

FREQUENTLY ASKED QUESTIONS

Federal Lands Access Program (FLAP)



General Information..... 2

- What is FLAP?
- Who is Federal Lands Highways?
- What is the Programming Decisions Committee (PDC)?

Eligibility 2

- Who is Eligible to Apply?
- Are There Other Eligibility Requirements?
- What Federal Lands Are Included?
- What Kind of Projects Are Preferred?
- Can I Apply for Maintenance Projects?
- Can I Apply for Planning Studies?
- What is a Typical Project Size?

Funding Requirements 3

- Is There a Match Requirement?
- Any Requirements on Non-FLAP Funds?
- Does FLAP Accept In-Kind Contributions?
- Do I Need the Non-FLAP Funds Now?

Application 4

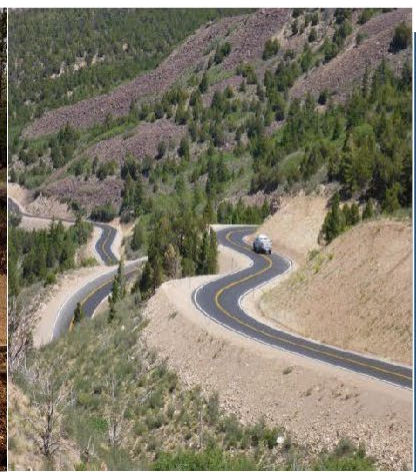
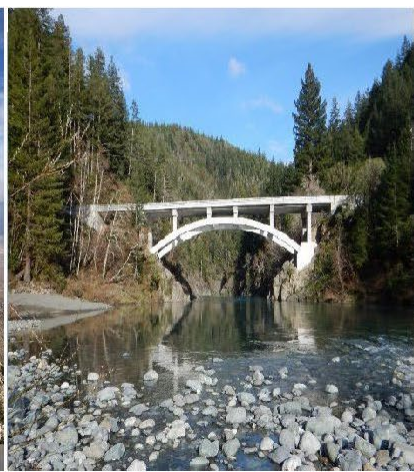
- How Do I Submit My Project Application?
- What Supporting Documents Do I Need?
- What About NEPA and ROW?

Project Evaluation 4

- How Will Projects Be Evaluated?
- What if My Project is Selected?
- What if My Project is Not Selected?

Project Delivery..... 5

- Which Agency Will Deliver the Project?



General Information

What is FLAP?

FLAP is the Federal Lands Access Program. Its goal is to “*Improve transportation facilities that provide access to, are adjacent to, or are located within federal lands.*” More information, including information specific to your state, can be found at the FHWA FLAP homepage: <https://highways.dot.gov/federal-lands/programs-access>

Who is Federal Lands Highways (FLH) of the Federal Highway Administration?

Our mission is “*Improving transportation to and within federal and tribal lands by providing technical services to the highway/transportation community, as well as building accessible and scenic roads that ensure the many national treasures, within our federal lands, can be enjoyed by all.*” FLH has three division offices: Western, Central, and Eastern. Learn more about us here: <https://highways.dot.gov/federal-lands/about>

What is the Programming Decisions Committee (PDC)?

Each state has a three-party Programming Decisions Committee (PDC), made up of a federal, state, and local representative, that make programming decisions for the FLAP. PDC responsibilities include:

- Develop their own state’s processes and evaluation criteria
- Establish the ‘Call for Projects’
- Review applications
- Score and select projects
- Monitor the health of the Program of Projects

Eligibility

Who is Eligible to Apply?

Any state, county, local government, or tribe that owns or maintains a public transportation facility providing access to federal lands is eligible. In most cases, the project should be no farther than 10 miles from federal lands. If at the time of submitting your application, the Federal Land Management Agency (e.g., National Park Service, Forest Service) owns and maintains the transportation facility, but the maintenance responsibility will be transferred to a non-federal agency (i.e. county), the project is eligible. The applicant and FLMA must provide a statement indicating intent to transfer maintenance responsibility if the project is chosen.

