DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Notice of Funding Opportunity for the Reconnecting Communities Pilot (RCP) Discretionary Grant Program

AGENCY: Office of the Secretary of Transportation, U.S. Department of Transportation (DOT)

ACTION: Notice of Funding Opportunity (NOFO), Assistance Listing #20.940

SUMMARY:

	SUMMARY OVERVIEW OF KEY INFORMATION: Reconnecting Communities Pilot Program grants			
Issuing Agency	Office of the Secretary of Transportation, U.S. Department of Transportation			
Program Overview	The purpose of this notice is to request applications for Reconnecting Communities Pilot Program grants. RCP Program is awarded on a competitive basis for projects that reconnect communities by removing, retrofitting, or mitigating highways or other transportation facilities that create barriers to community connectivity, including to mobility, access, or economic development.			
Goals and Objectives	 As established in "Bipartisan Infrastructure Law," or "BIL" projects funded by RCP Program advance community-centered transportation connection projects, with a priority for projects that benefit disadvantaged communities. RCP Program focuses on improving access to daily needs such as jobs, education, healthcare, food, nature, and recreation, and foster equitable development and restoration, and provide technical assistance to further these goals. The Department will prioritize grant funding applications that demonstrate the following characteristics: Equity and Justice40 (i.e., will benefit economically disadvantaged communities) Access Facility Suitability Community Engagement, and Community-based Stewardship, Management, and Partnerships Equitable Development Climate Change Mitigation and/or Adaptation and Resilience Workforce Development and Economic Opportunity 			
	Planning Integration			
Eligible Applicants	Community Planning Grants: • a State • a unit of local government			

	• a Tribal government
	a Metropolitan Planning Organization
	• a non-profit organization
	Capital Construction Grants:
	 owner(s) of the eligible facility proposed in the project for which all necessary feasibility studies and other planning activities have been completed; or
	• eligible Community Planning Grant applicant may submit the application in partnership with the facility owner to carry out the proposed project.
Eligible Facility	Highway or other surface transportation facility that creates a barrier to community connectivity, including barriers to mobility, access, or economic development due to high speeds, grade separations, or other design factors. Eligible facilities include limited access highways, viaducts, any other principal arterial facilities, and other facilities such
	as transit lines and rail lines.
Eligible Projects	Planning Grants fund the study of removing, retrofitting, or mitigating an existing facility to restore community connectivity; public engagement; and other transportation planning activities.
	Capital Construction Grants fund a project to remove, retrofit, mitigate, or to replace an existing eligible facility with a new facility
	that reconnects communities.
Funding Amount	For the period covered by this NOFO BIL allocates a total of \$607 million. FY 2024 (\$200 million), 2025 (\$202 million), and 2026 (\$205 million)
	 Planning Grants and Technical Assistance funding - \$150 M (\$50 million annually)
	• Capital Construction Grant funding \$457 million total If additional funding is provided for the RCP program during FY 2024 or FY 2025, DOT intends to use those funds for projects selected to receive a grant under this NOFO.
Cost Share	Community Planning Grants: 80% RCP funds and 20% local match
	• Capital Construction Grants: 50% RCP funds and 50% local match. Other Federal funds may be used to bring the total Federal share up to a maximum of 80% of the total cost of the project
Deadline	Monday, September 30, 2024, at 11:59 PM ET: Application Due

DATES: Applications must be submitted by 11:59 PM EDT on Monday, September 30, 2024. Late applications will not be accepted.

ADDRESSES: Applications must be submitted via Valid Eval, an online proposal submission system used by USDOT, at

https://usg.valideval.com/teams/rcp_community_planning_fy24/signup for Community Planning

Grants and at <u>https://usg.valideval.com/teams/rcp_capital_construction_fy24/signup</u> for Capital Construction Grants. Customer support for Valid Eval can be reached at <u>support@valideval.com</u>. Only applicants who comply with all submission requirements described in this notice and submit applications through Valid Eval on or before the application deadline will be eligible for award. Opportunity number, DOT-RCP-FY24-01.

FOR FURTHER INFORMATION:

Ongoing updates, webinar notices, FAQs: <u>https://www.transportation.gov/reconnecting</u>. Email: <u>reconnectingcommunities@dot.gov</u> Contacts:

• RCP Program: Andrew Emanuele at <u>andrew.emanuele@dot.gov</u>

TABLE OF CONTENTS: Each section of this notice contains information and instructions relevant to the application process for the RCP Program. All prospective applicants should read this notice in its entirety to understand how to submit eligible and competitive applications.

А	PROGRAM DESCRIPTION
В	FEDERAL AWARD INFORMATION
С	ELIGIBILITY INFORMATION
D	APPLICATION AND SUBMISSION INFORMATION
Е	APPLICATION REVIEW INFORMATION
F	FEDERAL AWARD ADMINISTRATION INFORMATION
G	FEDERAL AWARDING AGENCY CONTACTS
Η	OTHER INFORMATION

A. Program Description

1. Overview

The purpose of the RCP Program is 1) to advance community-centered transportation connection projects, with a priority for projects that benefit disadvantaged communities (See Section H.1. Definitions), that improve access to daily needs such as jobs, education, healthcare, food, nature, and recreation, and foster equitable development and restoration, and 2) to provide technical assistance to further these goals.

The RCP Program provides grant funding and technical assistance for planning and capital construction to address infrastructure barriers, restore community connectivity, and improve peoples' lives. The variety of transformative solutions to knit communities back together can include infrastructure removal, pedestrian walkways and overpasses, capping and lids, roadway redesigns, complete streets conversions, and main street revitalization.

The RCP Program welcomes applications from diverse local, State, Tribal, and regional communities regardless of size, location, and experience administering Federal funding awards.

The total amount of funding available in this NOFO for FY 2024, 2025, and 2026 is up to \$607 million.¹ The FY 2024, 2025, and 2026 funding will be implemented as appropriate and

¹ Sections 11101(d)(3) and 11509 of Division A of the Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021, "Bipartisan Infrastructure Law," or "BIL") authorized a total of \$500 million of contract

consistent with the priorities in Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64355).² The FY 2025 and 2026 RCP awards are subject to availability of funds. If additional funding is provided for the RCP program during FY 2024, FY 2025, and FY 2026, DOT intends to use those funds for projects selected to receive a grant under this NOFO.

2. RCP Grant Types and Deliverables

The RCP Program provides funding for two types of grants. Planning Grants fund the study of removing, retrofitting, or mitigating an existing facility to restore community connectivity; conduct public engagement, and other transportation planning activities. Capital Construction Grants are to carry out a project to remove, retrofit, mitigate, or replace an existing eligible facility with a new facility that reconnects communities. See Section C for further eligibility information.

3. RCP Grant Priorities and Policy Priorities

The primary goal of the RCP Program is to reconnect communities harmed by past transportation infrastructure decisions, through community-supported planning activities and capital construction projects that are championed by those communities. The RCP Program aligns with Biden-Harris Administration policies and priorities, including the U.S. Department of Transportation (DOT or Department) Strategic Plan goals. The Department seeks to fund projects that advance the Departmental priorities of safety, equity, climate and sustainability, workforce development, job quality, and wealth creation as described in the <u>USDOT Strategic</u> Plan, Research, Development and Technology Strategic Plan, and in executive orders.³

A cornerstone of the RCP program is DOT's Equity Strategic Goal, which is to reduce inequities across our transportation systems and the communities they affect. The RCP Program seeks to redress the legacy of harm caused by transportation infrastructure, including barriers to opportunity, displacement, damage to the environment and public health, limited access, and other hardships. In pursuit of this goal, the program will support and engage economically disadvantaged communities to increase affordable, accessible, and multimodal access to daily needs such as jobs, education, healthcare, food, nature, and recreation, and foster equitable development and restoration.

authority from the Highway Trust Fund to be awarded by the DOT for the FY 2022-2026 RCP Program. Title VIII, Division J appropriated an additional \$500 million from the General Fund to be awarded by the DOT for the FY 2022-2026 RCP Program. Of the total amount of the FY 2024 RCP funding available in this notice (FY 2024, 2025, and 2026), \$307 million is authorized contract authority from the Highway Trust Fund (HTF) and \$300 million is appropriations from the General Fund (GF). Due to the imposition of the obligation limitation on the HTF, approximately \$260.5 million is available for award. Due to the Federal Highway Administration's 1.5% administrative take-down from GF funds, \$295.5 million is available for award.

² The priorities of Executive Order 14052, *Implementation of the Infrastructure Investments and Jobs Act* are: to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards and equal employment opportunity, strengthen infrastructure resilience to hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

³ Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009). Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829), and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

Thus, the program will be implemented consistent with the policy goals highlighted in DOT Equity Action Plan⁴; Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*; Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*; Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad; Interim Implementation Guidance for the Justice40 Initiative* (July 2021) and *Addendum* (January 2023); Executive Order 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, the *America the Beautiful* initiative, the *Interagency Memorandum of Understanding on Promoting Equitable Access to Nature in Nature-Deprived Communities* signed by DOT.⁵

In addition, the program will highlight these additional equity-related objectives: Housing Supply⁵—by encouraging an increase in housing supply, particularly location-efficient affordable housing, locally-driven land use and zoning reform, rural main street revitalization, growth management, and transit-oriented development—and rural and Tribal communities—by seeking to award funding to rural and Tribal communities which face unique challenges related to mobility and economic development, including isolation, transportation cost burden, and traffic safety, consistent with DOT's Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative.

See Section E.1.i for more detail on merit criteria and/or selection considerations that implement priorities discussed above.

4. Technical Assistance

DOT will provide technical assistance for grantees and potential grantees under the RCP Program, including through Reconnecting Communities Institute (RCI)⁶. A RCI technical assistance opportunity is to participate in a Reconnecting Communities Community of Practice, which provides an interactive training opportunity to advance the planning and delivery of projects intended to reconnect communities. All applicants selected for funding through RCP will have an opportunity to participate in the RCI Community of Practice, along with any recommended or highly recommended applicants that are not selected.

Potential applicants who are interested in pursuing a reconnecting type project but are not prepared to apply can submit a request for technical assistance. These potential applicants are encouraged to submit a request for technical assistance through Reconnecting Communities Institute. Those communities will be able to join one or more Communities of Practice, receive other technical assistance, and facilitation toward the creation of planning and construction projects that may be eligible for funding under formula programs, including federal-aid programs such as: National Highway Performance Program; Surface Transportation Block Grant Program; Highway Safety Improvement Program; or Congestion Mitigation and Air Quality Program, or

⁴ <u>https://www.transportation.gov/priorities/equity/actionplan</u>

⁵ <u>https://www.whitehouse.gov/ceq/news-updates/2022/09/23/fact-sheet-biden-%e2%81%a0harris-administration-advances-commitment-to-create-more-equitable-access-to-parks-and-nature-in-communities/</u>

⁶ The mission of the RCI will be to serve as DOT's center for learning to restore and reconnect communities that have been harmed, isolated, and cut off from opportunity by transportation infrastructure. Enrollment into the RCI will be open to States, local and tribal governments, metropolitan planning organizations, and nonprofit organizations. For more information about the RCI, please visit <u>https://www.transportation.gov/grants/reconnecting-communities-institute-rci</u>

under eligible discretionary grant programs such as: Rebuilding America Infrastructure with Sustainability and Equity, Thriving Communities, Safe Streets and Roads For All, or Multimodal Project Discretionary Grants. DOT or its partners may also organize convenings to facilitate the creation of a multi-year pipeline of projects that address reconnecting communities.

For more information, please visit RCP Frequently Asked Questions (FAQ), <u>Reconnecting</u> <u>Communities Institute (RCI) | US Department of Transportation</u> or email at <u>RCI@dot.gov</u>.

B. Federal Award Information

1. Total Funding Available

The Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL) (Pub. L. 117-58) allocates up to \$607 million over the period of this NOFO. \$200 million in 2024, \$202 million in 2025, and \$205 million in 2026 for the RCP program. BIL allocates \$50 million annually for Planning Grants, which includes funding for technical assistance: \$150 million in 2024, \$152 million in 2025, and \$155 million in 2026 for Capital Construction Grant funds. In addition to the FY 2024 funding, the Department intends to make award decisions for the FY 2025 and 2026 funding, subject to availability of funding. FY 2025 funds cannot be obligated before October 1, 2024, and FY 2026 funds cannot be obligated before October 1, 2024, FY 2025, or FY 2026, DOT intends to use those funds for projects selected to receive a grant under this NOFO.

DOT understands that the amount allocated for Capital Construction Grants may not cover the recipient's full request. If a Capital Construction Grant recipient does not receive the full funds requested, the funded RCP project will receive a 'Reconnecting Extra' designation which encourages and facilitates RCP Program recipients' pursuit of supplemental DOT discretionary program funding. If a project designated 'Reconnecting Extra' applies for FY 2024 – FY 2026 DOT funding and is determined eligible, DOT will deem the RCP project application 'Highly Recommended' subject to evaluation with the relevant program's merit criteria. The Department will still consider the RCP project's alignment with the relevant program's requirements and any project risks before awarding that RCP project. Projects with this designation that apply for DOT financing programs, such as the Transportation Infrastructure Finance and Innovation Act (TIFIA) program and the Railroad Rehabilitation and Improvement Financing (RRIF) program, will be considered for assistance to the extent permissible under law.

2. Availability of Funds

RCP Program grant funds are available until expended. However, to ensure that projects are started and completed in an efficient manner, DOT encourages all projects awarded with FY 2024 RCP Program grant funds to be obligated by September 30, 2027. DOT encourages all projects awarded with FY 2025 RCP Program grant funds to be obligated by September 30, 2028. DOT encourages all projects awarded with FY 2026 RCP Program grant funds to be obligated by September 30, 2028. DOT encourages all projects awarded with FY 2026 RCP Program grant funds to be obligated by September 30, 2029. DOT retains the right to prioritize projects for selection that are most likely to achieve this timeline and choose from which source to award funds to recipients, as applicable. If additional funding is provided for the RCP program during FY 2024, FY 2025, or FY 2026, applicants selected will be informed of the obligation and expenditure deadlines.

Obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements. Unless authorized by DOT in writing after DOT's announcement of RCP Program awards, any costs incurred prior to DOT's obligation of funds for a project ("pre-award costs") are ineligible for reimbursement per 23 Code of Federal Regulations (CFR) 1.9.⁷ In order to meet this timeline, DOT will prioritize project readiness and the likelihood that obligation can occur by this deadline when making project selections.

DOT will pay for or count toward cost sharing or matching funds only costs incurred after a grant agreement has been executed. At its sole discretion and in limited circumstances, DOT may establish "pre-award" authority for recipients. If approved by DOT, pre-award authority permits DOT, after a grant agreement is executed, to pay for or count toward cost sharing or matching funds specific, identified costs that were incurred before that grant agreement was executed.

In general, RCP Program funds are administered on a reimbursement basis. Grant recipients will generally be required to pay project costs upfront using their own funds, and then request reimbursement for those costs through billings. If a recipient cannot complete a project on a reimbursement basis, DOT will—on a case-by-case basis—consider recipient requests to use alternate payment methods as described in 2 CFR 200.305(b), including advance payments and working capital advances.

Because award recipients under the RCP program may be first-time recipients of Federal funding, DOT is committed to implementing the program as flexibly as permitted by statute and helping award recipients through the process of securing a grant agreement and delivering both Planning Grants and Capital Construction Grants.

3. Award Size

i. Planning Grants

DOT may award up to \$150 million for eligible public engagement, feasibility studies, and other planning activities. BIL specifies that the maximum RCP Program Planning Grant award is \$2 million.

ii. Capital Construction Grants

DOT may award up to \$457 million for eligible construction activities necessary to carry out a project to remove, retrofit, or mitigate an existing eligible facility or replace an existing eligible facility with a new facility that reconnects communities. BIL specifies that the minimum capital construction grant award is \$5 million. DOT anticipates that Capital Construction Grants may range from \$5 million to \$100 million. If a project is partially funded, project components executed through the RCP award must demonstrate independent utility.

⁷ Pre-award costs are only costs incurred directly pursuant to the negotiation and anticipation of the RCP Program award where such costs are necessary for efficient and timely performance of the scope of work, as determined by DOT. Costs incurred under an advance construction (23 U.S.C. 115) authorization before the DOT announces that a project is selected for a FY 2024 RCP Program award cannot be charged to FY 2024 RCP funds. Likewise, costs incurred under an FTA Letter of No Prejudice under Chapter 53 of title 49 U.S.C. before the DOT announces that a project is selected for a FY 2024 RCP Program award, cannot be charged to FY 2024 RCP Program funds.

C. Eligibility Information

1. Eligible Applicants

The designated lead applicant will serve as the recipient to administer and implement the project. If the applicant seeks to transfer the award to another entity, that intention should be made clear in the application and a letter of support from the otherwise eligible, designated entity should be included in the application.

