the proposed project will advance the goal. The data provided in the application does not support the need to advance the goal on the identified highway or no data is included in the application.

(c) Describe the proposed timeline for the project, including project phases, if applicable. This description should identify any planning or other efforts that have already been put into the project, and the project's readiness for implementation if funding is awarded (e.g., how soon after funding is awarded will funds be matched and obligated). Sufficient information should be provided for reviewers to evaluate the feasibility of the proposed approach as well as the applicant's capability to achieve the proposed outcomes within the designated grant time frame (all awards provided FY 2021 funding must be obligated by September 30, 2024, and expended by September 30, 2029; FY 2022 funding will have different obligation and expenditure deadlines). Please provide documentation to support readiness for implementation.

**Highly Qualified:** Application provides detailed information on the project timeline, including identifying planning or other efforts that have gone into the project already and evidence of the project's readiness for implementation. Information provided is sufficient for reviewers to evaluate the feasibility of the project and the applicant's ability to achieve the proposed outcomes within the NSBP obligation and expenditure deadlines.

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

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

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

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

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

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

(e) Describe how the project will benefit the byway community and/or traveler and how it will help manage the intrinsic qualities that support the byway's designation, shape the byway's story, interpret the story for visitors, or improve visitor facilities along the byway.

**Highly Qualified:** Application clearly describes with a high level of detail how the project will benefit the byway community and/or traveler and how it will help manage the intrinsic qualities that support the byway's designation, shape the byway's story, interpret the story for visitors, or improve visitor facilities along the byway.

**Qualified:** Application broadly describes how the project will benefit the byway community and/or traveler and how it will help manage the intrinsic qualities that support the byway's designation, shape the byway's story, interpret the story for visitors, or improve visitor facilities along the byway.

**Not Qualified:** Application does not describe how the project will benefit the byway community and/or traveler or how it will help manage the intrinsic qualities that support the byway's designation, shape the byway's story, interpret the story for visitors, or improve visitor facilities along the byway.

(f) Describe how you will evaluate the success of the proposed project in meeting its stated purpose and goal(s), including specific metrics that will be used to evaluate to the extent to which the proposed project would be successful in addressing and/or mitigating the identified challenges, or meeting the stated goals. Please be as specific as possible, including descriptions of specific data and project evaluation criteria.

**Highly Qualified:** Application describes in detail how the applicant will evaluate the success of the proposed project in (1) advancing one or more of the NSBP goals and (2) benefitting the byway community and/or traveler and how it will help manage the intrinsic qualities that support the byway's designation, shape the byway's story, interpret the story for visitors, or improve visitor facilities along the byway. The application provides detailed proposed performance measures for (1) and (2) including data collection date(s) and specific metrics.

**Qualified:** Application describes in some detail how the applicant will evaluate the success of the proposed project in (1) advancing one or more of the NSBP goals and (2) benefitting the byway community and/or traveler and how it will help manage the intrinsic qualities that

support the byway's designation, shape the byway's story, interpret the story for visitors, or improve visitor facilities along the byway. The application provides broad, not fully defined, proposed performance measures for (1) and (2). Data collection dates are not specific, and the metrics are not well defined.

**Not Qualified:** Application does not address how the applicant will evaluate the success of the proposed project in (1) advancing one or more of the NSBP goals and (2) benefitting the byway community and/or traveler and how it will help manage the intrinsic qualities that support the byway's designation, shape the byway's story, interpret the story for visitors, or improve visitor facilities along the byway. The application does not include performance measures for (1) and (2), data collections dates or metrics.

### 3. Statutory Priority and Policy Considerations

#### (a) Statutory Priority

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

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

#### (b) Project Goal Priorities

The FHWA shall give priority consideration to a project that will advance two or more of the NSBP goals.

(c) Policy Considerations. The FHWA will give priority consideration to applications that address one or more of the following priorities:

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

For purposes of this notice, a project is designated as urban if it is located within (or on the boundary of) a Census-designated urbanized area that had a population greater than 50,000 in the 2010 Census. If a project is located outside a Census-designated urbanized area with a population less than 50,000, it is designated as a rural project. A project located in both an urban and a rural area will be designated as urban if the majority of the

project's costs will be spent within (or on the boundary of) a Census-designated urbanized area. Conversely, a project located in both an urban area and a rural area will be designated as rural if the majority of the project's costs will be spent within (or on the boundary of) a Census-designated rural area.

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

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

FHWA encourages the use of the following tool to verify:

<http://www.statsamerica.org/distress/distress.aspx>; however, additional evidence can be provided for verification. If applicable, in the application discuss what part(s) of the byway are located in distressed communities.