Are There Other Eligibility Requirements?

The following types of projects are eligible for funding under FLAP (additional information at [FHWA.gov](https://www.fhwa.gov)):

Transportation planning, research, engineering, preventive maintenance, rehabilitation, restoration, context-sensitive solutions, construction, and reconstruction of Federal lands access transportation facilities located on or adjacent to (typically within 10 miles), or that provide access to, Federal land, and

- Adjacent vehicular parking areas, including interpretive panels
- Acquisition of necessary scenic easements and scenic or historic sites
- Infrastructure and facilities for pedestrians and bicycles
- Environmental mitigation in or adjacent to Federal land to improve public safety
- Improvements to reduce vehicle-caused wildlife mortality while maintaining habitat connectivity
- Construction and reconstruction of roadside rest areas, including sanitary, and water facilities
- Contextual wayfinding markers, landscaping, and mitigation of visual blight

What Federal Lands are Included?

Federal lands are lands in the United States owned by the federal government. Land leased to a Federal Land Management Agency is not an eligible federal land destination. Most federal lands are administered by the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), the National Park Service (NPS), the U.S. Forest Service (USFS), the Bureau of Reclamation (BOR), the U.S. Army Corp of Engineers (USACE), or other U.S. Department of Defense (DOD) lands. The federal lands being accessed via the proposed FLAP project must be accessible to the public.

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Tribal roads maintained by the tribe are eligible, but the roadway must access federal lands other than tribal (e.g., a FWS site).

In the case of a BOR or USACE owned or managed reservoir/lake where access to the water is through a state or county park, the roads leading to or within the park are eligible, if owned or maintained by a non-federal entity. The federally-owned reservoir/lake is an eligible federal land destination.

If you need to verify if your project accesses an eligible federal land destination, please reach out to Eastern Federal Lands (efl.planning@dot.gov).

What Kind of Projects are Preferred?

Per legislation, preference must be given to transportation facilities providing access to federal high-use recreation sites and economic generators. Those are defined as:

- Federal Recreation Site: Any site used by the public to recreate on federal public lands. Note, “high-use” is a relative term for your region/local area/regional population. In other words, an extremely popular recreation site in one state or region will not be compared to a recreation site in another region.
- Federal Economic Generator: Any use of/on federal lands that increases investment and/or aggregate economic activity for a local community and/or region.

Can I Apply for Maintenance Projects?

Yes, maintenance projects are eligible, but the PDC preference is typically not given to maintenance-only projects (i.e. crack sealing, chip seal, potholes, or drainage repair).

Can I Apply for Planning Studies and Design Projects?

Yes, transportation planning and research projects are eligible. If you are considering applying for a planning study, please reach out to Eastern Federal Lands (efl.planning@dot.gov) to discuss your application, what information to provide the PDC, and details about your planning study or design effort.

What is a Typical Project Size?

Project size is primarily dependent on the yearly program allocation by state. Based on the yearly allocation, PDCs generally try to select projects of varying size and geography to maximize benefit of the program. The Call for Projects notification letter will dictate the funding available in your state for this specific Call for Projects. Be practical and “right size” the scope, schedule and budget. Include options for scaling/phasing the project if applicable. (i.e. a 3-mile resurfacing project broken into 3 separate 1-mile long segments with associated costs). If there are insufficient funds for the entire project, you could receive partial funding.

Funding Requirements

Is There a Match Requirement?

The FLAP program no longer has a match requirement, and FLAP funds are eligible to fund up to 100 percent of the project’s costs. Funding from sources other than FLAP (e.g. grants, direct funding, discretionary sources, etc.) are allowed but cannot be used as a factor in the evaluation of projects. However, there are situations where an applicant may consider including non-FLAP funds in a project, particularly where a project includes elements that are tangential to the intent of the FLAP program. For example, a county applies to re-build a section of highway that provides access to a national forest, but only 50 percent of the vehicles on the highway are accessing the forest while the remaining traffic is pass-through or local traffic. To be competitive with other projects that are fully dedicated to improving access to federal lands, the applicant could consider providing a commensurate level of non-FLAP funds to the project.