Applicants without experience in DOT funding requirements may opt to jointly apply with a partner in the same State or region, that has an established financial relationship with DOT and has knowledge of Federal grant administration requirements, to minimize delays in establishing and implementing funding agreements. For joint application partners that would also receive grant funds through the recipient (lead applicant), or if the recipient seeks to transfer the award to another agency, the recipient must determine whether such arrangement would be contractual (example, with philanthropic or community-based organizations), or if the partners would be treated as a sub-recipient (example, with other governmental entities). Ultimately, the recipient is responsible for compliance with all Federal requirements applicable to the award.

i. Planning Grants

Eligible applicants are: (1) a State; (2) a unit of local government; (3) a Tribal government; (4) a Metropolitan Planning Organization; and (5) a non-profit organization.

ii. Capital Construction Grants

Eligible applicants must be the owner(s) of the eligible facility proposed in the project for which adequate planning activities, such as engaging with the public to understand the public's needs and interests, evaluating relevant data, and/or developing a conceptual design have been completed.⁸ Owners of an eligible facility, for the purposes of submitting a grant application, may submit a joint application with: (1) a State; (2) a unit of local government; (3) a Tribal government; (4) a Metropolitan Planning Organization; and (5) a non-profit organization.

2. Cost Sharing and Matching

i. Match Requirements

Matching funds may include non-Federal sources such as:

- State funds originating from programs funded by State revenue,
- Local funds originating from State or local revenue-funded programs,
- Philanthropic funds, or
- Private funds.

Grant recipients may also use in-kind or cash contributions toward local match requirements so long as those contributions meet the federal legal requirements. In-kind contributions may

⁸ DOT interprets this statutory prerequisite (See Pub. L. 117-58, Section 11509 (d)(1)) to mean the capital construction project is included in the applicable Metropolitan Transportation Improvement Program (TIP) and / or Statewide Transportation Improvement Program (STIP), Tribal Transportation Improvement Program (TTIP) or equivalent, as applicable, by the time of the obligation of the award. Public transportation projects should be included in the applicable Transit Asset Management Plan.

include compensation for community members' time, materials, pro bono work provided to the project by third parties, and donations from private sponsors.⁹ For additional guidance, visit Understanding Non-Federal Match Requirements | US Department of Transportation

ii. Federal Share

a) Planning Grants Federal Share

Planning Grants may not exceed 80 percent of the total cost of the project for which the grant is awarded. Recipients are required to contribute a local matching share of no less than 20 percent of eligible activity costs. As noted above, the local matching share may consist partially or entirely of in-kind contributions, as well as contributions from the private sector and/or philanthropic organizations.

b) Capital Construction Grants Federal Share

Capital Construction Grants may not exceed 50 percent of the total cost of the project for which the grant is awarded. Federal assistance other than the RCP Program award (such as DOT formula funds, Tribal Transportation Program funds, or other Federal grants) may be used to partially satisfy the match requirement so long as total Federal assistance (all Federal sources), does not exceed 80 percent of the total cost of the project. Recipients are required to contribute a local matching share of no less than 20 percent of eligible activity costs. As noted above, the local matching share may consist partially or entirely of in-kind contributions as well as contributions from the private sector and/or philanthropic organizations.

3. Eligible Facilities, Activities, and Costs¹⁰

The proposed project must address an "eligible facility," which is defined as a highway or other transportation facility that creates a barrier to community connectivity, including barriers to mobility, access, or economic development due to high speeds, grade separations, or other design factors. Eligible facilities include, limited access highways, viaducts, any other principal arterial facilities, and other facilities such as transit lines, and rail lines. See Section H - Definitions for "highway" and Section D - Key Information table for a suggested list of other facilities.

i. Eligible Planning Grant Activities and Costs:

a) Public engagement activities, including community visioning or other place-based strategies for public input and meaningful involvement into project plans.

b) Planning studies to assess the feasibility of removing, retrofitting, or mitigating an existing eligible facility to reconnect communities, including assessments of:

- Current traffic patterns on the facility and the surrounding street network.
- Capacity of existing transportation networks to maintain mobility needs.

⁹ Any in-kind contributions used to fulfill the cost-share requirement for Planning Grants and Capital Construction Grants must: be in accordance the cost principles in 2 CFR Part 200, Subpart E; including 2 CFR § 200.306(b) Cost Sharing or Matching; include documented evidence of completion within the period of performance; and support the execution of the eligible activities in Section C.3. See 23 CFR § 710.505 for requirements related to the donation of real property.

¹⁰ Eligible activity costs must comply with the cost principles set forth in with 2 CFR Subpart E (i.e., 2 CFR § 200.403 and § 200.405). DOT reserves the right to make cost eligibility determinations on a case-by-case basis.

- Alternative roadway designs or other uses for the right-of-way.
- The project's impact on mobility of freight and people.
- The project's impact on safety.
- The estimated cost to restore community connectivity and to convert the facility to a different design or use, compared to any expected maintenance or reconstruction costs.
- The project's anticipated economic impact and development opportunities.
- The project's environmental, public health, and community impacts.

c) Other planning activities in advance of the project, such as:

- Conceptual and preliminary engineering, or design and planning studies that support the environmental review for a construction project.
- Associated needs such as locally-driven land use and zoning reform, transit-oriented development, housing supply, in particular affordable housing, managing gentrification and neighborhood change, proposed project impact mitigation, climate resilience and sustainability, green and open space, local history and culture, access and mobility barriers, jobs and workforce, or other necessary planning activities as put forth by the applicant that do not result in construction.

ii. Eligible Capital Construction Grant Projects and Costs:

Eligible projects include those for which adequate planning activities, such as engaging with the public to understand the public's needs and interests, evaluating relevant data, and/or developing a conceptual design have been completed. Projects must be consistent with the Long-Range Statewide Transportation Plan, included in the Metropolitan Long-Range Plan (if applicable), and in the Metropolitan Transportation Improvement Program (TIP) and / or Statewide Transportation Improvement Program (STIP), Tribal Transportation Improvement Program (TTIP) or equivalent, as applicable, prior to the obligation of the award. Transit projects must be included in the investment prioritization of the relevant Transit Asset Management (TAM) Plan by the time of the obligation of the award.

Eligible construction grant activities include: preliminary and detailed design activities and associated environmental studies; preconstruction; construction; permitting activities including the completion of the National Environmental Policy Act (NEPA) process; the removal, retrofit, or mitigation of an eligible facility; the replacement of an eligible facility with a new facility that restores community connectivity; meaningful public involvement throughout the project delivery process; delivering community benefits and the mitigation of impacts identified through the NEPA process or other planning and project development for the capital construction project.

iii. Prohibited Use

Funds may not be used to support or oppose union organizing.

4. Data Collection Requirements

Performance indicators used in reporting (See Section F.3) should align with project goals at least two of the merit criteria defined in Section E.1.i. DOT funds may be used for data collection and performance reporting and should be accounted for in the applicant's budget.

DOT will work with grant recipients to determine the most appropriate indicators and metrics to assess project benefits before the grant agreement is established. Areas of measurement will relate to: 1) mobility, 2) access, 3) safety, 4) environmental impacts, 5) congestion, 6) economic development, 7) quality of life, and 8) community engagement. Indicators may document changes from an established baseline such as: new or improved physical pathways and crossings; new transportation options and services; population changes in the project area; employment opportunities for residents; partnerships formed; reduction of fatalities and serious injuries in the project area; location-efficient affordable housing units preserved and created; changes in land value; and monetary commitments for reinvestment in the project area.

For Planning Grants, the planning process could be used to collect data and establish a baseline of existing conditions and populations in the project area. For Capital Construction Grants, DOT will request a baseline report on existing conditions prior to the start of construction. (See Section F.3 – Reporting for specific requirements for deliverables and timelines.)

5. Application Limit

DOT encourages joint applications from place-based partnerships headed by a lead applicant. A lead applicant may submit no more than three applications. Unrelated project components (spatially or functionally unrelated) should not be bundled in a single application for the purpose of adhering to the limit. If a lead applicant submits more applications, only the last three received will be reviewed.

D. Application and Submission Information

1. Address to Request Application Package

Applicants must submit their applications via Valid Eval at <u>https://usg.valideval.com/teams/rcp_community_planning_fy24/signup</u> for Community Planning Grants, and at <u>https://usg.valideval.com/teams/rcp_capital_construction_fy24/signup</u> for Capital Construction Grants.

2. Content and Form of Application Submission

Community Planning Grants and Capital Construction Grants have distinct application submission and supporting document requirements. DOT strongly recommends use of the template provided below. All applicants must submit the following: Standard Forms, Key Information Questions, Narrative, and Budget. This information must be submitted via Valid Eval at https://usg.valideval.com/teams/rcp_community_planning_fy24/signup for Community Planning Grants, and at https://usg.valideval.com/teams/rcp_community_planning_fy24/signup for Community Planning Grants, and at https://usg.valideval.com/teams/rcp_capital_construction_fy24/signup for Capital Construction Grants. More detailed information about each application material is provided below. The necessary file formats for each application component will be displayed on the Valid Eval intake site.

Sharing of Application Information – The Department may share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program's objectives. The Department may share application information with contractor staff with the Reconnecting Communities Institute for technical assistance purposes.

For more information on the application submission, including FAQs and a tool to check eligibility, please visit <u>https://www.transportation.gov/grants/RCPprogram</u>.

i. Standard Forms

All applicants must submit the following Standard Forms (SF):

- All applicants must submit the Application for Federal Assistance (SF-424)
- For Planning Grants:
 - Budget Information for Non-Construction Programs (SF-424A)
 - Assurances for Non-Construction Programs (SF-424B)
- For Capital Construction Grants:
 - Budget Information for Construction Programs (SF-424C)
 - Assurances for Construction Programs (SF-424D)

ii. Key Information Questions

Below is a preview of the questions asked on DOT's automated proposal website, Valid Eval, at <u>https://usg.valideval.com/teams/rcp_community_planning_fy24/signup</u> for Community Planning Grants and at <u>https://usg.valideval.com/teams/rcp_capital_construction_fy24/signup</u> for Capital Construction Grants. After registering in the system, the applicant will be prompted to answer these questions on the website.

Title	Instructions			
Lead Applicant Name	This should be consistent with Q. 8.a. of the SF-424.			
Organization Type	Select from State or U.S. territory, Unit of local government,			
	Political Subdivision of a State, Tribal government,			
	Metropolitan Planning Organization, or Nonprofit organization.			
Lead Applicant State	Select listed states, D.C., Puerto Rico, American Samoa, Guam,			
	Northern Mariana Islands, and Virgin Islands.			
Lead Applicant Unique	See Section D.3. below for more information about obtaining a			
Entity Identifier (UEI)	UEI from SAM.gov.			
Points of Contact	Provide information for primary and, if possible, secondary			
	points of contact.			
2020 Census Tract 11-digit	Enter the census tract(s) using the 11-digit Census geographic			
geographic identifier(s)	identifier [Understanding Geographic Identifiers (GEOIDs)			
	(census.gov)] for each census tract the project is located within			
	or directly benefitting from the project. The 11-digit number			
	identifies the location using the State, County, County			
	Subdivision, Place, and Census Tract. Please visit the Climate			
	and Economic Justice Screening Tool			
	(<u>https://screeningtool.geoplatform.gov/</u>) or Census			
	Demographic Viewer			
	https://maps.geo.census.gov/ddmv/map.html to identify census			
	tract(s).			
Grant Type	Select Community Planning Grant or Capital Construction			
	Grant.			

iii. Key Information Table

Project Title	Enter a concise, descriptive title for the project consistent with the narrative. This should include the location and transportation issue that the project intends to address. For example, 'Interstate 123 removal in Z City' for a construction application or 'Interstate 123 crossing study in Z County' for a planning application. The title should be less than 10 words,
	and it is a quick reference to differentiate between applications. All eligible projects are 'reconnecting' projects, so the title doesn't need the 'reconnecting' related indication.
Project Description	Describe the project in 2-3 sentences. For example: The Interstate 123 crossing study would advance an equitable corridor vision using community and stakeholder engagement to identify a set of concept proposals to improve access to daily destination and reduce environmental, social, and economic burdens for disadvantaged communities. The Study between A Street and B Street will advance those proposals through conceptual design to remedy the I-123 barrier.
Match Question	Select whether you are seeking a 50-50 or 80-20 match. See Section C.2. for Cost Sharing and Matching information.
What is the preferred federal fiscal year to implement the grant?	Select one or more of the preferred federal Fiscal Year 2024, 2025, 2026, or No Preference for funding and implementation. Note: DOT will consider the applicant's preference in determining the funding year of the award. The DOT award decision may be different from the preference.
Is the lead applicant the Facility Owner?	Select Yes or No. Note: For Capital Construction Grants, the owner of the eligible facility is required to be the eligible entities and the lead applicant. See FAQs for more information.
Name of the Facility Owner(s) of the eligible facility creating the barrier, if not the Lead Applicant	See Section C.3.i. for Eligible Facilities information.
If the lead applicant is not the Eligible Facility Owner, does the application include a Facility Owner endorsement?	Select Yes or No. Note: In its endorsement, for Capital Construction Grants, the Facility Owner should explicitly acknowledge an understanding of the proposed project and the intent to carry out a construction action on the facility that it owns. The Facility Owner should also acknowledge an understanding that if DOT makes the award, the Facility Owner agrees to act as the recipient and administer the award. The Facility Owner may ultimately choose to administer the award through a sub- recipient. See FAQs for more information.
If a joint application, please provide organizational names of sub-recipients that	If necessary, provide organizational names of sub-recipients and key partners.

11	
will receive funds and other	
key partners	
What is/are the Eligible	Select all that apply from Interstate highway, State highway,
Facility Type(s) that	Arterial roadway, Other street or road, Bridge or viaduct,
create(s) a barrier, that your	Transit, Rail, or Other eligible transportation facility. See
application intends to	Section C.3.i. for Eligible Facilities information.
address?	
Is the project located in an	Select Yes or No. See Section H. for definition of economically
economically disadvantaged	disadvantaged community, and FAQs for more information.
community?	
Is the project located in a	Select Yes or No. See Section H. for definition of rural, and
rural area?	FAQs for more information.
Does the project directly	Select Yes or No.
benefit a federally	
recognized tribe?	
Is the Eligible Facility aged	Select Yes or No. See FAQs for more information.
and likely to need	
replacement or significant	
reconstruction within 20	
years?	
What is the primary	Select one solution from these options: Pedestrian and Bicycle
proposed solution for the	Accommodations; Complete Streets; Transit Services;
transportation barrier	Roadway Connections; Eligible Facility Removal; Through
facility?	Lane Removal; Interchange Ramp(s) Removal; Bridge or
	Tunnel; Cap, Deck, or Lid; Rail; or Other infrastructure.
What are the additional	Select any additional solutions from these options: Pedestrian
proposed solutions for the	and Bicycle Accommodations; Complete Streets; Transit
transportation barrier	Services; Roadway Connections; Eligible Facility Removal;
facility?	Through Lane Removal; Interchange Ramp(s) Removal; Bridge
	or Tunnel; Cap, Deck, or Lid; Rail; or Other infrastructure.
Does the project expand	Select Yes or No. If yes, please provide additional context
roadway lane capacity or is	related to the lane capacity expansion.
a lane capacity expansion	returne to the faile expansion expansion.
planned within the vicinity	
of the project?	
Is the project included in a	Select Yes or No.
Climate Action Plan?	
Total RCP Program grant	Note: For Community Planning Grants, the maximum RCP
request amount	grant award is \$2 million. For Capital Construction Grants, the
	minimum RCP grant award is \$5 million.
Total Project Cost	See Section C.2. for Cost Sharing and Matching information.
	See Section C.2. for Cost Sharing and Matching information.

Key Information Table – Additional Question for Capital Construction Grants

Title	Instructions
Is the proposed project	Select Yes or No. If yes, please provide a link or include it as a
already included in the	supplemental document. If no, please provide additional details

STIP, TIP, or equivalent?	in the Project Readiness portion of the application describing
For transit projects, is the	how the project will be in such plan/program by the time of
project in the Transit Asset	obligation of the award.
Management Plan?	Note: For RCP, Capital Construction Grant projects must be
	included in the STIP, TIP, or equivalent or, for transit projects,
	in the TAM Plan by the time of the obligation of the award

iv. Narrative

The Narrative is for the applicant to state their case for meeting the merit criteria laid out in Section E. For Planning Grants, the narrative should not exceed 12 pages; for Capital Construction Grants, the narrative should not exceed 20 pages. The Narrative should be in PDF format, with font size of no less than 12-point Times New Roman, single-spaced, minimum 1inch margins on all sides, and page numbers. Title page and table of contents are not required, but if included, these parts of the document do not count against the page limits. Supplemental Project Readiness and Benefit Cost Analysis information for Capital Construction Grants may be included as hyperlinks, appendices, or additional attachments, and will not count against this page limit.

Suggested Narrative Structure:

Planning &	Overview	D.2.iv.a
Capital Construction		
Planning &	Location & Map	D.2.iv.b
Capital Construction		
Planning &	Response to Merit Criteria	D.2.iv.c
Capital Construction		
Capital Construction	Project Readiness: Environmental Risk	D.2.iv.d
Capital Construction	Benefit Cost Analysis	D.2.iv.e

a) Overview

This section should provide an introduction to the scope of the project, describe the barrier(s), harms, or burdens posed by the eligible facility(ies) or transportation infrastructure, describe the history and character of the community most impacted by the facility(ies) or transportation infrastructure, describe how the proposed project will address any burdens/harm consistent with the characteristics of the community, and any other high-level background information that would be useful to understand the rest of the application.

