

**U.S. DEPARTMENT OF TRANSPORTATION  
Federal Highway Administration  
Notice of Funding Opportunity for Fiscal Years (FY) 2024-2026 Wildlife Crossings Pilot  
Program (WCPP)**

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

**ACTION:** Notice of Funding Opportunity (NOFO)

**SUMMARY:**

<b>SUMMARY OVERVIEW OF KEY INFORMATION: NOFO for Fiscal Years (FY) 2024-2026 WCPP</b>	
Issuing Agency	FHWA
Program Overview	The purpose of this NOFO is to provide grants on a competitive basis for projects that seek to achieve a reduction in the number of wildlife-vehicle collisions (WVC); and improve habitat connectivity for terrestrial and aquatic species (Title 23, United States Code (U.S.C.), Section 171).
Objectives	1) Improve safety by reducing WVCs; 2) Improve habitat connectivity for terrestrial and aquatic species.
Eligible Applicants	<ul style="list-style-type: none"> <li>• A State department of Transportation (State DOT);</li> <li>• A metropolitan planning organization (MPO);</li> <li>• A unit of local government;</li> <li>• A regional transportation authority;</li> <li>• A special purpose district or public authority with a transportation function;</li> <li>• An Indian Tribe;</li> <li>• A Federal Land Management Agency (FLMA); or</li> <li>• Or a group of the above entities.</li> </ul>
Eligible Project Types	Non-construction and construction projects, ranging from statewide plans and corridor studies to design and construction.
Funding	<p>This NOFO announces two application periods:</p> <ul style="list-style-type: none"> <li>• FY 2024 and FY 2025 Funding: up to \$145 million</li> <li>• FY 2026 Funding: up to \$80 million</li> </ul> <p>FHWA also intends to award \$2,269,418 in unawarded FY 2023 funds under this NOFO.</p> <p>The actual amount available to be awarded under this notice will be subject to the availability of funds.</p>
Deadline	<p>This NOFO announces two application periods:</p> <ul style="list-style-type: none"> <li>• FY 2024 and FY 2025 Application Opens: June 6, 2024</li> <li>• FY 2024 and FY 2025 Application Period Deadline: September 4, 2024, 11:59 p.m. ET</li> <li>• FY 2026 Application Period Opens: May 1, 2025</li> </ul>

	<ul style="list-style-type: none"> <li>• FY 2026 Application Period Deadline: August 1, 2025, 11:59 p.m. ET</li> </ul>
Cost-Share	The Federal share for projects under the WCPP is 80 percent of total project costs unless an exception applies (23 U.S.C. 120). This program operates using the same Federal share provision as is generally applicable to Federal-aid projects. See Section C.2 of the NOFO for more information on cost share requirements.

The purpose of this NOFO is to solicit applications for the FY 2024-2026 WCPP and will result in the distribution of up to \$227,269,418 in awards. The actual amount available to be awarded under this notice will be subject to the availability of funds.

This NOFO describes the application requirements, selection and evaluation criteria, applicable program and Federal requirements, and available technical assistance during the grant solicitation period.

**DATES:**

Applications for FY 2024 and FY 2025 must be submitted electronically through [grants.gov](https://grants.gov) no later than 11:59 p.m., Eastern Time, on September 4, 2024. The Grants.gov “Apply” function will close on September 5, 2024, and will reopen on May 1, 2025, to allow for applicants to submit applications for the FY 2026 application period. Applications for FY 2026 funds must be submitted electronically through [grants.gov](https://grants.gov) starting on May 1, 2025, and no later than 11:59 p.m., Eastern Time, on August 1, 2025.

Applicants are encouraged to submit applications in advance of the relevant application deadline; however, applications will not be evaluated, and awards will not be made, until after the respective application deadline.

**ADDRESSES:**

Applications must be submitted electronically through [grants.gov](https://grants.gov). Refer to Assistance Listing (formerly known as the Catalog of Federal Domestic Assistance Number): 20.205, Highway Planning and Construction.

**FOR FURTHER INFORMATION:**

Applicants are encouraged to refer to FHWA’s Website at <https://highways.dot.gov/federal-lands/programs/wildlife-crossings> for more program information, including fact sheets, additional resources, and points of contact. The [DOT Navigator](#) is also a tool with additional information and guidance to assist applicants in applying for DOT funding. The Navigator includes checklists for the climate change and workforce priorities to assist applicants in responding to these criteria.