2. The total cost of the project is \$500,000 or larger.
3. Applicant has identified cost sharing and leveraging of non-Federal funds beyond the required 20 percent non-Federal match.

#### 4. Review and Selection Process

The NSBP applications will be evaluated in accordance with the evaluation process discussed below.

The FHWA will conduct an application intake and eligibility review by providing an initial eligibility screening based on the statutory eligibility criteria in sections C.1, C.3 and E.1. Only eligible projects will be evaluated against the project selection criteria in section E.2 and E.3.

The FHWA will establish a Technical Review Team to review each eligible application. The team will be comprised of individuals from FHWA. The team will review each application against the project selection criteria in each of the categories and assign a rating of "Highly Qualified," "Qualified," or "Not Qualified," to each application.

A **Highly Qualified** project is one that meets all Highly Qualified project criteria.

A **Qualified** project is one that receives one Qualified rating on a project selection criterion and then meets or exceeds the remaining Qualified project criteria.

A **Not Qualified** project is one that does not meet one or more of the statutory eligibility criteria or an eligible application that receives at least one Not Qualified on a project selection criterion.

The rating for each project will be sent to a Second Level Review Team. The Technical Review Team will also evaluate each application's responsiveness to the Statutory Priority, Project Goals Priority, and Policy Considerations in section E.3.

The Second Level Review Team is comprised of FHWA Senior Leadership. The Second Level Review Team will determine which projects to advance to the FHWA Administrator.

The FHWA will give funding priority to Highly Qualified projects that meet one or more of each of the following: the Statutory Priorities; Project Goal Priorities; and Policy Considerations. Thereafter, FHWA will seek to fund as many remaining Highly Qualified applications that meet at least one of the Statutory Priorities and a Project Goal Priorities, or Policy Considerations. The Second Level Review Team also may recommend for selection Qualified projects that meet one or more of the Statutory Priorities in addition to a Project Goal Priorities, or Policy Considerations over other Highly Qualified projects that do not meet any of these priorities. When recommending a Qualified project over a Highly Qualified project, in addition to meeting a Statutory Priority, Project Goal Priority, or Policy Consideration, the Second Level Review Team will select Qualified applications to recommend for funding by considering how well the selection criteria were addressed and number of criteria rated Highly Qualified.

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

## 5. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment as required by Title 2, Code of Federal Regulations (CFR), Part 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. The DOT 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.

## F. FEDERAL AWARD ADMINISTRATION INFORMATION

### 1. Federal Award Notice

The FHWA will announce the awarded projects by posting a list of selected projects at [https://www.fhwa.dot.gov/hep/scenic\\_byways/](https://www.fhwa.dot.gov/hep/scenic_byways/). Following the announcement, successful applicants and unsuccessful applicants will be notified separately.

### 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 notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of DOT; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

### 3. Reporting

a. Required reporting follows the requirements for regular Federal-aid projects.

#### b. Progress Reporting on Grant Activities

Each applicant selected for NSBP grant funding must submit quarterly progress reports and Federal Financial Reports ([SF-425](#)) to monitor project progress and ensure accountability and financial transparency in the NSBP grant program. State DOTs should report progress to the division office, which will report to FHWA Headquarters (HQ). Tribes should report progress directly to FHWA HQ.

To the extent possible, each applicant selected for discretionary grant funding must demonstrate effort to consider climate change and sustainability impacts, as well as efforts to improve racial equity and reduce barriers to opportunity. The project sponsor will work with DOT to identify actions that achieve these goals, are appropriate for their project, and can be carried out by the project sponsor. If a project sponsor is unable to identify any such actions, the sponsor may be asked to submit a report to DOT describing the actions that were considered.

## **G. FEDERAL AWARDING AGENCY CONTACT(S)**

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

Rick Murray  
Agreement Officer  
Office of Acquisition and Grants Management  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Ave., SE.,  
Washington, DC 20590  
Email: [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) (preferred)  
Phone: (202) 366-4250  
Alternate:

Robin Hobbs  
Agreement Officer/Team Leader  
Office of Acquisition and Grants Management  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Ave., SE.,  
Washington, DC 20590  
Email: [scenicbyways@dot.gov](mailto:scenicbyways@dot.gov) (preferred)  
Phone: (202) 366-4004

## **H. OTHER**

### **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. The DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT 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, DOT intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1., DOT may make application narratives publicly available or share application information within DOT or with other Federal Agencies if DOT determines that sharing is relevant to the respective program's objectives.

## 3. Department Feedback on Applications

Debriefs by NSBP staff are available to applicants not selected for award to receive information about the NSBP project's evaluation.