Following is a list of suggested section headings and prompts to assist the applicant in structuring the project overview discussion. Other headings may be added as desired by the applicant to provide a complete project overview.

- Introduction: Provide general background information on the applicant (and any partners), grant request, proposed improvements, and community(ies) where the project is located.
- Project History: Describe the history and character of the community and transportation facility(ies) relevant to understanding the transportation needs and proposed improvements.

- Transportation Needs: Describe the transportation need(s)/ barrier(s)/ harm(s) to be investigated (Planning Grants) and/or addressed (Capital Construction Grants). Where possible, include data, visualizations, and/or other evaluations that describe the transportation needs in greater detail; these may be hyperlinked, separately attached, or included as appendices, if desired.
- Proposed Improvements:
 - Planning Grants: Describe the eligible planning activities proposed to be funded and how they will contribute to addressing the transportation needs identified above. Describe any other planning or evaluation activities related to the project not proposed to be funded under this grant.
 - Capital Construction Grants: Describe the overall project and each of the proposed transportation improvements that comprise the project. Describe how the proposed improvements will address the transportation needs identified above. Describe any related projects or improvements delivered in the recent past, present, or near future and any interdependencies between the related projects and the project covered by this proposal. Attach a project map that clearly identifies the project end points (i.e., logical termini), locations of key proposed improvements, and any related or interdependent projects. If desired, this may be integrated with the map described in the section below.
 - b) Location & Map

This section should describe the location of the eligible facility that creates barriers to community connectivity, including to mobility, access, or economic development, as well as a description of the surrounding community impacted by the facility. This section should include a detailed geographic description and map of the facility location and identify elements of the existing transportation network. The general location map may be integrated with the map of project termini and proposed improvements described in the section above.

c) Response to Merit Criteria

This section should describe how the project addresses each of the merit criteria: Equity and Justice40; Access; Facility Suitability; Community Engagement, and Community-based Stewardship, Management, and Partnerships; Equitable Development; Climate Change Mitigation and/or Adaptation and Resilience; Workforce Development and Economic Opportunity; and Planning Integration. See Section E.1.i for detailed criteria descriptions.

d) Project Readiness

There is no narrative requirement for Project Readiness for Planning Grants. See Section E.1.ii for details on how Planning Grant applications are reviewed for Project Readiness.

There are narrative requirements for the Environmental Risk element of Project Readiness for Capital Construction Grants. This section should include sufficient information for DOT to assess the project's likelihood of being included in the STIP or equivalent by the time of award obligation, and in the TAM Plan for transit projects, and can be reasonably expected to begin construction in a timely manner. As DOT will perform an Environmental Risk review, the applicant should provide a project schedule and address required approvals and permits, NEPA class of action and status, public involvement, right-of-way acquisition plans, risk assessment, and risk mitigation strategies.

Following is a list of suggested section headings and prompts to assist the applicant in structuring the project readiness discussion to thoroughly describe the environmental risk. Other headings may be added as desired by the applicant to provide a complete description of readiness.

- Planning & Constructability:
 - STIP / TIP / TTIP / TAM Plan: Is the project already listed in the STIP, TIP, TTIP, and/or TAM Plan (if applicable)? If so, provide links or attachments that show the project listing in the applicable plans/programs. If the project is not yet listed, describe any coordination that has/will occur to facilitate listing in the applicable plans/programs and the anticipated date when listing will occur.
 - Consistency with Other Plans: Is your proposal listed in and/or consistent with any other plans (e.g., the Long-Range Statewide Transportation Plan and/or Metropolitan Long-Range Plan)? If so, please summarize and provide a link to appropriate project listing.
 - Property Acquisition / Right-of-Way (ROW): Who is the owner of the existing facility? Will any new ROW acquisition be required, and if so, from whom? If acquisition will be required, describe the status and anticipated schedule for the acquisition. Will any special ROW permits or approvals be needed? If so, please describe.
 - Construction Techniques and Phasing: Will the proposed improvements require unique construction techniques, non-standard project delivery methods (e.g., approaches other than design-bid-build), and/or phasing? If so, please describe.
- Proposed Schedule:
 - List the completed and/or anticipated dates (month and year) for the following key milestones (include additional milestones if desired). Dates provided should reflect a realistic amount of time to complete each milestone. Ensure that dates provided here are consistent with dates provided elsewhere in the application.
 - Start and end of preliminary design
 - Start and end of the NEPA process
 - Start and end of obtaining permits/approvals (if required)
 - Project listed in STIP, TIP, TTIP, and/or TAM Plan (as applicable)
 - Start and end of final design
 - Start and end of ROW acquisition (if required)
 - Anticipated finalization of RCP grant agreement (if awarded)
 - Anticipated obligation of grant funds (if awarded)
 - Start and end of construction
 - Project Development Phases to be Funded with RCP: Describe the project development phase(s) proposed to be funded with RCP funds (if awarded), and whether RCP funds are proposed to be used for phases other than ROW acquisition and construction (e.g., for design, NEPA, etc.). Note: typically, milestones for establishing the grant agreement and obligation of funds should be scheduled before any activities/phases that will use RCP funds.
- NEPA & Permitting:

- NEPA Class of Action: List the class of action/type of document that has already been or will be prepared to comply with the National Environmental Policy Act (NEPA) of 1969, as amended (e.g., a categorical exclusion, an environmental assessment, an environmental impact statement, or class of action not yet determined). If multiple NEPA documents are being prepared for this proposal, briefly explain why, and complete the prompts below for each document.
- NEPA Status and Milestones: Briefly describe the status of NEPA compliance (e.g., not started, underway, or complete), the anticipated project impacts, and proposed mitigation measures. If the NEPA process has been completed, provide the final approval date for the NEPA document. If the NEPA process has not yet been completed, list the key remaining milestones for the NEPA process, their status, and their anticipated completion dates. Identify any anticipated challenges to timely completing the NEPA process.
- Link to NEPA Documentation: If draft or final NEPA documentation is available, provide a hyperlink, attach it, or append it.
- Reevaluation and Post-Approval Changes: Describe any planned and/or completed efforts to reevaluate the NEPA documentation between the final NEPA approval and beginning of construction. Reevaluation may be warranted based on the passage of time and/or changes in the project scope, setting, impacts, or applicable requirements since the final NEPA approval.
- Permits and Approvals: List any federal, state, or local permits and approvals anticipated to be needed for the project (e.g., Clean Water Act Section 404 permit, Endangered Species Act Section 7 consultation, etc.). Provide the status of each permit or approval and the date that the permit or approval was obtained or is anticipated to be obtained. Summarize and attach relevant correspondence or documentation of consultation with permitting agencies.
- Coordination with DOT: Identify the federal lead agency for the NEPA process and any joint-lead agencies. Describe any coordination that has occurred with an agency or operating administration of USDOT regarding the project proposal and/or NEPA analysis. Describe any coordination with state, county, or local transportation agencies regarding preliminary design and the NEPA process.
- Project Support
 - Public and Agency Involvement Process: Summarize the key events and techniques used to engage the public and other stakeholders during the NEPA process. Highlight efforts to engage disadvantaged communities and communities likely to be affected by the project, including details on compliance with environmental justice requirements and access for persons with disabilities and limited English proficiency. These efforts may include public meetings, a public website, presentations to community groups, newsletters, online outreach, etc.
 - Public and Agency Involvement Results: Summarize the support, opposition, and/or other notable feedback related to the project from the following groups and describe how stakeholder feedback has been integrated into project development and design:
 - The public, including members of communities affected by the proposal,
 - Elected officials and/or bodies (e.g., federal and state legislators, city and county councils and boards, etc.),

- Other entities (e.g., members of business or industry, community organizations, advocacy groups, etc.), and
- Federal, state, or local agencies (reference any relevant information provided in the Permits and Approvals section above).
- Attach and reference documentation of support as applicable (e.g., letters of support, letters of commitment, resolutions, summaries of public comments, etc.)
- Risk & Mitigation: Describe the process used by the applicant to assess risks to project development and delivery. Briefly summarize any risks identified and strategies proposed or implemented to mitigate those risks. Describe the potential effects of each risk (if any) on meeting the key project delivery schedule milestones presented in the Proposed Schedule.

See Section E.1.ii for details on how Capital Construction Grant applications are reviewed for Project Readiness. For additional guidance and resources, visit <u>Project Readiness Checklist</u> for DOT Discretionary Grant Applicants | US Department of Transportation

e) Benefit Cost Analysis for Capital Construction Grants

Planning Grant applicants do not need to submit the results of a benefit cost analysis (BCA).

To be eligible for RCP Capital Construction funds, applicants must submit the results of a BCA. The BCA should be briefly summarized in the Project Narrative. Applicants should provide the technical basis of the BCA sufficient to allow DOT to reproduce the analysis. Supplemental materials do not count against the overall application length. Many benefits of RCP Program projects may be difficult to quantify or less frequently quantified (e.g., ecosystem services, quality of life) but should be analyzed and explained as well as possible, whether such benefits are quantified or unquantified. Any claimed benefits should be clearly tied to the expected outcomes of the project and address benefits for users of the facility as well as benefits to the surrounding communities. For additional guidance and resources, visit <u>Benefit-Cost</u> Analysis Guidance for Discretionary Grant Programs | US Department of Transportation

v. Budget

In addition to the SF-424, applicants should describe the budget for the RCP Program project.

Grant Funds, Sources and Uses of Project Funds – Project budgets should show how different funding sources will share in each activity and present the data in dollars and percentages. The budget should identify other Federal funds the applicant is applying for, has been awarded, or intends to use. Funding sources should be grouped into three categories: non-Federal, current application RCP funds, and other Federal with specific amounts for each funding source.

At a minimum, the project budget should include:

• Costs for the FY 2024 RCP project. If the project contains distinct components or phases, the costs of each project component or phase should be separated and described. For a Capital Construction Grant, include information about the degree of design completion on which the cost estimates are based.

- The source, amount, and usage for all funds to be used for eligible project costs. Funding sources should be listed in one of three categories: Reconnecting Communities, other Federal funds (which together with the Reconnecting Communities funds cannot exceed 80 percent of total costs) and the 20 percent non-Federal match such as local, State, Tribal, philanthropic, private, and/or "in-kind" funds.
- For Federal funds to be used for eligible project costs, the amount, nature, and source of any required non-Federal match for those funds. If applicable, the budget should identify Federal funds that have been previously authorized by a federal agency.
- For non-RCP funds to be used for eligible project costs, include documentation of funding commitments such as commitment letters, budget resolutions, and STIP or TIP references.
- If the applicant is not a State DOT and contributions from a State DOT are included either as Federal funds or as non-Federal match, a supporting letter from the State DOT should be provided that indicates the amount and source of the funds.

The budget should show the distribution of each funding source in each major planning or construction activity, including sub-recipient activity and compensation.

For each source of funds, the budget should discuss any restrictions on timing or use. For example, if a particular 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 particular source of funds is available for expenditure only during a fixed period, the application should describe that restriction.

Note: The budget should not include any expenses incurred prior to award of the grant. Expenses incurred between time of award and obligation are not eligible for reimbursement or for cost sharing, unless authorized by DOT in writing in advance, as described in Section B.2.

vi. Project Location File

Applicants should submit one of the following file types with project location identification. This will be used to verify the disadvantaged community status, as well as urban/rural designation. Acceptable file types are Shapefile, GEOJSON, or KL/KMZ. If an applicant needs assistance preparing a project location file, these are suggested instructions: Open a publicly available online mapping tool such as Google Earth or GEOJSON.

- 1. Identify your project location. Use the tools to draw a line or polygon to represent the project area (a polygon is preferred). The project area should only include the direct physical location of the infrastructure project; it should NOT include a broad service area or area of project impact.
- 2. Export, save, and attach to your application one of the acceptable formats (Shapefile, GEOJSON, or KML/KMZ)

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to:

- i. Register in SAM.gov before submitting an application;
- ii. Provide a valid unique entity identifier in its 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.

DOT may not make a Federal award to an applicant until the applicant has complied with all unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time DOT is ready to make an award, DOT may determine that the applicant is not qualified to receive an award.

4. Submission Dates and Times

Applications must be submitted by 11:59 PM EDT on Monday, September 30, 2024.

5. Funding Restrictions

For funding restrictions that may affect an applicant's ability to develop an application and budget consistent with program requirements, see Section C of this notice.

6. Other Submission Requirements

The complete application must be submitted via Valid Eval at <u>https://usg.valideval.com/teams/rcp_community_planning_fy24/signup</u> for Community Planning Grants, and at <u>https://usg.valideval.com/teams/rcp_capital_construction_fy24/signup</u> for Capital Construction Grants. Customer support for Valid Eval can be reached at <u>support@valideval.com</u>.

E. Application Review Information

1. Criteria

This section specifies the evaluation criteria DOT will use to evaluate and select Planning Grant and Capital Construction Grant applications for RCP Program grant awards: Merit Criteria, Project Readiness, Benefit Cost Analysis (for Capital Construction Projects), and Other Considerations. Section E.2 describes the review, rating, and selection process. As described in greater detail in Sections E.1 and E.2, some evaluations are conducted for only a subset of eligible applications that advance to "Second-Tier Analysis."

i. Merit Criteria

#1: Equity and Justice40 Initiative

DOT will evaluate the extent to which the project will address the following:

- Analysis of harmful historic or current policies (e.g., displacement, segregation, exclusionary zoning¹¹), existing socioeconomic disparities, environmental disparities (e.g. burdens and risks, lack of access to greenspace), and the needs of the surrounding community—including special consideration for those most affected by the eligible facility.
- Degree to which the proposed solutions equitably distributes benefits and mitigate impacts supported by geospatial tools like <u>EPA's EJSCREEN</u>, the DOT's Equitable

¹¹ See *How We Grow Economic Opportunity for All* in USDOT's Beyond Traffic report for more information, <u>https://www.transportation.gov/sites/dot.gov/files/docs/BeyondTraffic_tagged_508_final.pdf</u>.

Transportation Community Explorer, the Climate and Economic Justice Screening Tool, and <u>FHWA's Screening Tool for Equity Analysis of Projects</u>.

- Priority consideration will be given to projects that support the goals of the Justice40 Initiative, https://www.transportation.gov/equity-Justice40. In support of Executive Order 14008, or when "disadvantaged communities" is a statutory designation, applicants are encouraged to use the Climate and Economic Justice Screening Tool as the definition of Historically Disadvantaged Communities as part of USDOT's implementation of the Justice40 Initiative. Consistent with the Interim Implementation Guidance and its Addendum for the Justice40 Initiative, Historically Disadvantaged Communities include (a) certain qualifying census tracts identified as disadvantaged by the Climate and Economic Justice Screening Tool (CEJST) due to categories of environmental, climate, and socioeconomic burdens, and (b) any Federally Recognized Tribes or Tribal entities, whether or not they have land.¹² CEJST is a tool created by the White House Council on Environmental Quality (CEQ), that aims to help Federal agencies identify disadvantaged communities as part of the Justice40 Initiative to accomplish the goal that 40% of overall benefits from certain federal investments reach disadvantaged communities. See https://screeningtool.geoplatform.gov/. Applicants should use the CEJST as the primary tool to identify disadvantaged communities (also referred to as Justice40 communities).
- Applicants are strongly encouraged to also use the <u>USDOT Equitable Transportation</u> <u>Community (ETC) Explorer</u> to understand how their community or project area is experiencing disadvantage related to lack of transportation investments or opportunities and are encouraged to use this information in their application to demonstrate how their project will reduce, reverse or mitigate the burdens of disadvantage. <u>https://www.transportation.gov/priorities/equity/justice40/etc-explorer</u>.

In addition to the above, Capital Construction Grant applications should also address mitigation plans for negative impacts of the proposed capital project by describing:

- Any construction-related displacement in the community and providing a robust mitigation plan that exceeds the basic requirements of the Uniform Relocation Act.¹³
- The anticipated negative construction impacts, such as noise, air quality impacts, public transportation service disruptions, disturbances to sacred or historic sites, or flood risks, and a robust mitigation plan.

#2: Access

DOT will evaluate the extent to which the project will address the following:

• Degree to which the project will improve mobility and access to restore community connectivity through the removal, retrofit, mitigation, or replacement of eligible transportation infrastructure facilities. Adding roadway capacity or additional single occupancy vehicle through lanes reduces community connectivity and creates new access barriers.