FHWA plans to conduct outreach regarding the WCPP in the form of Webinars for Tribes and all applicants. For more information, and to join the Webinars, see

<https://highways.dot.gov/federal-lands/programs/wildlife-crossings>. Applicants are encouraged to read the NOFO prior to the Webinar and submit questions ahead of time to [wildlifecrossings@dot.gov](mailto:wildlifecrossings@dot.gov). The Webinar will be recorded and posted on FHWA's Website at <https://highways.dot.gov/federal-lands/programs/wildlife-crossings>. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

FHWA staff are available for general questions about the WCPP and NOFO. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions. In addition, FHWA will post answers to questions at <https://highways.dot.gov/federal-lands/programs/wildlife-crossings>. However, FHWA will not review applications in advance and will not provide technical assistance to any applicant, including providing guidance on how to address any information that should be included in an application.

**FOR FURTHER INFORMATION CONTACT:**

Freida Byrd  
Agreement Officer  
Office of Acquisition and Grants Management (HCFA-42)  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE.  
Washington, DC 20590  
Email: [wildlifecrossings@dot.gov](mailto:wildlifecrossings@dot.gov) (preferred)  
Phone: (202) 366-6547

Alternate:

Hector R. Santamaria  
Agreement Officer/Team Leader  
Office of Acquisition and Grants Management (HCFA-42)  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE.  
Washington, DC 20590  
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Phone: (202) 493-2402

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

**SUPPLEMENTARY INFORMATION:**

Each section of this NOFO contains information and instructions relevant to the application process for WCPP grants. The applicant should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

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**This notice contains collection of information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424C, and SF-LLL has been approved by the Office of Management and Budget (OMB) under Control Number 2105-0520. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.**

**NOTE: FHWA uses [www.grants.gov](http://www.grants.gov) for receipt of all applications. Applicants must register and use the system to submit applications electronically. Applicants are encouraged to register in advance of the submission deadline and to register to receive notifications of updates/amendments to this NOFO. Approval of user registrations for the site may take multiple weeks. It is the applicant’s responsibility to monitor this site for any updates to this NOFO.**

## SECTION A – PROGRAM DESCRIPTION

### 1. Overview

In creating the WCPP, Congress found that there are more than 1 million wildlife<sup>1</sup> vehicle<sup>2</sup> collisions (WVC) annually that result in tens of thousands of serious injuries and hundreds of fatalities on U.S. roadways. (*See* 23 U.S.C. 171(a)(1), 171(a)(2)(B)). These WVCs pose a persistent danger to human safety, and FHWA estimated<sup>3</sup> the total annual cost associated with these WVCs as being over \$8 billion (*See* 23 U.S.C. 171(a)(2)-(3)). In addition, Congress found that WVCs pose a danger to wildlife survival and are a major threat to the survival of species (23 U.S.C. 171(a)(2)(A)(ii), 171(a)(4)).

The Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117-58, November 15, 2021, also known as the Bipartisan Infrastructure Law or BIL) authorized a total of \$350 million for FYs 2022 through 2026 to be awarded by DOT, through FHWA, for the competitive WCPP. The WCPP is authorized under Section 11123(b) of BIL, and codified at 23 U.S.C. 171, with the goal of reducing WVCs while improving habitat connectivity and conservation for terrestrial and aquatic species (23 U.S.C. 171(b)). Grants are available for all project activities, including but not limited to research, planning, design, and construction. The WCPP seeks applications from State DOTs,<sup>4</sup> MPOs,<sup>5</sup> units of local government,<sup>6</sup> regional transportation authorities, special purpose districts, public authorities with a transportation function, Indian Tribes,<sup>7</sup> and FLMAs who are seeking projects to reduce WVCs and improve habitat connectivity for terrestrial and aquatic species.

The total amount of funding available in this NOFO is up to \$227,269,418<sup>8</sup> across two application periods, combined FY2024 and FY2025 and subsequently FY2026. Applications must be submitted electronically through [grants.gov](https://www.grants.gov) no later than 11:59 p.m., Eastern Time, on September 4, 2024, for the combined FY 2024 and FY 2025 application period, which is making up to \$145 million available. The opening date for the FY 2026 application period is May 1,

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<sup>1</sup> For the purposes of this NOFO, wildlife is defined as native wild animals. Livestock, domesticated animals, and animals with domesticated ancestors are not wildlife.

<sup>2</sup> For the purposes of this NOFO, a vehicle is defined as a motor vehicle operating on a roadway.

<sup>3</sup> Federal Highway Administration (2008). Wildlife-Vehicle Collision Reduction Study. Report to Congress. Available at: <https://www.fhwa.dot.gov/publications/research/safety/08034/08034.pdf>. Last accessed on March 22, 2023.

<sup>4</sup> For the purposes of the WCPP, a “State” refers to the 50 States, the District of Columbia, and Puerto Rico (*See* 23 U.S.C. 101(a)(28)). A State DOT refers to the department of a State responsible for highway construction.

<sup>5</sup> For the purposes of the WCPP, an MPO is defined as the policy board of an organization established as a result of the designation under 23 U.S.C. 134(d) (*See* 23 U.S.C. 134(b)(2)).