Any Requirements on Non-FLAP Funds?

If your project application includes non-FLAP funds, they can be from any local, state, or other federal source.

Funds authorized under the Tribal Transportation Program and the Federal Lands Transportation Program as well as other Federal funds not authorized under Title 23 or 49 may also be used for supplemental project funding.

Does FLAP Accept In-Kind Contributions?

Yes, acceptable in-kind contributions include ROW acquisition and utility relocation costs. The following are not eligible as in-kind contributions:

- Equipment
- Any work done prior to execution of agreement with FHWA
- Materials
- Force account

Application

How Do I Submit My Project Application?

Steps for submitting your application include:

- Navigate to the FHWA FLAP homepage: <https://highways.dot.gov/federal-lands/programs-access>
- Find your state and confirm a 'Call for Projects' is 'Open'.
- Download and complete the required Application Form.
- Send your completed project application packet via e-mail to efl.planning@dot.gov.
 - You may send your application packet over multiple emails if the attachments are too large, just be sure to label the email subject line to note multiple emails for the same submission.

What Supporting Documents Do I Need to Submit?

When a 'Call for Projects' is open in your state, the list of required application packet submittals can be found on your state's FLAP page. Typically, the application packet submittal requirements include:

- Project Application with FLMA signature or letter of endorsement
- Supporting, detailed cost estimate
- Photos and maps that show project location, termini and linkage to the Federal Land being accessed.
- Any support letters for the project

What about NEPA and Right of Way?

NEPA and right-of-way acquisition do not need to be completed prior to applying for FLAP. All federally funded projects do require NEPA documentation.

Project Evaluation

How Will Projects be Evaluated?

The PDC reviews project applications and evaluates each based on pre-determined criteria. The selection criteria are reflective of needs in that state, federal regulations, and guidelines. The FLAP criteria includes:

- Consistent with FLAP's vision
- Federal lands access proximity & significance
- High-use recreation site and/or federal economic generator
- Improves public access
- Safety improvement
- Preservation
- Sustainability & environmental quality benefits
- Project cost & scope risk
- Coordination with FLMA

Final project selection resides with the PDC. The PDC will make its final decision based on the project proposal's ability to meet the criteria as well as project support and Federal Land Management Agency priorities. Selected projects will be programmed based on availability of funds, project development delivery schedules, environmental and right of way constraints, and other federal investments.

What if My Project is Selected?

If your project is selected, the applicant will receive a notification letter via email from Eastern Federal Lands.

Timing will then vary for the following steps based on the programmed year:

- EFL notifies successful applicants that they are Recommended for Programming.
- The applicant will be provided a Project Worksheet to complete and submit.
- The EFLHD Programs Office will send a detailed letter stipulating the scope of the project, the specific roles and responsibilities of all signatory parties, the anticipated project schedule and the funding arrangements. Please note that the outreach and execution of the programming process will be prioritized by the Federal Fiscal Year for which the project is programmed for the receipt of FLAP funds.

What if My Project is Not Selected?

If your project is not selected, the applicant will receive a notification letter via email from Eastern Federal Lands. At that point, the applicant has an option to set up a debrief meeting to discuss the project application and suggestions for improvement for the next 'Call for Projects.'

Non-selection in any round does not disqualify you from future calls for projects.

Project Delivery

If My Project is Funded, which Agency Will Deliver It?

If the applicant desires to act as lead for the project, the applicant must provide justification for this position. Certification from the State DOT, previous experience in delivering Federal Aid (Title 23) funded projects, and ability to satisfy FHWA project delivery requirements.

The final decision for project delivery resides with the FHWA. If delivered by another agency, the relevant FHWA Division Office and State DOT will have Stewardship and Oversight responsibility, and all costs and overruns will be borne by the applicant.