 ¹² OMB, CEQ, & CPO, M-23-09, Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the Climate and Economic Justice Screening Tool (CEJST) (Jan. 27, 2023), https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf; OMB, CEQ, & CPO, M-21-28, Interim Implementation Guidance for the Justice40 Initiative (July 20, 2021), https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf; OMB, CEQ, & CPO, M-21-28, Interim Implementation Guidance for the Justice40 Initiative (July 20, 2021), https://www.whitehouse.gov/wp-content/uploads/2023/01/M-23-09_Signed_CEQ_CPO.pdf; OMB, CEQ, & CPO, M-21-28, Interim Implementation Guidance for the Justice40 Initiative (July 20, 2021), https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf.
 ¹³ 23 CFR 983.7

- Degree to which the project will provide transportation options to increase safe mobility and connectivity for all, including for people with disabilities, to daily destinations like housing, jobs, healthcare, grocery stores, schools, places of worship, recreation, greenspaces, and parks.
- Safe accommodation for all users and seamless integration with the surrounding land use, character, and context, with consideration of affordable housing, transit-oriented development, public health, nature, and the economy.

In addition to the above, Capital Construction Grant applications should also address how:

- Existing planning studies provide a basis for better access to daily destinations.
- Proposed land use changes or increased density requirements are accommodated.

The FHWA Guidebook for Measuring Multimodal Network Connectivity [<u>Multimodal</u> <u>Connectivity - Publications - Bicycle and Pedestrian Program - Environment - FHWA (dot.gov)</u>] is a helpful resource for measuring access benefits.

#3: Facility Suitability

DOT will evaluate the extent to which the project will address the following:

- The eligible facility currently presents significant barriers to access, mobility, and economic development and is poorly suited to the community. Project proposes removal of barriers, including over-reliance on automobiles, to reconnect communities for people to live, work, play, and move freely and safely.
- A highway, including a high-speed roadway, street, parkway, or other surface transportation facility, such as a rail line divides a community. Proposes to remove, retrofit, mitigate, or replace with a new facility that improves mobility and provides transportation options suitable to the local community.
- The project addresses current and projected obstructions or problems that, if left unimproved, will threaten future transportation network efficiency, mobility of goods or accessibility and mobility of people, public health, or economic growth.

In addition to the above, Capital Construction Grant applications should also address:

• Impacts to goods movement, both regional and local, that uses the eligible facility.

#4: Community Engagement and Community-based Stewardship, Management, and Partnerships

DOT will evaluate the extent to which the project will address the following:

- Plan for community participation that facilitates meaningful engagement in planning, design, construction, operations, and related land use decisions. The Plan engages hard-to-access community members and those most impacted by the existing facility through culturally appropriate and innovative practices that promote trust. Consistent with <u>DOT</u> <u>Order 1000.12C</u>, the Plan establishes goals and measures for effectiveness.
- Community-centered approach to envision a solution that reconnects and/or mitigates burdens to meaningfully redress inequities and benefit economically disadvantaged communities and addresses community priorities to the extent possible. The application must show how the community shaped (or will shape) the final project.

- Formal partnerships, substantiated through signed commitment letters and budget. Partners may include entities with geographic ties to communities adjacent to the facility, such as community-based organizations, anchor institutions, community development financial institutions, philanthropic and civic organizations, private sector entities, and State and local government.
- A representative community advisory group, advisory board, or other place-based management organization will oversee or has overseen community-developed priorities and initiatives, including the use of a community land trust, community benefits agreement, or other community development activities to redress transportation-related disparities.
- Applications from community-based organizations or non-profits from the community demonstrate community-based stewardship by their nature.

Capital Construction Grant applications should also address how resources of partners and other Federal and non-Federal funds will support the success of proposed activities by providing:

• A complete description of resources committed to the project and fully outlining funding commitments from Federal and non-Federal sources, including: DOT formula funding, State or local funding, in-kind support, philanthropic contributions, public and private financing, and private sector funds. All funding should be reflected numerically in the budget.

Except as necessary to determine eligibility, as described in Section C.2, and as a factor in the Financial Completeness Assessment, as described in Section E.1.ii, DOT does not consider the proposed Federal share of an application when selecting among eligible applications.

#5: Equitable Development

DOT will evaluate the extent to which the project will address the following:

- Community restoration, stabilization, and anti-displacement strategies, such as value capture, assistance for renters and legacy homeowner and small businesses, preservation, rehabilitation and expansion of location-efficient affordable housing, mixed-income, mixed use development, affordable commercial spaces, and other opportunities for inclusive economic development.
- Implements or plans to implement community-supported approaches beyond the transportation infrastructure such as: celebrations of local history and culture through public art or signs, greenspace or recreational spaces for residents and visitors, improvements unique to characteristics of the community, trees and roadside vegetation, or lighting.
- Supports a Local/Regional/State Equitable Development Plan.

In addition to the above, Capital Construction Grant applications should also address:

• How the proposed project will encourage public and private investments to support greater commercial and mixed-income residential development near public transportation, along rural main streets or in walkable neighborhoods.

For Capital Construction Grant applications only, applications will be evaluated on the degree to which the following land use policies are enacted that support development of lower-cost housing units and reduce regional displacement pressures in the local jurisdiction where the project is located:

- Of the land that permits residential use, what percentage allows higher density options such as duplexes or accessory dwelling units (or higher unit count) by right?
- Of the land that permits residential use, what percentage allows higher density options such as triplexes (or higher unit count) by right?
- Of the land that permits residential use, what percent allows higher density options such as quadraplexes (or higher unit count) by right?
- What percentage of land that permits residential use has no minimum parking requirements?

If the applicant determines the regional or local displacement pressures do not apply to the application, the applicant can explain the context of the project and acknowledge that antidisplacement considerations are not applicable.

#6.1: Climate Change Mitigation and/or Adaptation and Resilience:

The applications that rate highest on this criterion will be those for which reducing greenhouse gas (GHG) emissions and improving climate resilience are a primary project purpose. Applicants are encouraged to use the <u>DOT Navigator Climate checklist</u> in responding to this criterion. Applications that are rated highly on this criterion will be those that use data-driven and evidence-based methods to demonstrate that the project will:

- Significantly reduce GHG emissions in the transportation sector; and
- Incorporate evidence-based climate resilience measures or features.

Projects that typically reduce GHG emissions include:

- community design and land-use planning that make it convenient to take fewer or shorter trips;
- increasing the use of energy-efficient modes of transportation like public transportation, rail, and active transportation, including walking, biking, and rolling;
- signal timing, traffic management, freight logistics, and other operational improvements the improve efficiency;
- transitioning to clean vehicles and fuels, including electrification;
- using project materials and construction methods that have lower embodied GHG emissions (especially if emissions benefits are documented in Environmental Product Declarations); and
- incorporating carbon-reducing uses of the rights-of-way, such as solar arrays, transmission of electricity from renewables, or vegetation management.

Projects that typically increase GHG emissions, such as roadway expansion, will not score highly on the GHG reduction aspect of this criterion.

Applicants will rate more highly on this criterion if they can demonstrate:

• progress towards transportation GHG reduction targets;

- significant reduction transportation GHG emissions, as shown through analysis with <u>USDOT tools</u> or similar;
- the project is part of a State Carbon Reduction Strategy, State Electric Vehicle Infrastructure Deployment Plan, or other State, local, or tribal GHG reduction plan;
- the project aligns with the <u>U.S. National Blueprint for Transportation Decarbonization</u>; and
- a plan to monitor the impact of the project on GHG emissions.

Applicants will score more highly on this criterion if they can demonstrate that the project:

- uses best-available climate data sets, information resources, and decision-support tools (including <u>USDOT and other federal resources</u>) to assess the climate-related vulnerability and risk of the project;
- develops and deploys solutions that reduce climate change risks to the surrounding communities;
- Advances objectives in the National Climate Resilience Framework,
- incorporates <u>nature-based solutions</u> / <u>natural infrastructure</u>, including use of native plants, and, as applicable, avoids fragmenting lands with high conservation value, avoids barriers to fish and wildlife migration, and incorporate mitigation measures to address unavoidable impacts;
- is included in a <u>Resilience Improvement Plan</u> or similar plan;
- benefits communities most vulnerable to climate change impacts, such as FEMAdesignated <u>Community Disaster Resilience Zones;</u>
- follows the Federal Flood Risk Management Standard, consistent with current law; and
- includes plans to monitor performance of climate resilience and adaptation measures.

#6.2: Workforce Development and Economic Opportunity

DOT will evaluate the extent to which the project will address the following:

- Inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.
- Incorporates local contracting opportunities such as community liaisons and communitybased organizations.

In addition to the above, Capital Construction Grant applications should also address labor considerations by describing how the grant will support and use:

- Good-paying jobs with the free and fair choice to join a union, the incorporation of strong labor standards, pro-active anti-discrimination and anti-harassment plans, project labor agreements, workplace rights notices, training and placement programs, and local hiring and procurement preferences, particularly for underrepresented workers and individuals with convictions.
- High-quality workforce development programs with supportive services to train, place, and retain workers, especially joint-labor management training partnerships and registered apprenticeships.

Applicants are encouraged to use <u>Grant Application Checklist for a Strong Transportation</u> <u>Workforce and Labor Plan (PDF) | US Department of Transportation</u> in responding to this criterion.

#6.3: Planning Integration

DOT will evaluate how the application is incorporated into the transportation planning process. Applicants will rate more highly on this criterion if they can demonstrate the following:

- The location is identified in a study prioritizing economic development, or mobility and access to daily destinations for economically disadvantaged communities.
- The transportation barrier or project location is identified in a transportation plan or associated planning documents.
- A State, regional, or local planning organization was consulted about the project location or study for consideration in the planning process.
- Adopted Reconnecting Communities' policies or priorities such as: expand affordable transportation options for economically disadvantaged communities.
- A MPO, State DOT, or regional planning representative endorses the application with a letter of support.

ii. Selection Considerations

After completing the merit review, DOT will prioritize projects that demonstrate the extent to which the project will further the following priorities:

- **Safety:** The Department is committed to advancing safe, efficient transportation, including through the RCP Program. The National Roadway Safety Strategy (NRSS), issued January 27, 2022, commits the Department 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," particularly for vulnerable road users, in pursuit of the goal of achieving zero roadway deaths through a Safe System Approach. The outcomes that are anticipated from the projects funded by the RCP Program should align with the NRSS. The Department will consider, e.g., the following safety attributes of the project:
 - provides substantial safety benefits (to commuters, workers, etc.) compared to existing conditions;
 - mitigates, to the extent practicable, any significant safety risks that could result after the project's completion;
 - does not negatively impact the safety of the traveling public, and any relevant group applicable to the program.
- **Transformation:** The Department will consider if and how the project will advance innovative solutions through collaboration and design flexibility to reconnect communities divided by infrastructure.¹⁴
- **Thriving Communities:** The Department will also consider whether the project is located in a Department or Federally designated area such as a qualified opportunity zone, Empowerment Zone, Promise Zone, Choice Neighborhoods, DOE-Energy

¹⁴ See U.S. Department of Transportation Strategic Framework FY 2022–2026 (Dec. 2021) at https://www.transportation.gov/administrations/office-policy/fy2022-2026-strategic-framework

Communities, USDA's Rural Partner Network, DOT Thriving Communities, or the Interagency Thriving Communities Network.

iii. Project Readiness

For projects that advance to Second-Tier Analysis during application evaluation, DOT will assess project readiness to evaluate the likelihood of a successful project. In the project readiness analysis, DOT will evaluate Planning Grant applications and Capital Construction Grant applications according to a Technical Assessment and Financial Completeness Assessment. DOT will also evaluate Capital Construction Grant applications for Environmental Risk.

	Technical Assessment	Financial Completeness	Environmental Risk
Planning Grants	Х	Х	
Capital Construction Grants	Х	Х	Х

- Technical Assessment is based on information contained throughout the application and does not require an additional submission. The Technical Assessment addresses the applicant's capacity to successfully deliver the project in compliance with Federal requirements, previous experience with DOT discretionary grant awards, and the technical experience and resources dedicated to the project.
- Financial Completeness Assessment is based on information contained throughout the application and does not require an additional submission. The Financial Completeness Assessment reviews the availability of matching funds and whether the applicant presented a complete funding package. 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.
- Environmental Risk Assessment requires additional information from the Capital Construction Grant applicant. It analyzes the project's environmental approvals and the likelihood of outstanding, necessary approvals affecting project obligation.

iv. Benefit Cost Analysis (BCA)

For Capital Construction Grant projects that advance to a Second-Tier Analysis, DOT will consider the project's costs and benefits. To the extent possible, DOT will rely on the applicant's submission of well-supported BCA analysis results described in Section D.2.iii.e. DOT acknowledges that many of aspects of reconnecting solutions, such as connectivity, community benefits, and quality of life, are difficult to quantify. Applicants should nonetheless discuss these types of benefits qualitatively. DOT will assign a rating to the project of either negative (costs exceed benefits), positive (benefits exceed costs), or uncertain. Projects with negative ratings may be selected for an award only if the project demonstrates clear potential benefits to connectivity, community engagement, quality of life for economically disadvantaged communities, particularly in geographically remote or less populated areas which may not be fully reflected in the BCA analysis.

2. Review and Selection Process

This section addresses the methodology for evaluation, including intake, how applications will be rated according to selection criteria and considerations, and how those criteria and considerations will be used to create the list of Highly Rated Applications for Consideration by the Secretary. The RCP Program grant review and selection process consists of: eligibility review; Merit Criteria review; Project Readiness; Benefit-Cost Analysis (reviewed required for Capital Construction Grants); and Senior Review. The Secretary makes final project selections.

i. Application Intake

For each application, an initial review will assess whether the applicant is eligible and submitted all the information requested for a complete application. Application materials needing clarifications on a complete application will be referred to an Evaluation Management Oversight Team, which will contact the applicant if it is determined they are an eligible applicant and request clarifying information with a response time of 5 business days. No late materials will be accepted. Applications that may not be eligible may be referred to an Evaluation Management Oversight Team, which will make a final eligibility determination. The applicant will be informed in writing if they are not eligible.

ii. Merit Criteria Ratings

Teams comprising DOT staff, Federal inter-agency partner staff, and contractor staff review all eligible applications received by the deadline for a Merit Review and assign ratings as described in Section E.1.i. For each Merit Criterion, DOT will consider whether the application narrative is responsive to the selection criterion focus areas which will result in a rating of 'High,' 'Medium,' 'Low,' or 'Non-Responsive.'

To receive a "high" criterion rating, the criterion must be addressed as a primary project purpose (not an ancillary or incidental consideration), must include clear, direct, and significant benefits and substantively and comprehensively respond to one or more of the subcriterion listed in the criterion descriptions. To receive a "medium" criterion rating, the criterion may not be a primary project purpose, or the project is moderately responsive to the criterion. A "low" criterion rating means the application is minimally responsive to the criterion and makes a weak case about advancing the program goals. Projects that are counter to the criterion, the application contains insufficient information to assess that criterion's benefits, or for which the application does not address the criterion will receive a "non-responsive" criterion rating.

Rating Scale	High	Medium	Low	Non-Responsive
Description	The application is substantively and comprehensively responsive to the criterion. It makes a strong case about advancing the program goals as described in the	The application is moderately responsive to the criterion. It makes a moderate case about advancing the program goals as described in the	The application is minimally responsive to the criterion. It makes a weak case about advancing the program goals as described in the	The narrative indicates the proposal is counter to the criterion or does not contain sufficient information. It does not advance

criterion descriptions.	criterion descriptions.	criterion descriptions.	or may or negatively impact criterion goals.
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The combination of individual criterion ratings will inform one overall Merit Rating: Highly Recommended, Recommended, Acceptable, or Not Recommended, as shown below.

- Highly Recommended if four or more of the six merit criteria ratings are "high" and none of the merit criteria ratings are "non-responsive."
- Recommended if at least two of the merit criteria ratings are "high," no more than three of the merit criteria ratings are "low," and no more than one is "non-responsive, and it does not fit within the definition of Highly Recommended.
- Acceptable if there is a combination of "high," "medium," "low," or "non-responsive" ratings that do not fit within the definitions of Highly Recommended, Recommended, or Not Recommended.
- Not Recommended if there are three or more "non-responsive" ratings.

iii. Senior Review Team (SRT) Phase

Applications that receive an overall rating of 'Highly Recommended' based on the methodology above, proceed to the Second-Tier Analysis. The SRT may advance 'Recommended' applications that exhibit exceptional benefits for economically disadvantaged communities per Criterion #2 – Access and Criterion #5 – Equitable Development.

iv. Second-Tier Analysis

Second-Tier Analysis for Planning Grant applications consists of a two-part project readiness assessment for Technical Assessment and Financial Completeness. Second-Tier Analysis for Capital Construction Grant applications consists of a review of the Benefit-Cost Analysis and a three-part readiness assessment for Technical Assessment, Financial Completeness, and Environmental Risk. Assessments will be rated as follows:

- Technical Assessment results in a rating of: 'Certain,' 'Somewhat Certain,' 'Uncertain,' or 'Unknown.' Lack of previous project delivery according to Federal requirements is not sufficient justification for a rating of 'Uncertain,' but may result in a rating of 'Unknown.'
- The Financial Completeness Assessment reviews the availability of matching funds and whether the applicant presented a complete funding package. It results in a rating of 'Complete,' 'Partially Complete,' or Incomplete.'
- Environmental Risk Assessment analyzes the project's environmental approvals and likelihood of the necessary approvals affecting timely project obligation. It results in a rating of 'High Risk,' 'Moderate Risk,' or 'Low Risk.'
- Benefit Cost Analysis results are Positive (benefits outweigh costs) or Negative (costs outweigh benefits) or Uncertain.