<sup>6</sup> For the purposes of this NOFO, units of local government are defined using the definition found in Title 2, Code of Federal Regulations (CFR), Part 200.1.

<sup>7</sup> For the purposes of the WCPP, an Indian Tribe is defined per the definition in 23 U.S.C. 207(m)(1), including a Native village and a Native Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

<sup>8</sup> Section 11101(d)(1) of BIL authorizes from the Highway Trust Fund \$350 million to carry out the WCPP from FY 2022 through 2026. This NOFO solicits applications for the \$70 million authorized for FY 2024, \$75 million authorized for FY 2025, \$80 million authorized for FY 2026, and \$2,269,418 in unawarded FY 2023 funding. However, due to the imposition of the annual limitation on obligations on the Federal-aid highway program’s contract authority, a lesser amount of this funding may be available for award.

2025. Applications must be submitted electronically through [grants.gov](https://www.grants.gov) no later than 11:59 p.m., Eastern Time, on August 1, 2025, for the FY 2026 application period which is making up to \$80 million available. Funding amounts are subject to the availability of funds. See Section D.4 for more information regarding submission dates.

The primary goals of the WCPP are to improve safety, protect motorists and wildlife by reducing WVCs, and improve habitat connectivity for terrestrial and aquatic species. Reduction of WVCs and improvement of terrestrial and aquatic habitat connectivity are the primary merit criteria that will be used in reviewing applications, and each of the primary merit criteria are of equal importance.

## **2. DOT Administration Priorities**

DOT 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 [DOT Strategic Plan](#), [DOT Research, Development and Technology Strategic Plan](#), and in executive orders (E.O.).<sup>9</sup> These DOT Priorities will be considered in the selection process as provided in Section E.1.d and E.2 of this NOFO, which outlines the Selection Considerations and describes the process for selecting projects that further these goals.

Section F.3 of this NOFO describes program requirements, and progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria, and the Administration's Priorities and Departmental Strategic Plan goals, as appropriate.

## **3. Additional Information**

- a.** The WCPP is described in the Federal Assistance Listings under the assistance listing program title "Highway Planning and Construction" and assistance listing number 20.205.
- b.** DOT and FHWA are committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. DOT and FHWA also recognize that applicants may be seeking funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple DOT discretionary opportunities or seek a combination of funding from multiple DOT opportunities. The applicant should identify any other DOT programs and opportunities they intend to apply for (or use if the Federal funding is already available to the applicant), and what award amounts they will be seeking, in the appropriate sections of this NOFO, including Section D.2.c.ii.

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<sup>9</sup> E. O. 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619).

E.O. 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009). E.O. 14025, Worker Organizing and Empowerment (86 FR 22829), and E.O. 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

- c. This is the second NOFO for the WCPP. The FY 2024 – FY 2026 WCPP NOFO is similar to FY 2022 and FY 2023 WCPP NOFO. Changes have been made to the application period timeframes in Sections A and D, and rating criteria in Section E. Applicants should read the NOFO in its entirety when applying for this funding opportunity.

## SECTION B – FEDERAL AWARD INFORMATION

### 1. Award Amount Available

The total amount of funding available for awards under this NOFO is up to \$145 million for the FY 2024 and FY 2025 application period, and up to \$80 million for the FY 2026 application period, along with \$2,269,418 in unawarded FY 2023 funding. FHWA intends to use this NOFO, combined with funding awarded under the FY 2022 through 2023 NOFO, to award all funding provided by Section 11101(d)(1) of BIL. The actual amount available to be awarded under this NOFO will be subject to the availability of funds.

### 2. Award Size and Anticipated Number of Awards

There is no minimum or maximum award size; however, applicants are encouraged to submit applications for large-scale projects with total project costs of \$200,000 or greater. On December 5, 2023, FHWA announced grant selections for FY 2022 and FY 2023 application period including 10 non-construction projects requesting between \$200,000 and \$1.2 million, and 9 construction projects requesting between \$1.5 million and \$25 million. FHWA anticipates awarding between 15-50 grants using FY 2024 and FY 2025 funds and between 5-25 grants using FY 2026 funds with anticipated awards ranging from \$200,000 to \$25 million, although FHWA may also make awards outside of this range. The number of awards will be ultimately determined by the number and quality of applications received in response to this NOFO and the availability of funding. FHWA also reserves the right to award less than the maximum amount presented in the application. The Federal Government is not obligated to make any Federal award as a result of the announcement, and the announcement of an award does not guarantee funding to the successful applicant. FHWA will only obligate funds to successful applicants upon execution of a grant agreement.