Low ratings in any of these readiness areas do not disqualify projects from award, but competitive applications clearly and directly describe a realistic and achievable project and

address risk mitigation strategies. A project with mitigated risks or with a risk mitigation plan is more competitive than a comparable project with unaddressed risks.

Rating	High	Medium	Low
Technical Assessment	Certain: The team is confident in the applicant's capacity to deliver the 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.	Uncertain: The team is not confident in the applicant's capacity to deliver this project in a manner that satisfies federal requirements
Financial Completeness	Complete: The Project's federal and non-federal sources are fully committed—and there is demonstrated funding available to cover contingency/cost increases.	Partially Complete: Project funding is not fully committed but appears highly likely to be secured in time to meet the project's construction schedule.	Incomplete: 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.
Environmental Risk Assessment (Capital Construction only)	Low Risk: Based on the available information, it is highly likely that the project will meet the recommended obligation deadline.	Moderate Risk: Based on the available information, there is some possibility that the project will not meet the recommended obligation deadline.	High Risk: Based on the available information, there is a high likelihood that the project will not meet the recommended obligation deadline.

Each project readiness criterion has its own rating, but translates to 'High,' 'Medium,' or 'Low':

Based on the Second-Tier Analysis, DOT will develop an aggregate Project Readiness rating of 'Very Likely,' 'Likely,' or 'Unlikely' using the following methodology:

Overall Project Readiness Rating	Individual Criteria Ratings for Planning (2 Factors)	Individual Criteria Ratings for Construction (3 Factors)
Very Likely: Based on the information provided in the application and the proposed scope of planning activities or construction project, it is very likely the	• Two 'High'	 All 'High' Two 'High,' one 'Medium'

 applicant can successfully complete the project. Likely: Based on the information provided in the application and the proposed scope, it is probably that the applicant can successfully complete the project. 	• Combination of ratings that do not fit within the definitions of Very Likely or Unlikely	 One 'High,' two 'Medium' All 'Medium' One 'High,' one 'Medium,' one 'Low'
Unlikely: Based on the information provided in the application and the proposed scope, it is uncertain whether the applicant can successfully complete the project.	• Two 'Low'	 Two 'Medium,' one 'Low' Two or more 'Low'

v. Highly Rated Applications for Secretary's Consideration

Following completion of Second-Tier Analysis, the SRT determines which applications with Second-Tier Analysis are designated as Highly Rated. The SRT reserves the right to confer and include consultation with DOT Field Offices and inter-agency Federal Departmental partners in determining which applications with Second-Tier Analysis are designated as Highly Rated. In addition to information provided in applications and the results of the Merit Criteria reviews and Second-Tier Analysis, the SRT may consider their personal knowledge and information provided by DOT Field Offices and inter-agency Federal partners on the alignment of specific applications with the criteria described in Section E.1.

For each grant type, the SRT will present the Secretary of Transportation with a list of Highly Rated Applications for the Secretary's Consideration. The SRT may refer select Capital Construction Grant applications for consideration for Planning Grant awards where project sponsors would benefit from additional planning, feasibility, design, and engineering to improve project readiness. Capital Construction Grant applications eligible for this consideration will have a 'Highly Recommended' merit rating, a 'Likely' or 'Unlikely' project readiness rating, and will exhibit exceptional benefits for economically disadvantaged communities per Criterion #2 – Mobility and Community Connectivity and Criterion #4 – Equitable Development and Shared Prosperity.

The SRT may advise the Secretary on any application on the list of Highly Rated Applications, including options for reduced awards. The Secretary makes final selections consistent with selection criteria and statutory requirements. The Secretary's selections identify the applications that best address program criteria outlined in Section E and program goals in Section A and are most deserving of funding.

To support the program goal of more equitable investment in economically disadvantaged communities, the SRT will seek to present a list of Highly Rated Applications sufficient to award the majority of RCP Planning Grant benefits, in the form of total overall RCP Planning Grant funds, to Planning Grant applications that serve economically disadvantaged communities.

The Secretary may consider benefits to disadvantaged communities, urban / rural / Tribal balance, geographic, and organizational diversity when selecting RCP Program grant awards.

3. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. DOT must review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS), the designated integrity and performance system accessible through SAM. An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. 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

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects at <u>https://www.transportation.gov/reconnecting</u>. The posting of the list of selected award recipients will not constitute an authorization to begin performance. Following the announcement, for each application received, DOT will provide email notification the point of contact listed in the SF-424 stating whether the application was selected for award. For selected applications, DOT will initiate negotiation of a grant agreement with that contact.

2. Administrative and National Policy Requirements

i. Critical Infrastructure Security, Cybersecurity and Resilience¹⁵

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 National Security Memorandum 22 to Secure and Enhance the Resilience of U.S. Critical Infrastructure, 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 the Department and the Department of Homeland Security, will be required to do so before receiving funds.

ii. Domestic Preference Requirements

As expressed in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to the domestic preference requirements at 23 USC 313, 23 CFR 635.410, Build America, Buy America Act (Pub. Law 117-58, Title IX), and 2 CFR part 184. The Department expects all applicants to comply with those requirements.

¹⁵ This policy statement should be included in all BIL NOFOs. Program managers should contact the Office of the Chief Information Officer (OCIO) with any questions regarding applicability at DOT-Sector-Cyber@dot.gov.

iii. 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 Americans with Disabilities Act of 1990 (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. Additionally, DOT encourages RCP Program award recipients to adhere to the Public Rights-of-Way Accessibility Guidelines and utilize universal design principles.¹⁶ DOT's and the applicable Operating Administrations' Offices of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

iv. National Environmental Policy Act of 1969 (NEPA)

Funding recipients must comply with NEPA under 42 U.S.C. §§ 4321 et seq. and the Council on Environmental Quality's NEPA implementing regulations at 40 CFR §§ 1500-1508, where applicable. Applicants must also follow the NEPA regulations, policy, and guidance, as applicable, of the DOT operating administration(s) identified as the NEPA federal lead agency(ies).

v. Federal Contract Compliance

As a condition of grant award and consistent with EO 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 Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. 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. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of Federally-assisted projects over which OFCCP has jurisdiction and that have a project cost above \$35 million. DOT will require project sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award.

vi. Project Signage and Public Acknowledgements

Recipients are encouraged for construction and non-construction projects to post project signage and to include public acknowledgments in published and other collateral materials (e.g.,

¹⁶ <u>https://www.access-board.gov/prowag/</u>

press releases, marketing materials, website, etc.) satisfactory in form and substance to DOT, that identifies the nature of the project and indicates that "the project is funded by the Bipartisan Infrastructure Law." In addition, recipients employing project signage are required to use the official Investing in America emblem in accordance with the Official Investing in America Emblem Style Guide. Costs associated with signage and public acknowledgments must be reasonable and limited. Signs or public acknowledgments should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or recipient burden. The Recipient is encouraged to use recycled or recovered materials when procuring signs.

vii. Other Administrative and 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 § 200, Subpart F, as adopted by DOT at 2 CFR § 1201. Additionally, as permitted under the requirements described above, applicable Federal laws, rules, and regulations of the relevant operating administration (e.g., the Federal Highway Administration, Federal Transit Administration, Federal Railroad Administration, etc.).¹⁷ DOT anticipates grant recipients will have varying levels of experience administering Federal funding agreements and complying with Federal requirements, DOT will take a risk-based approach to RCP Program grant agreement administration to ensure compliance with all applicable laws and regulations.

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 the Department of Transportation; 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

i. Progress Reporting on Grant Activities

Progress reporting addresses both project administration and overall project benefits. It should include measurable goals or targets that DOT will use internally to determine whether the project meets program goals, and grant funds achieve the intended long-term outcomes of the RCP Program. Section C - Data Collection Requirements.

¹⁷ Please visit <u>Reconnecting Communities Grant Agreements</u> | <u>US Department of Transportation</u> for the General Terms and Conditions for FY 2023 awards. The Reconnecting Communities FY 2024 Terms and Conditions will be similar to the RCP FY 2023 Terms and Conditions and will include relevant updates consistent with this notice.

During the project's period of performance, recipients must submit regular Performance Progress Reports (SF-PPR) and Federal Financial Reports (SF-425) to monitor project administration and ensure accountability and financial transparency in the RCP Program.

RCP Program recipients must also submit annual reports that address both project administration and the overall benefits delivered to the project area that were articulated in the applicants' grant proposal and agreed upon with DOT in the grant agreement prior to the obligation of the award. Five years after the project is complete, Capital Construction Grant recipients should submit a report fully documenting outcomes achieved in association with the RCP Program project.

ii. Post Award Reporting Requirements / 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 in SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (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 Pub. L. No.110-417, as amended (41 U.S.C. § 2313). As required by section 3010 of Pub. L. No. 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. Additionally, if applicable funding recipients must be in compliance with the audit requirements in 2 CFR § 200, Subpart F.

iii. Performance and Program Evaluation

As a condition of grant award, RCP Program grant recipients may be required to participate in an evaluation undertaken by DOT, 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. DOT may require applicants to collect data elements to aid the evaluation. 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) facilitates access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and subrecipients 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 their progress towards meeting an agency priority goal(s). 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 subrecipients 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." 5 U.S.C. § 311. Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

For more information on RCP performance and program evaluation, and grant implementation progress reporting, please visit <u>https://www.transportation.gov/grants/RCPprogram</u>.

G. Federal Awarding Agency Contacts

For further information concerning this notice please contact the Reconnecting Communities grant program staff via e-mail at <u>ReconnectingCommunities@dot.gov</u>, or email Andrew Emanuele at <u>andrew.emanuele@dot.gov</u>. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will post answers to questions and requests for clarifications on DOT's website at <u>https://www.transportation.gov/reconnecting</u>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions. DOT staff may also conduct briefings on the RCP Program grant selection and award process upon request.

H. Other Information

1. Definitions

Term	Definition
Community Advisory Board	For the purposes of this NOFO, a Community Advisory Board shall facilitate community engagement with respect to the project, including regarding community sentiment and buy-in, and track progress with respect to commitments of the grant recipient to inclusive employment, contracting, and economic development. A Community Advisory Board shall be composed of representatives of the community, community-serving non- profits, owners of businesses that serve the community, labor organizations that represent workers that serve the community.
Context-Sensitive	Context Sensitivity is a collaborative, interdisciplinary approach that involves all stakeholders to provide a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility.
Displacement	In accordance with the Uniform Relocation Act, DOT defines a displaced person as any [eligible] person who moves from the real property or moves his or her personal property from the real property as a direct result of written notice of intent to acquire, or the acquisition, rehabilitation, or demolition of real property in whole or in part for a Federally-funded project. See full definition in 49 CFR 24.2(a)(9).

Economically	For the purposes of the RCP NOFO, applicants may demonstrate		
Disadvantaged Community			
	Climate and Economic Justice Screening Tool (CEJST) to		
	identify geographically defined disadvantaged communities. To		
	identify communities that are located in an area of persistent		
	poverty to further assess burdens or assess and demonstrate		
	benefits of a project, applicants may use the CEJST and one or		
	more of the following tools:		
	1. <u>EPA Environmental Justice Screening and Mapping tool</u> (EJSCREEN) – socio-economic indicator for low income,		
	block groups in the 80 th percentile or above, compared to the		
	State.		
	2. <u>Areas of Persistent Poverty table</u> for the County or Census		
	tract level.		
	3. Census tract identified in the USDOT Equitable		
	Transportation Community (ETC) Explorer		
	4. <u>FHWA Screening Tool for Equity Analysis of Projects</u>		
	A project located in both (1) areas that are Disadvantaged		
	Communities and (2) areas that are not Disadvantaged		
	Communities will be designated as Disadvantaged Communities		
	if the majority the project's costs will be spent in the areas that qualify as Disadvantaged Communities. For RCP Community		
	Planning grants, the location being planned, prepared, or		
	designed will be used for the Disadvantaged Community		
	designation. Projects that fall on the border of a Disadvantaged		
	and Non-Disadvantaged Community will be considered		
	Disadvantaged Communities.		
	As outlined on the "Methodology" page, the CEJST uses		
	datasets as indicators of burdens. The burdens are organized into		
	categories. The categories of burdens are: climate change,		
	energy, health, housing, legacy pollution, transportation, water		
	and wastewater, and workforce development. A community is		
	highlighted as disadvantaged on the CEJST map if it is in a		
	census tract that is (1) at or above the threshold for one or more		
	environmental, climate, or other burdens, and (2) at or above the		
	threshold for an associated socioeconomic burden. In addition, a		
	census tract that is completely surrounded by disadvantaged		
	communities and is at or above the 50% percentile for low		
	income is also considered disadvantaged.		
Eligible Facility	A highway or other surface transportation facility that creates a		
	barrier to community connectivity, including barriers to		
	mobility, access, or economic development, due to high speeds,		
	grade separations, or other design factors.		

Environmental justice, as defined by EO 14096, is the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people:
(i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
(ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.
Equitable development is a development approach for meeting the needs of all communities, including underserved communities through policies and programs that reduce disparities while fostering livable places that are healthy and vibrant for all.
The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as persons of color; religious minorities; LGBTQI+ persons; persons with disabilities; rural residents; and people living in poverty.
As defined by the U.S. Environmental Protection Agency, gentrification commonly refers to the process of neighborhood change that occurs as places of lower real estate value are transformed into places of higher real estate value. In recent years, gentrification has become an increasingly common occurrence because of the growing popularity of urban centers and existing communities. Gentrification is a nuanced process whose outcomes may be viewed as: positive based on improvements to physical and economic infrastructure; negative when cultural assets and cherished institutions are compromised; or both positive and negative when important services (retail, housing, transportation, greenspace, and the like) are provided, but are unaffordable by long-standing residents.

Highway	The term "highway" includes a road, street, and parkway and is inclusive of its associated right-of-way. A highway may incorporate a bridge, railroad-highway crossing, tunnel, drainage structures, including public roads on dams, signs, guardrails, and other protective structures; and a portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State transportation department. See 23 USC 101(a)(11).
Public Rights-of-Way Accessibility Guideline (PROWAG)	PROWAG means the <u>Public Right-of-Way Accessibility</u> <u>Guideline</u> as issued by the United States Access Board. These proposed guidelines address pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way.
Rural	For the purposes of this NOFO, rural jurisdictions are those outside of Urbanized Areas with populations below 50,000. See U.S. Census Bureau resources on <u>Rural America</u> and <u>Maps of</u> <u>Urbanized Areas</u> . A list of <u>Urban Areas for the 2010 Census is</u> <u>available in the Federal Register</u> . The U.S. Department of Agriculture's Economic Research Service also provides <u>data for</u> rural analysis.
Underserved Communities	Refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of "equity."
Unit of Local Government	The term "unit of local government" means any city, county, township, town, borough, parish, village, or non-general purpose local governments. For the purposes of this NOFO, a public transportation authority that is also a unit of local government would be eligible to apply.
Universal Design	Universal Design is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. By considering the diverse needs and abilities of all throughout the design process, universal design creates products, services, and environments that meet peoples' needs.

2. Publication and Use of Application Information

After 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. 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. The Department may use information contained in applications to inform wider research on past harms.

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 crossreference 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 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 C.F.R. § 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.

3. DOT Feedback on Applications

DOT will not review applications in advance, but DOT staff are available for technical questions and assistance. DOT strives to provide as much information as possible to assist applicants with the application process. Unsuccessful applicants may request a debriefing up to 90 days after the selected funding recipients are publicly announced. Program staff will address questions to reconnectingcommunities@dot.gov throughout the application period.

4. Rural Applicants

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 <u>www.transportation.gov/rural</u>.

Appendix I: Fiscal Year 2024 Reconnecting Communities Pilot (RCP) Program Guidelines for Evaluation of Applications

Introduction/Background

Sections 11101(d)(3) and 11509 of Division A of the Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021, "Bipartisan Infrastructure Law," or "BIL") authorized a total of \$500 million of contract authority from the Highway Trust Fund to be awarded by the DOT for the FY 2022-2026 Reconnecting Communities Pilot (RCP) Program. Title VIII, Division J appropriated an additional \$500 million from the General Fund to be awarded by the DOT for the FY 2022-2026 RCP Program. Of the total amount of the FY 2024 RCP funding available in this notice (FY 2024, 2025, and 2026), \$307 million is authorized contract authority from the Highway Trust Fund (HTF) and \$300 million is appropriations from the General Fund (GF). Due to the imposition of the obligation limitation on the HTF, approximately \$258 million is available for award. Due to the Federal Highway Administration's 1.5% administrative takedown from GF funds, \$295.5 million is available for award.

The purpose of the RCP Program is to advance community-centered connection projects, with a priority for disadvantaged communities, that improve access to daily needs such as jobs, education, healthcare, food, and recreation; foster equitable development and restoration; and reconnect communities by removing, retrofitting, or mitigating highways or other transportation facilities that create barriers to community connectivity, including to mobility, access, or economic development, or cause environmental burdens.

To be selected for an FY 2024 Award, applicants must supply sufficient information to address the selection criteria and project requirements outlined in the NOFO. Applications must be submitted by 11:59 PM EDT on Monday, September 30, 2024. Late applications will not be accepted.

The Office of the Assistant Secretary for Transportation Policy (OST-P) will organize the evaluation and selection process with the assistance of the Office of the General Counsel (OGC) and other applicable Operating Administrations (OAs). This document provides information and guidance for the evaluation teams, including the roles and responsibilities of each team, the overall evaluation process, and details of each review phase. Consistent with BIL div. A Sec. 11509, this document supplements the NOFO and should be used, reviewed, and understood by all team members prior to their participation in the evaluation process. These guidelines use terminology as defined in the NOFO.

Review Process Overview

The RCP Program provides technical assistance and funding for two types of grants: Community Planning Grants and Capital Construction Grants. While some parts of the review process are identical for each type of grant, there are differences, which will be further described in the following sections.

The Department will review all applications received before the submission deadline. Late applications will not be considered. The RCP Program grant review and selection process consists of intake, merit analysis, first senior review of 'Recommended' projects, second-tier

Phase	Activities	
Intake Phase	Initial Eligibility Review	
	Sorting and Application Assignment	
Merit Analysis Phase	Merit Criteria Ratings	
	 'Highly Recommended' projects proceed to Second-Tier Analysis 	
Senior Review Phase (I)	Advance 'Recommended' applications that provide	
	exceptional benefit to economically disadvantaged	
	communities to Second-Tier Analysis	
Second-Tier Analysis	Project Readiness for all grant application types	
	• Benefit-Cost Analysis (reviewed if submitted but required	
	only for RCP Capital Construction Grants)	
Senior Review Phase (II)	• Assemble list of 'Highly Rated' Applications for the	
	Secretary's Consideration	
Selection and Award	Secretary selects projects	
Phase	• Finalization of proposed award amounts	
	Announcement of awards	

analysis for qualifying applications, second senior review, and selection and award. The Secretary makes the final selections.

All information will be included and documented in an online, web-based evaluation tool for the internal use of evaluation teams. The evaluation tool will include the specific fields that evaluators will be expected to complete that capture the data fields outlined below.

Participant Agreements

All individuals who participate in the application review process, including evaluators, SRT members, and support staff who view applications, will enter written agreements committing to comply with conflict-of-interest laws, not to disclose non-public information, and not to use non-public information for private gain. OST-P collects and maintains executed agreements. OGC will be available to advise participants who have questions about complying with these requirements. See Appendix I for the *Guidance and Certification on Conflicts of Interest and Nonpublic Information*.

Teams

The **Evaluation Management and Oversight Team** (EMOT), which is comprised of OST-Policy, OA, and OST OGC staff will organize and support the process through all phases. EMOT will ensure the ratings are consistent internally and with the evaluation guidelines by reviewing evaluations conducted by different groups of reviewers. If the EMOT finds inconsistencies, they will ask the responsible Team Lead to review and revise as appropriate. The EMOT will document that they have completed their quality control review prior to the application being presented as part of the Senior Review Phase.

Evaluation Teams comprised of staff from OST-P, FHWA, FTA, FRA, and contracted support staff, as appropriate, will conduct merit criteria evaluation review actions and ratings

assignments for Community Planning Grant and Capital Construction Grant applications. Interagency Federal staff will support evaluation teams by advising on the evaluation for a subset of merit criteria. These inter-agency advisors will offer subject matter expertise related to topics such as equitable development strategies.

A **Technical Capacity Assessment Team**, managed by the EMOT and in coordination with OA field office staff, will conduct the assessment per the template in Appendix III of this document.

A **Financial Completeness Assessment Team**, managed by the EMOT and in coordination with the Build America Bureau, will conduct the assessment per the template in Appendix III of this document.

The **Economic Analysis Team**, led by a senior departmental economist and comprising economic experts from OST and the OAs, along with contracted support, will evaluate the BCAs submitted by applicants. See the template in Appendix III of this document.

An **Environmental Risk Review Team**, comprised of OST-P and OA staff, will evaluate the prerequisite of project inclusion in the S/TIP or equivalent and TAM Plan for transit, the status of the project's environmental approvals and readiness to proceed if selected, as well as potential project risks and mitigation strategies all relating to the proposed project schedule. Multiple OAs may be assigned as deemed necessary (e.g., for a project with both port and rail components). See the template in Appendix III of this document.

The **Senior Review Team** consists of senior departmental officials who have been requested to serve by the Secretary, and at a minimum includes leadership from OST-Policy, FHWA, FRA, and FTA.

Intake Review Phase

The first phase of the evaluation process is the **Intake Review Phase**. The Intake Review Phase is different for Community Planning Grants and Capital Construction Grants. During this phase, the EMOT, with support from OST-P, FHWA, FTA, FRA, and contracted support staff, will perform the activities below. All completeness and eligibility determinations will be documented.

- Sort Applications: The Team will sort applications into groupings for assignment to evaluators, separating Community Planning Grants and Capital Construction Grants. The Team will also note the State(s) in which the applicant is located and modal type of the Eligible Facility. The Team will note applications directly benefiting federally recognized Tribes in addition to the State location.
- **Application Completeness Determinations:** For each application, an initial review will assess whether the applicant submitted all the information requested for an application.
 - For Community Planning Grants, this includes Standards Forms (SF) SF-424, SF-424A, SF-424B, and the intake information, Narrative, and Budget.
 - For Capital Construction Grants, this includes Standard Forms SF-424, SF-424C, SF-424D, and the intake information, Narrative, and Budget.
 - This step will affirm whether information is present and consistent within the application, not the accuracy or quality of the submission. Applicants who are determined to be ineligible will be notified in writing, and all determinations will be documented.

• Affirm Applicant Eligibility and Project Eligibility:

- For Community Planning Grants, eligible applicants are:
 - A State; a unit of local government; a Tribal government; a metropolitan planning organization (MPO); or a Nonprofit organization.
- For Capital Construction Grants, eligible applicants are:
 - The Facility Owner or a partnership between the Facility Owner and any eligible Community Planning Grant applicant, where the Facility Owner serves as the lead applicant.

Merit Criteria Rating Phase

Evaluation Teams will assess all applications against the merit criteria per the guidelines included in the NOFO. The guidelines will ensure that each application is evaluated consistently, and the evaluation is sufficiently documented. The Quality Control Team will ensure internal consistency and consistency with the evaluation guidelines. While there are some differences between the merit criteria for the Community Planning Grants and Capital Construction Grants, the ratings process for the merit phase are the same. The process and ratings are described below. All determinations will be documented for future reference and accountability purposes.

All eligible applications for Community Planning Grants and Capital Construction Grants received by the deadline will be reviewed by Evaluation Teams. Each Team has one Team Lead. The Team Lead will be responsible for ensuring that each application is evaluated consistently and per the guidelines. The Team Lead will ultimately determine the application rating in consultation with the other Team member and with input from the inter-agency advisor(s), and their reviews. The Team Lead will be solely responsible for determining and justifying the evaluation.

The Team will enter their ratings and reviews into the evaluation tool. Instructions for completing the ratings and justification fields are included in the Appendix of these guidelines.

• Review Merit Criteria: The Team will assess and provide ratings for each of these criteria based on the considerations described in the NOFO: #1 Equity and Justice40; #2 Access; #3 Facility Suitability; #4 Community Engagement, and Community-based Stewardship, Management, and Partnerships; # 5 Equitable Development; #6.1 Climate Change Mitigation and/or Adaptation and Resilience; #6.2 Workforce Development and Economic Opportunity; and #6.3 Planning Integration. Each merit criterion will be rated 'High,' 'Medium,' 'Low,' or 'Non-Responsive.' Based on the criteria ratings, an overall application merit rating of 'Highly Recommended,' 'Recommended,' 'Acceptable,' or 'Not Recommended' will be assigned. The rubric is provided in Appendix II.

Once every application has been assigned an overall merit rating, all Highly Recommended grant applications will proceed to the Second-Tier Analysis. Recommended grant applications may advance at the discretion of the Senior Review Team, as described in the next section.

Senior Review Team (SRT) Phase

Applications that receive an overall rating of 'Highly Recommended' based on the methodology above proceed to the Second-Tier Analysis. The SRT may advance to Second-Tier Analysis only 'Recommended' applications that exhibit exceptional benefits for economically disadvantaged communities per Criterion #2 – Access and Criterion #5 – Equitable Development, as determined by the SRT.

Second-Tier Analysis

Second-Tier Analysis for Community Planning Grant applications consist of a two-part project readiness assessment for Technical Assessment and Financial Completeness. Second-Tier Analysis for Capital Construction Grant applications consists of a review of the Benefit-Cost Analysis and a three-part readiness assessment for Technical Assessment, Financial Completeness, and Environmental Risk. The process and criteria for each are described below.

Second-Tier Analysis - Community Planning Grants

Teams will conduct a second-tier analysis consisting of project readiness demonstration through Technical Assessment and Financial Completeness. The Technical Assessment and Financial Completeness Assessment are based on information contained throughout the application and do not require any additional submissions.

- Technical Assessment 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, previous experience with DOT discretionary grant awards and the technical experience and resources dedicated to the project. Ratings will be one of the following: 'Certain,' 'Somewhat Certain,' 'Uncertain,' or 'Unknown.' Lack of previous project delivery according to Federal requirements is not sufficient justification for a rating of 'Uncertain,' but may result in a rating of 'Unknown.'
- Financial Completeness Assessment reviews the budget information and assesses the extent to which expenses are necessary and reasonable to perform the activities required to execute the Community Planning Grant based on 2 CFR § 200.404. It also considers availability of matching funds and whether the applicant presented a well-documented budget with any necessary supporting materials to substantiate matching funds. This assessment will result in a rating of 'Complete,' 'Partially Complete,' or 'Incomplete.'

Second-Tier Analysis - Capital Construction Grants

Teams will conduct a second-tier analysis consisting of project readiness demonstration through Technical Assessment, Financial Completeness, and Environmental Risk. RCP Capital Construction grant applications are also evaluated on the results of a BCA. The Technical Assessment and Financial Completeness Assessment are based on information contained throughout the application and do not require an additional submission. The application should include additional information that explicitly addresses Environmental Risk. Supplemental appendices or attachments supporting Environmental Risk and the BCA do not count against overall length.

- Technical Assessment 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, previous experience with DOT discretionary grant awards and the technical experience and resources dedicated to the project. Ratings will be one of the following: 'Certain,' 'Somewhat Certain,' 'Uncertain,' or 'Unknown.' Lack of previous project delivery according to Federal requirements is not sufficient justification for a rating of 'Uncertain,' but may result in a rating of 'Unknown.'
- Financial Completeness Assessment reviews the budget information and assesses the extent to which expenses are necessary and reasonable to perform the activities required to execute the Capital Construction Grant based on 2 CFR § 200.404. It considers availability of matching funds and whether the applicant presented a well-documented budget any necessary supporting materials to substantiate matching funds. The assessment 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.
- Environmental Risk Assessment analyzes the project's environmental approvals and likelihood of the necessary approval affecting project obligation, and results in a rating of 'High Risk,' 'Moderate Risk,' or 'Low Risk.' As a prerequisite, RCP applicants must demonstrate project inclusion in the STIP or equivalent planning document, or the TAM Plan for transit projects, or include a narrative explanation of how this will be achieved prior to the obligation of an award. The environmental risk assessment will depend on the completeness and clarity with which applicants address the suggested information and prompts detailed in the Narrative section (D.2.iv.), above.
- **Benefit-Cost Analysis** for applications will be reviewed and assigned a rating of 'Positive' benefits exceed costs, 'Negative' costs exceed benefits, or 'Uncertain' if there is not enough information available to decide.
 - The purpose of the BCA is to enable DOT to evaluate the project's cost-effectiveness by comparing its expected benefits to its expected costs.
 - A 'Negative' rating does not disqualify the application from an award selection.
 - Applicants should provide all relevant files used for their BCA, including spreadsheets and technical memos describing the analysis so there is sufficient detail and transparency to allow DOT to reproduce the analysis.
 - The BCA should carefully document assumptions and methodology including a description of the baseline, the sources of data used to estimate project outcomes, and the values of key input parameters. The analysis should provide present value estimates of a project's benefits and costs relative to a no-build baseline. To calculate present values, applicants should apply a real discount rate of 7 percent per year to the project's streams of benefits and costs, which should be stated in constant-dollar terms. The costs and benefits that are compared in the BCA must cover the same project scope.

Senior Review Team Phase II

Following completion of second-tier analysis, the SRT determines which applications with second-tier analysis are designated as 'Highly Rated' based on the criteria described in the NOFO. The SRT makes a list of highly rated Applications for Consideration available to the Secretary. The Secretary selects projects.

In Senior Review Team Phase II, the SRT will:

- **Reassign Grant Application Type:** The SRT may recommend the reassignment of a highlyrated Capital Construction Grant application for a Community Planning Grant award where DOT recommends project sponsors engage in additional planning, feasibility, design, and engineering to improve project readiness. Capital Construction Grant applications are eligible for this consideration only if they have a 'Highly Recommended' merit rating, a 'Likely' or 'Unlikely' project readiness rating and exhibit exceptional benefits for economically disadvantaged communities per Criterion #2 – Access and Criterion #5 – Equitable Development, as determined by the SRT.
- **Confirm Eligibility for RCP Capital Construction Grants:** Following the completion of Second-Tier Analysis, the SRT will confirm with DOT Field Offices the following:
 - **Ownership of Facility**: An eligible applicant for RCP Capital Construction Grants must have ownership over an eligible facility or a partnership with the owner.
- Finalize the List of Highly Rated Applications for Consideration: The SRT shall convert the list of Community Planning and Capital Construction with the proposed thresholds into a list of Highly Rated Applications for Consideration. The SRT finalizes the list of Applications for the Secretary's Consideration. The Secretary selects projects from this list.
 - To support the program goal of more equitable investment in economically disadvantaged communities, the SRT will seek to present a list of Highly Rated Applications sufficient to award of the majority of Community Planning Grant benefits, in the form of total overall Community Planning Grant funds, to Community Planning Grant applications that serve economically disadvantaged communities.

Secretary Selection Phase

For each grant type, the SRT will present Highly Rated Applications for Consideration to the Secretary, either collectively or through a representative. The Secretary shall receive the Highly Rated Applications from the SRT. The SRT may advise the Secretary on any application on the list, including options to reassign an application type or for reduced awards. The Secretary makes final selections based on the description below.

Grant Selection for Community Planning and Capital Construction Grants

The Secretary will make selections based on the list of Highly Rated Applications for Consideration. The Secretary will select Community Planning and Capital Construction applications from the list. The Secretary may consider benefits to economically disadvantaged communities, urban / rural / Tribal balance, geographic, and organizational diversity when making selections. The Secretary's selections identify the applications that best address program requirements and are most deserving of funding.

Roles and Responsibilities

OST, FRA, FTA and FHWA General Functions

The Office of the Under Secretary of Transportation for Policy (OST), FRA, FTA and FHWA provide staff to the EMOT and are responsible for managing and coordinating the entire application review process. The management and coordination of the review process includes structuring and documenting SRT meetings, coordinating meetings between the Secretary and the Senior Review Team, issuing evaluation guidelines, managing the electronic evaluation system, and drafting the required Congressional notification.

OST, FTA, FRA and FHWA coordinate the documentation for key program decisions. Key decisions include decisions to: 1) change the scope of a project under consideration; 2) communicate with an applicant for additional information; 3) advance an application to Second-Tier Analysis; 4) determine an application is Highly Rated; 5) award less than an amount requested; and 6) recommend the reassignment of a Capital Construction Grant application for a Community Planning Grant award, and 7) not select a Highly Rated project. The selection of applications to receive an award will also be documented.

Key decisions also include all decisions resulting in the disposition of an application, including:

- A final determination that an applicant or project is ineligible for funding;
- The basis upon which an application is not added to the list of Highly Rated Applications for Consideration;
- The basis upon which an application is added to the list of Highly Rated Applications for Consideration;
- The basis upon which a Capital Construction Grant application is referred for a Community Planning Grant award; and,
- The basis upon which each application on the list of Highly Rated Applications for Consideration is or is not selected for an award.

Office of the General Counsel

The Office of the General Counsel (OGC) provides legal advice to all teams and participants involved in the evaluation process at all phases in the evaluation process. OGC supports the EMOT team by reviewing documentation of the evaluation process that the EMOT provides for legal sufficiency review.

Appendix II: Conflicts of Interest Letter

GUIDANCE AND CERTIFICATION ON CONFLICTS OF INTEREST AND NONPUBLIC INFORMATION

For Participants in the Evaluation and Selection Process for the Reconnecting Communities Pilot (RCP) Program Notice of Funding Opportunity (NOFO) <u>Conflicts of Interest</u>

Because individual participants in the evaluation and selection process are most familiar with their own situations, it is their responsibility to:

- 1) Ensure that they have a completed an annual financial disclosure report (OGE Form 278e or OGE Form 450) if requested by their operating administration;
- 2) If they identify any potential conflict of interest, whether real or apparent, that may affect an evaluation, immediately disclose that potential conflict to an Office of the General Counsel (OGC) attorney (Jennifer Kirby/McLemore or another OGC ethics attorney) and, if the participant is a technical evaluator, their team lead; and
- 3) Certify below that they will not participate, and have not participated, in the review of any application where their participation constitutes a real or apparent conflict of interest.

There are several potential sources of conflicts of interest: outside employment, spousal employment, financial benefit, personal relationships, professional relationships, and other interests. If applicable, any one of these bases may disqualify an employee from participating in the review of an application. A conflict of interest may be real or apparent, personal or financial. Below are examples of conflicts in each of these categories, but these examples are not exhaustive.

<u>Personal Conflicts of Interest</u> arise, e.g., when an evaluator, close relative, spouse, or business associate of an evaluator has:

- an interest in a grant application that is likely to bias his or her evaluation of it.
- involvement as a staff member, consultant, or advisor on any application.
- a close personal or familial relationship with the author or staff on any application.
- a professional or financial relationship within the past year with the author or staff on any application.
- been an employee within the past year of the organization, department, or government submitting the application.
- been seeking employment, is interviewing with, or has an open employment offer from the applicant or another party interested in the application.
- had a recent collaborative relationship with the author or staff of any application.
- within the past year, received a gift from the author or staff of an organization submitting an application.

<u>Financial Conflicts of Interest</u> arise, e.g., when an evaluator, close relative, spouse, or business associate of an evaluator has:

• received or could receive a direct financial benefit deriving from a grant application.

- a financial interest in the applicant entity. This includes income or ownership from stocks, bonds, or other financial holdings, and outside employment or board of director positions.
- any other interest in the application or proposal that is likely to bias the evaluator's evaluation of that application or proposal.
- any other interest in an application or proposal that is known to the evaluator and would cause a reasonable person to question the evaluator's impartiality if the evaluator were to participate in the review.

Please remember that in the performance of your duties, you must act impartially and not give preferential treatment to any organization or individual. If you participate in matters in which you have a financial interest, or for which financial interests are imputed to you, then you may violate criminal law.

Nonpublic Information

Grant applications may contain information that has not been made available to the general public. Likewise, the Department's analyses of applications, including technical evaluations, evaluation meeting materials, senior officials' internal comments on pending applications, and selection decisions, are nonpublic information. As a participant in the evaluation and selection process, you may create, observe, or gain access to that nonpublic information and other nonpublic evaluation process information. You are not authorized to disseminate that information. You are prohibited from using that information for private gain. These prohibitions include information that may eventually be disclosed to the public in response to a Freedom of Information Act (FOIA) request and information that may be disclosed by senior officials or public affairs officials. Until information is actually disseminated to the general public by authorized officials, it is nonpublic information. Dissemination of nonpublic information or use of nonpublic information for private gain may violate 5 CFR 2635.703 and other Government Ethics regulations and may result in disciplinary action.

CERTIFICATION

I have reviewed the above information regarding conflicts of interest, and in the course of my participation in the RCP Program evaluation and selection process, if I discover either a real or apparent personal or financial conflict of interest related to any application, I will immediately disclose such conflict to an OGC attorney to the RCP Program and appropriate supervisors of my role in the process, and I will cease to review any application or evaluation material for which I have disclosed such a conflict until further notice from my team lead.

I will not disclose nonpublic information that I create or obtain through my participation in the RCP Program evaluation and selection process. I will not use for private gain any nonpublic information that I create or obtain through my participation in the RCP Program evaluation and selection process. If information has not been disseminated to the general public, or if I am uncertain whether information has been disseminated to the general public, then I will treat that information as nonpublic, will not disseminate that information, and will not use that information for private gain.¹⁸

NAME:

SIGNATURE:

DATE:_____

¹⁸ These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.'

Appendix III: Grant Scoring Methodology

This appendix provides the evaluation rubrics that evaluation teams will use to assess the Community Planning Grants and Capital Construction Grants.

Merit Criteria Ratings

For the merit criteria #1 Equity and Justice40; #2 Access; #3 Facility Suitability; #4 Community Engagement, and Community-based Stewardship, Management, and Partnerships; # 5 Equitable Development; #6.1 Climate Change Mitigation and/or Adaptation and Resilience; #6.2 Workforce Development and Economic Opportunity; and #6.3 Planning Integration, the Team will consider whether the application narrative is responsive to the selection criterion focus areas, and will advance program goals, which will result in a rating of 'High,' 'Medium,' 'Low,' or 'Non-Responsive.'

Rating Scale	High	Medium	Low	Non-Responsive
Description	The application is substantively and comprehensively responsive to the criterion. It makes a strong case about advancing the program goals as described in the criterion descriptions.	The application is moderately responsive to the criterion. It makes a moderate case about advancing the program goals as described in the criterion descriptions.	The application is minimally responsive to the criterion. It makes a weak case about advancing the program goals as described in the criterion descriptions.	The narrative indicates the proposal is counter to the criterion or does not contain sufficient information. It does not advance or may or negatively impact criterion goals.

The ratings on the individual merit criteria translate to the following overall application rating for merit criteria:

Overall Merit Rating	Individual Criteria Ratings	
Highly Recommended	• At least four 'High' ratings,	
	Zero 'Non-Responsive' ratings	
Recommended	• At least two 'High' ratings,	
	• No more than three 'Low ratings,'	
	• No more than one 'Non-Responsive' rating, and	
	• Does not meet the criteria for a Highly Recommended	
	Rating	
Acceptable	• Combination of ratings that do not fit within the definitions	
	of Highly Recommended, Recommended, or Not	
	Recommended	
Not Recommended	Three or more 'Non-Responsive' ratings	

Second-Tier Analysis: Project Readiness Criteria Ratings

The Team will consider whether the application addresses the project readiness criteria, which will result in an aggregate rating of 'High,' 'Medium,' or 'Low,' using in the table below. Please note, each project readiness criteria has its own rating and aggregate to 'High,' 'Medium,' or 'Low.'

Rating	High	Medium	Low
Technical	Certain: The team is	Somewhat	Uncertain: The team
Assessment	confident in the	Certain/Unknown: The	is not confident in the
	applicant's capacity	team is moderately	applicant's capacity
	to deliver the project	confident in the	to deliver this project
	in a manner that	applicant's capacity to	in a manner that
	satisfies federal	deliver the project in a	satisfies federal
	requirements	manner that satisfies	requirements
		federal requirements	
Financial	Complete: The	Partially Complete:	Incomplete: The
Completeness	Project's federal and	Project funding is not	project lacks full
	non-federal sources	fully committed but	funding, or one or
	are fully	appears highly likely to	more federal or non-
	committed—and	be secured in time to	federal match sources
	there is demonstrated	meet the project's	are still uncertain as
	funding available to	construction schedule.	to whether they will
	cover		be secured in time to
	contingency/cost		meet the project's
	increases.		construction
			schedule.
Environmental	Low Risk: Based on	Moderate Risk: Based	High Risk: Based on
Risk Assessment	the available	on the available	the available
(Capital	information, it is	information, there is	information, there is a
Construction only)	highly likely that the	some possibility that the	high likelihood that
	project will meet the	project will not meet the	the project will not
	recommended	recommended obligation	meet the
	obligation deadline.	deadline.	recommended
			obligation deadline.

Appendix IV: Templates

Technical Assessment Template

Experienced Applicant	
Does the applicant have experience delivering Federally funded transportation projects?	 Experience (Comment Required) Limited Experience (Comment Required) No Experience (Comment as needed)
<i>Did the applicant previously receive a DOT Discretionary Grant award?</i>	☐ Yes (Comment Required) ☐ No
Does the applicant have the technical experience and resources to deliver the project?	 Experience (Comment Required) Limited Experience (Comment Required) No Experience (Comment as needed)
Has the applicant completed projects with similar scope in the past?	 ☐ Yes (Comment Required) ☐ No (Comment Required) ☐ Do not know (Comment as needed)
<i>Is the applicant likely to be able to deliver the project based on current capacity?</i>	 ☐ Yes (Comment Required) ☐ No (Comment Required) ☐ Do not know (Comment as needed)
Is it likely that the applicant will request a recipient change upon award to facilitate implementation (for example, to the State DOT)? Is this plan reasonable and clear in the application? Does the application confirm that the intended recipient agreed to implement the project?	 ☐ Yes (Comment Required) ☐ No (Comment Required) ☐ Do not know (Comment as needed)
Federal Requirements	
Are there any unidentified risks to implementing the project? Has the applicant initiated procurement in a manner that may be inconsistent with Federal requirements?	 ☐ Yes (Comment Required) ☐ No (Comment as needed) ☐ Do not Know (Comment as needed)
Does the applicant have experience or a plan to comply 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 (including limited English proficiency), sex, age, or disability.	 ☐ Yes (Comment Required) ☐ No (Comment as needed) ☐ Do not Know (Comment as needed)
Does the applicant have experience or a plan to comply with design and service standards under the Americans with Disabilities Act and Department of Justice and DOT implementing regulations (49 CFR Parts 27, 37, 38, and 39).	 Yes (Comment Required) No (Comment as needed) Do not Know (Comment as needed)
<i>Is the project likely to require a Buy America waiver or request an exception to the Buy American Act?</i>	 □ Yes (Comment Required) □ No (Comment as Necessary) □ Do not Know (Comment as Necessary)

Does the project include right-of-way acquisition? If known, will right-of-way acquisition require relocation of either residential or commercial properties? Technical Assessment	 ☐ Yes (Comment Required) ☐ No (Comment as Necessary) ☐ Do not Know (Comment as Necessary)
Assign a Technical Assessment Rating from the choices below: -Certain- The team is confident in the applicant's capacity to deliver this project in a manner that satisfies Federal requirements. -Somewhat Uncertain- The team is moderately confident in the applicant's capacity to deliver this project in a manner that satisfies Federal requirements. -Uncertain- The team is minimally confident or not in the applicant's capacity to deliver this project in a manner that satisfies Federal requirements. -Uncertain- The team cannot assess the applicant's capacity to deliver the project. Under what other USDOT funding programs would this project be eligible to receiving funding?	 □ Certain □ Somewhat Certain □ Uncertain □ Unknown

Financial Completeness Assessment Template

FINANCIAL COMPLETENESS	
What are the non-Federal sources funding or financing identified by the applicant's budget? What is the proportion or amount? Is there risk associated with the project's financial plan? Is the cost estimate reasonable? Note the level of design, (e.g., 30%). Is there a plan to address potential cost overruns? Are letters or other budgetary documentation included to commit funding referenced in the application?	
FINANCIAL COMPLETENESS RISK ANALYSIS	□ Complete –The funding arrangements for the project appear certain. It is highly likely that the project's funding arrangements will not prevent obligation within the statutory timeframe.
	□ Partially Complete – Project funding appears uncertain, and due to funding, it is unclear if the project will be able to meet the deadline for obligation.
	□ Incomplete – The project lacks complete funding commitments and does not present a plan for obtaining funds necessary to meet the obligation deadline. Due to funding, there are serious concerns about the ability of the project to meet statutory deadlines.
Rating Summary:	
Please summarize the results of your review: Is the project funding Complete, Partially Complete, or Incomplete?	

Environmental Risk Assessment Template

Project Name and State		
Rating Summary:		
 Summarize key observations from your review for the following elements of project readiness: Applicant, Transportation Needs, and Proposed Improvements Planning & Constructability Proposed Schedule NEPA & Permitting Project Support Risk & Mitigation 		
State whether the applicant clearly and completely addressed the suggested information described in the NOFO and note any missing or inconsistent information.		
Highlight any issues that may delay timely obligation of RCP funds within the recommended program deadline and meeting the project delivery schedule proposed by the applicant.		
Provide a justification for your risk rating below.		

Rating:

 \Box Low Risk (Based on the available information, it is highly likely that the project <u>will</u> meet the recommended obligation deadline.)

□ **Moderate Risk** (Based on the available information, there is some possibility that the project <u>will not</u> meet the recommended obligation deadline.)

High Risk (Based on the available information, there is a high likelihood that the project <u>will not</u> meet the recommended obligation deadline.)

NEPA Status (*If not stated by the applicant, select based on your professional judgement and explain in the summary above.*):

□ NEPA Complete

CE Expected

□ EA/FONSI Expected

□ EIS/ROD Expected

□ Reevaluation

Benefit-Cost Analysis Review Template

Project Name and State	
Project Description	
Please provide a brief description of the key elements of the RCP Program project, including the scope of the project and its total estimated cost. If the RCP Program project is part of a larger project, please also note those additional elements that are not covered by the RCP Program funding request.	
Applicant's BCA Results	
Please summarize the results of the project's benefit-cost analysis as presented in the application, including the specific categories of benefits and costs claimed for the project and their estimated values, the time horizon used in the analysis covers, and whether benefits and costs are reported for separate elements of the project.	
Transparency of the Analysis	
Please evaluate the documentation provided in the benefit-cost analysis in terms of its clarity and reproducibility. Does the application describe the analysis (including specific procedures for estimating benefits and costs) in sufficient detail, and identify its data sources and methods sufficiently clearly, to enable the reviewer to verify or reproduce its results?	
Key Assumptions	
Please address the reasonableness of key assumptions used in the applicant's benefit-cost analysis, including the following:	
 How valid and credible is the baseline (or "no-build" case) used in the analysis? Are the underlying forecasts of facility usage based on credible analysis and assumptions? Do the claimed impacts of the project (such as changes in expected usage, effects on travel speeds or shipment times and delay, changes in vehicle or facility operating costs, improvements in safety outcomes, etc.) seem plausible, and are they aligned with specific features or impacts of the project? Are the values of key parameters used in the analysis reasonable, noting any major departures from the recommended unit values found in USDOT's BCA Guidance? 	
Technical Discussion	
Please provide a technical discussion of the benefits and costs included in the applicant's analysis, addressing such issues as:	

• The use of incorrect methodologies for estimating	
benefits, such as double-counting, representing transfers	
as benefits, improper accounting of mode shift impacts, or	
other technical errors	
• Errors in discounting, inflation adjustments, interpolation	
between base and forecast years, or other computations	
• The use of unreasonable time horizons	
• Mismatches between the scope of the estimated benefits	
and costs	
Omitted or understated costs or cost components	
Unquantified Benefits	
Please describe any qualitative benefits claimed to result from the	
project in the applicant's benefit-cost analysis, as well as any	
potentially quantifiable benefits associated with the project that	
were not included in the analysis. (i.e., travel time reliability or	
benefits to the existing human and natural environments such as	
increased connectivity, improved public health, storm water runoff	
mitigation, and noise reduction.)	
Outside Sources	
Please describe any outside sources used to better understand the	
project and to confirm, correct, or complete missing information in	
the project application that would be helpful for the BCA review.	
Adjustments to Applicant's BCA Results	
Please describe any recommended adjustments to the estimated	
benefits and costs presented in the applicant's BCA, based on	
corrections for any technical errors, applying alternative	
assumptions, or the consideration of unquantified benefits.	
Other Comments (Optional)	
Please provide information on any additional noteworthy impacts	
or issues related to the project, including:	
• Distributional effects, such as the demographic profile of	
expected users or benefits that might narrowly accrue to	
private parties	
 Economic development impacts that might result from 	
improved access and connectivity, such as new or	
expanded employment opportunities for workers in the	
region	
 Any additional comments on issues not covered above 	
Rating Summary	
Please summarize the results of your review.	

Benefit-Cost Rating	□ Negative (Costs Exceed Benefits)
	Positive (Benefits Exceed Costs)
	Uncertain (there is not enough information available to decide)

Appendix V: Reconnecting Communities Pilot Program Evaluation Plan

Introduction

The Reconnecting Communities Pilot Program (RCP) was established in the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL). The RCP is funded with \$1 billion over the fiscal years of 2022 to 2026. The goal of the program is to reconnect communities that were previously cut off from economic opportunities by transportation infrastructure. Funding supports planning and capital construction grants, as well as technical assistance, to restore community connectivity through the removal, retrofit, mitigation, or replacement of eligible transportation infrastructure facilities.

Purpose

The purpose of this document is to respond to various RCP program evaluation needs. These include:

- May 2023 Report to Congressional Committees by the United States Government Accountability Office (GAO)
- Required report to United States Senate Committee on Environment and Public Works and United States House of Representatives Committee on Transportation and Infrastructure (due January 1, 2026)
- Internal Department of Transportation (DOT) evaluation needs, including DOT Evaluation Plan and Annual Performance Plan

The May 2023 Report to Congressional Committees by the United States Government Accountability Office (GAO) titled *Highway Infrastructure – Better Alignment with Leading Practices Would Improve DOT's Reconnecting Communities Pilot Program* (<u>Report</u>) provided the following recommendations to DOT on the RCP:

- 1. Establish performance measures for program objectives (The Secretary of Transportation should establish performance measures for the Reconnecting Communities Pilot program. Such performance measures should indicate DOT's progress in meeting the pilot program's objectives.);
- 2. Assess data and evaluate pilot program results (The Secretary of Transportation should develop and implement a plan to collect and analyze data and evaluate results of the Reconnecting Communities Pilot program. Such a plan should detail the specific data to be collected, a methodology for assessing this data, and a plan for evaluating the pilot program's results with timelines for completion.); and
- 3. Identify a means to make scalability decisions (The Secretary of Transportation should identify a means to assess lessons learned from the Reconnecting Communities Pilot program to inform decisions on whether or how to scale or integrate the pilot with other DOT efforts.).

This evaluation plan is structured around those three recommendations, which are discussed in detail below. This document and its associated tasks are considered a "living document" and will be adjusted as needed, based on any additional needs and opportunities that arise during implementation of the program.

Establish Performance Measures for Program Objectives

The RCP has identified performance measures for the program, including (1) measures used by several DOT discretionary programs; and (2) measures developed specifically for the RCP. Primary performance measures are included in grant agreements as a "menu" of measures from which grantees can select for required project reporting. These performance measures represent a menu of industry standard metrics that are mapped to RCP objectives indicated in the program's authorizing legislation and subsequently in the FY 2022 and 2023 Notices of Funding Opportunity: mobility, access, safety, human and environmental impacts, congestion, economic development, quality of life, and community engagement. The primary measures are the following, with a mapping to one of the program objectives provided for illustration, as many measures capture aspects of multiple objectives:

- Serious injuries/fatalities by mode (safety)
- Bike and pedestrian counts/trips (mobility)
- Total annual emissions within corridor or project area (human and environmental impacts)
- Passenger counts: count of the passenger boardings and alightings at stations within the project area (access)
- Job creation: number of new jobs provided by the transportation facility (economic development)
- Value of housing or land: median assessed value of parcels in the project impact area (economic development)
- Vacancy rates of structures/parcels: median vacancy rate of parcels in the project impact area (economic development)
- Transportation mode choice/transportation cost: the percentage or number of population with access to biking, walking, and transit facilities within the project area (access)
- Travel time reliability: the consistency or dependability in travel times in the project area (congestion)

In addition to these primary performance measures, the RCP has developed a list of secondary, or supplemental, performance measures that relate to RCP objectives. These measures are the following:

- Community engagement: types and amounts of community engagement related to the project that has taken place, including number of type of organizations involved in the project, number of residents/business owners engaged, number of public meetings/outreach activities, etc.
- Localized air emissions: change in emissions of transportation-related air pollutants in areas in or adjacent to the project area
- Business creation: number of new businesses in the project area
- Community wealth-building: inclusion of anti-displacement and other community wealth-building strategies in local planning and/or policy documents
- Land use change: change to land uses or density in the project area, new development or changes in local zoning/planning documents

- Economic investment: new public or private investment in the project area, in addition to RCP funding
- Mobility changes: number or percentage of population using non-automobile travel modes
- Flood risk reduction: amount of land protected from flooding and other climate-related risks

Assess Data and Evaluate Pilot Program Results

The RCP plans to use a variety of methods to collect and analyze data and evaluate pilot program results. This will include collection of baseline data, Capital grant recipient reporting, supplemental collection of data from Grant recipients and external sources, and analysis of quantitative and qualitative data.

Collection of Baseline Data

The RCP is using a phased approach to this evaluation. The first phase will focus on FY 2022 Capital grantees. Future phases will be determined based on evaluation needs and resources available for data collection and analysis. Future data collection and analysis may include FY 2022 planning grantees, a subset of FY 2023 Capital and/or planning grantees, or a combination of those cohorts.

In Phase 1 of the evaluation, the RCP is collecting data on baseline conditions for the six FY 2022 Capital grant recipients. The tasks associated with this data collection are outlined in the Reconnecting Communities and Neighborhoods Program Evaluation Workplan (Phase 1). The data collection consists of preliminary research using publicly available information, grant applications and associated environmental and planning documents, stakeholder interviews, and performance measure data collection.

In this initial phase of the evaluation, the RCP will seek to collect baseline data on five performance measures, chosen from the identified primary and secondary performance measures, and selected for each project based on the goals and envisioned outcomes of the project. The decision to select project-specific performance measures is based on the fact that RCP funding will support a variety of project types (highway caps, complete streets improvements, etc.) and therefore different sets of performance measures will have higher relevance to different project types. This is also consistent with the requirement for grantees to select two performance measures from the list of primary performance measures, discussed in greater detail below. The data sources that the RCP will use to collect performance measure data include those suggested for use by grant recipients in grant agreement guidance, as well as additional sources that could provide data for the secondary performance measures. Data sources for the primary performance measures include:

- Safety: National Highway Traffic Safety Administration's Fatality Analysis Reporting System (FARS) or recipient transportation agency data on injuries and fatalities in the project area using the KABCO scale.
- Bike and pedestrian counts/trips: National Bicycle and Pedestrian Documentation Project methodology or other documented approach.

- Total annual emissions within corridor or project area: Environmental Protection Agency's Motor Vehicle Emission Simulator (MOVES); transportation agency vehicle miles traveled (VMT) data; Highway Performance Monitoring System (HPMS) data; Federal Highway Administration Energy and Emissions Reduction Policy Analysis Tool (EERPAT).
- Passenger counts: transportation agency data for the subject facility.
- Job creation: economic impact analysis tools and models, including REMI Economic Policy Model; Transportation Economic Development Impact System (TREDIS); Bureau of Economic Analysis Input-Output Tables.
- Value of housing or land: local or state agency data; Census/American Community Survey data; commercially available real estate data.
- Vacancy rates of structures/parcels: local or state agency data; Census/American Community Survey data.
- Transportation mode choice/transportation cost: transportation agency transportation modeling data.
- Travel time reliability: transportation agency transportation modeling data; National Performance Management Research Data Set (NPMRDS).

Data sources for secondary performance measures may include the following:

- Community engagement: data from grantees and other local agencies and stakeholders in the project community.
- Localized air emissions: data from community-based air quality sensors and community air monitoring systems, where available.
- Business creation: local agency economic development data.
- Community wealth-building: local and regional planning and policy documents.
- Land use change: ESRI Land Cover; OpenStreetMap Land Use Data.
- Economic investment: local agency economic development data.
- Mobility changes: transportation agency data (passenger counts; pedestrian counts); GPS trace data; Environmental Protection Agency Access to Jobs and Workers Via Transit Tool; Environmental Protection Agency National Walkability Index.
- Flood risk reduction: FEMA Floodplain Maps

Data sources that may be used to inform various performance measures include the following:

• USDOT Equitable Transportation Community (ETC) Explorer: an interactive web application that uses 2020 Census tracts and data to explore the cumulative burden that communities experience as a result of underinvestment in transportation, in the following five components: transportation insecurity, climate and disaster risk burden, environmental burden, health vulnerability, and social vulnerability.

- Climate and Economic Justice Screening Tool: an interactive map and datasets that are indicators of burden in eight categories: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development.
- EJScreen Environmental Justice Screening and Mapping Tool: Environmental Protection Agency tool that provides a nationally consistent dataset and approach for combining environmental and demographic socioeconomic indicators.
- Centers for Disease Control/Agency for Toxic Substances and Disease Registry Social Vulnerability Index: a tool that uses 16 Census data variables to help identify communities with social vulnerability.
- National Roadway Safety Strategy data and visualizations.

In addition to the RCP-led baseline data collection, all Capital grant recipients are required to submit a Baseline Information Report, including data for selected performance measures, prior to commencement of construction activities, as detailed in project grant agreements. In developing grant agreements with Capital grant recipients, DOT encourages grant recipients to select multiple performance measures from the menu of primary performance measures. Recipients are required to select two measures to be included in their grant agreements and to report on those measures in the Baseline Information Report and in annual Performance Outcomes Reports.

Grant agreements will establish information that grantees must include in the Baseline Information Report, including information on their chosen performance measures. Measures included in the report will establish current performance levels prior to the project's initiation and should be based on the most recent data sources available. Grantees will also include target estimates for selected performance measures, based on anticipated project improvements. Other required elements include:

- Dates when data were collected;
- Data sources, assumptions, variability, and estimated levels of precision;
- Any anticipated challenges with data quality and timeliness; and
- Any anticipated influencing factors that may impact the project's performance outcomes.

Data sources and methods for any additional data collection will follow the sources and methods described below.

Grant Recipient Reporting

As stated above, in developing grant agreements with Capital grant recipients, DOT encourages grant recipients to select multiple performance measures from the menu of primary performance measures. Recipients are required to select two measures to be included in their grant agreements and to report on those measures in annual Performance Outcomes Reports. DOT's *Grant Agreement Guidance* states that the selected performance measures should be meaningfully aligned with the goals and envisioned outcomes of the awarded project.

Performance Outcomes Reports must be prepared by Grant recipients annually, starting the first full year after substantial project completion or the open to traffic date, and ending five years

after completion of construction or the open to traffic date. Performance measurement guidance states that the most recent available data for the specific measure(s) and data source(s) should be used and documented. As with the Baseline Information Report, Performance Outcomes Reports will include:

- Data sources;
- Established baseline data for selected performance measures;
- Target estimates for selected measures (based on anticipated project improvements;
- Actual data for the respective reporting year;
- Any challenges with data quality and timeliness for the respective reporting year; and
- Any influencing factors that impacted the project's performance outcomes for the respective reporting year.

In addition, grantees must include any qualitative project benefits or outcomes, including testimonials or positive citizen/leadership feedback, in the Performance Outcomes Reports.

The Final Performance Outcomes Report must be prepared five years after substantial project completion or the "open to traffic" date. This final report will include five years of performance measurement data. It will also include:

- A high-level description of the project's success and benefits;
- An assessment of whether the project achieved the target estimates for selected performance measures and why or why not;
- Any influencing factors that impacted the project's overall performance outcomes; and
- Any qualitative project benefits or outcomes (testimonials, positive citizen/leadership feedback, etc.).

As previously discussed, suggested data sources are provided to Grant recipients in their grant agreements.

Supplemental Collection of Data from Grant Recipients and External Sources

Though future phases of RCP-led data collection and analysis have not yet been confirmed, the RCP may choose to undertake additional data collection from grant recipients and external sources in parallel with the required annual reporting from grantees. This RCP data collection would occur annually for each of the awarded Capital projects, starting the first full year after substantial project completion or the open to traffic date, and ending five years after completion of construction or the open to traffic date, to match the respective time series of data provided by each grant recipient. The goal of this potential data collection would be to collect additional data on performance measures outside of the two measures chosen by the grantee.

Quantitative and Qualitative Analysis

The RCP plans to use a case study model for analysis of quantitative and qualitative data for the FY 2022 Capital grant-awarded projects, and for future phases of program evaluation. Using

staff and/or contractor support, the RCP will prepare case studies that will include quantitative performance measure data and qualitative descriptions. For Phase 1, these case studies will focus on the goals, baseline conditions, and pre-construction outcomes of the initial cohort of Capital grantees. Future phases of the evaluation will include comparisons of baseline conditions and future/post-construction conditions.

In these later-phase comparisons, the RCP will consider the performance measures chosen by the grantees in their grant agreements, and the additional measures identified by the RCP based on project goals (current goal to identify five total performance measures per funded project). For each relevant performance measure, quantitative data will be compared with baseline data to determine changes in measures that may be attributable to the RCP-funded project. To assist in these comparisons, the RCP will consider using similar communities that did not receive RCP funding as a matched control group. Depending upon the performance measure, an increase or decrease in quantitative measures would indicate project success. For example, an increase in bike and pedestrian trips in the project area might indicate success, while a decrease in transportation-related air quality emissions would indicate success.

Interviews with project stakeholders and reviews of local planning and policy documents will also provide qualitative data on objectives such as quality of life and community engagement that will be included in case studies. Interview subjects may include:

- Project sponsors;
- Local transportation and land use planning agency staff and leadership
- Local housing and economic development agency staff and leadership;
- Local elected officials;
- Representatives of community-based organizations associated with the project area; and
- Local residents and business owners.

Identify a Means to Make Scalability Decisions

The RCP has identified a means to make scalability decisions, by identifying criteria to assess lessons learned and inform decisions on whether and how the scale the program. The Department has stated that reconnecting communities is not just a program but a principle. Scalability decisions will consider how this principle can be supported through both potential additional funding for the RCP, and support of projects that reconnect communities through other discretionary grant programs and formula funding.

Process Improvements

Having completed two rounds of outreach, application review, and grant awards, the RCP has acquired lessons learned from a variety of sources. These include:

- Feedback from grant recipients on the application and grant award process;
- Feedback from RCP applicants through debriefs with unsuccessful program applicants;

- Feedback from DOT and other federal agency staff who participated in FY 2022 merit review process; and
- Feedback from professional and membership organizations in the fields of transportation and urban planning.

The RCP will continue to seek opportunities to collect feedback from all interest groups to improve the outreach, application review, and grant award process for future funding rounds.

Progress of Grant-Funded Projects

RCP is also tracking the status of progress on grant-awarded projects to determine whether funded projects are advancing to construction in a timely manner. During the post-award phase, the RCP tracks the progress of grant applications to address any delays in advancing to obligation and to determine if additional outreach or resources are needed to complete grant agreements. After grant agreement completion and obligation, the RCP receives quarterly progress reports consistent with the grant rules to track progress in plan or construction completion. This oversight and reporting will determine if the program is achieving its goals and envisioned outcomes in a timely manner.

Ultimate Project Outcomes

The Final Performance Outcomes reports required of Capital grant recipients, and any additional data collection and analysis of performance measures conducted by the RCP, will also inform lessons learned, as they will identify projects' successes and benefits, determinations of whether projects achieved target estimates for selected performance measures, influencing factors that impacted projects' performance outcomes, and qualitative project benefits or outcomes.

Scalability Decisions

Scalability decisions will also be informed by applicant interest. In the first round of grants (FY 2022), the RCP received 435 applications, requesting \$1.25 billion in funding. The RCP awarded 45 grants (6 Capital and 39 Planning), totaling \$185 million in funding. The RCP will continue to assess the amount of applicant interest, compared to funding available, for future rounds to inform scalability decisions.

Finally, scalability decisions will be informed by the determination of whether the RCP is benefiting disadvantaged communities. The Administration's Justice40 Initiative has set a goal that 40% of the overall benefits of certain Federal investments flow to disadvantaged communities. In the first round of RCP funding, 100% of Capital grant funding was awarded to disadvantaged communities. The RCP will continue to emphasize providing funding to disadvantaged communities in future funding rounds and will assess whether that funding results in the benefits sought by Grant recipients and by the Administration.

Reconnecting Communities and Neighborhoods Program Evaluation Workplan (Phase 1)

For each of the six (6) FY 2022 RCP capital construction grants, perform the following tasks:

Task 1 – Preliminary Research

Subtask 1.1 – Review application materials and grant agreement (draft or final).

Subtask 1.2 – Conduct an internet search to identify and describe the following:

- Media/press coverage of grant award, project, and related topics
- Past, present, and future related planning and development activities in project area
- Recent or planned public/private investment related to project
- Existence/status of community wealth-building and anti-displacement strategies in place or planned in the project area and/or surrounding community
- Amount/type of community engagement related to the funded project, e.g. number and type of organizations involved in project, number of residents/business owners engaged, statistics on prior meetings/outreach activities, etc.

*Note: additional information on these topics may be collected during Subtask 2.2 below.

Task 2 – Stakeholder Interviews

Subtask 2.1 – Using application materials and information collected in Task 1, identify relevant stakeholders.

Subtask 2.2 – Using interview questions provided by the RCN, schedule and conduct at least five interviews. Interviewees should include:

- FHWA Division grant manager
- Staff/leadership of primary grant recipient organization
- Staff/leadership of two partner organizations (named in application or otherwise)
- Other community stakeholder(s) (resident, business owner, etc.)

Task 3 – Baseline Data Collection

Subtask 3.1 – Based on interviews and preliminary research, and in consultation with RCN program staff, identify at least five performance measures (selected from Appendix G and Supplemental Measures) that are most relevant to project goals. If the grantee has an executed grant agreement, include the two measures chosen by the grantee as two of these five measures.

Subtask 3.2 – Using nationally available data and local sources, collect baseline data on selected performance measures.

- Baseline data is defined as data from a time period immediately prior to the announcement of an RCP grant award. Availability and time series of data will differ between performance measures and will be determined in coordination with RCN staff and if applicable, representatives of the grant recipient organization.
- Suggested data sources for Appendix G performance measures are included in that document.
- RCN has and will continue to identify additional suggested data sources for Appendix G and Supplemental performance measures.

Task 4 – Prepare Written Case Study

Subtask 4.1 – Using information collected in Tasks 1-3, prepare written case study.

- Highlight near-term outcomes of RCP investment in community

Optional Task 5 – Create StoryMap

Subtask 5.1 - Use written case study and images available in application materials and through other sources to create a StoryMap.