### 3. Statutory Funding Provisions

FHWA will award 60 percent or more of available funds for projects located in rural areas (23 U.S.C. 171(g)). The definition of “rural areas” is found in 23 U.S.C. 101(a)(25) and refers to all areas of a State that are not urban areas. For the purpose of this NOFO, in line with 23 U.S.C. 101(a)(35), an urban area is an FHWA Adjusted Urban Area, a map of which can be found at: [National Highway System | HEPGIS \(arcgis.com\)](#). All locations not entirely designated as urban will be considered rural. FHWA will consider projects that are in both urban and rural areas as rural.

### 4. Types of Projects

FHWA seeks to award non-construction and construction projects<sup>10</sup> under WCPP. Examples of non-construction projects include, but are not limited to the following:

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<sup>10</sup> The term “construction” means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a project under this program. This includes preliminary engineering,



- Research on safety innovations to reduce WVCs;
- Research and monitoring on the effectiveness of WVC mitigation;
- Development of mapping tools to document WVCs;
- Analysis of impacts of WVCs and best practices to reduce WVCs;
- Planning studies to identify terrestrial and aquatic wildlife migration corridors and roadway barriers to habitat that lead to WVCs;
- Developing or updating Statewide Transportation and Wildlife Action Plans;
- Tracking wildlife and mapping WVCs; or
- Outreach activities to educate the public on the hazards of WVCs.

Examples of construction projects include, but are not limited to the following:

- Design and pre-construction of an underpass or overpass for wildlife passage;
- Environmental permitting and right-of-way acquisition to construct a wildlife crossing structure;
- Adaptation or replacement of a culvert or bridge structure to accommodate connectivity for terrestrial species that are experiencing WVCs;
- Construction of a wildlife overpass or underpass and fencing;
- Preservation or restoration of habitat necessary to secure the effectiveness of a crossing project; or
- Construction of multiple crossing structures in an area to connect habitat for terrestrial or aquatic species.

See Section C.3.c for more information on eligible projects and activities.

## 5. Type of Award

If the grant recipient is any Eligible Entity other than an Indian Tribe or an FLMA, then, pursuant to 23 U.S.C. 171(f)(2)(A)(ii), the State DOT of the State in which the project is located must administer the grant. For these entities, the State DOT must directly administer the project on behalf of the entity or administer and oversee the project by serving as a pass-through entity for the entity (23 U.S.C. 171(f)(2)(A)(ii)). These entities may not request for FHWA to directly administer the grant. FHWA cannot award a grant to these entities if the State DOT does not agree to administer the grant.

If a grant recipient is a State DOT or if a State DOT will serve as a pass-through entity to the Eligible Entity or an Eligible Partner of the Eligible Entity, WCPP funds will be awarded upon the execution of a project agreement, which is a type of grant agreement for administration of funds to a State DOT in the FHWA Fiscal Management Information System (FMIS).

If the grant recipient is an FLMA or Indian Tribe, then, pursuant to 23 U.S.C. 171(f)(2)(A)(i), FHWA must administer the grant. Grant funds will be administered with advanced payment,

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engineering, design-related services directly relating to the construction of a highway project, reconstruction, resurfacing, restoration, rehabilitation, and preservation, acquisition of rights-of-way, relocation assistance, improvements that directly facilitate and control traffic flow, and improvements that reduce the number of WVCs. See 23 U.S.C. 101(a)(4). The term “non-construction” means any activity that is not considered to be “construction.”

where appropriate, upon the execution of a grant agreement with FHWA or through existing agreements, and FHWA’s Office of Federal Lands Highway will administer the project (23 U.S.C. 171(f)(2)(A)(i)). These entities may not request the State DOT to administer the grant. If the grant recipient is not an FLMA or Indian Tribe, grant awards will be administered on a reimbursement basis. In such situations, WCPP funds will reimburse recipients only for eligible costs incurred and for work performed after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. At FHWA’s sole discretion, alternative funding arrangements may be considered on a case-by-case basis.

Grant recipients may subaward funds.

## 6. Availability of Funds

Selected projects will be funded with either FY 2023, FY 2024, FY 2025, or FY 2026 funds. For FY 2024 and FY 2025 funds jointly awarded for the first application period, FHWA expects to obligate FY 2024 funds before FY 2025 funds. To determine whether a project selected to receive a WCPP grant will be funded with FY 2023, FY 2024, or FY 2025 funds, FHWA will consider the estimated project start date provided in the application. Funds will be assigned after announcement of projects selected to receive an award during the grant agreement development process.

The obligation deadlines for FY 2023, FY 2024, FY 2025, and FY 2026 WCPP funds available under this NOFO are described below. FY 2025 funds cannot be obligated before October 1, 2024, and FY 2026 funds cannot be obligated before October 1, 2025. Once obligated, WCPP grant funds are available until expended (subject to requirements and policies regarding inactive obligations).

<b>Fiscal Year</b>	<b>Obligation Deadline</b>	<b>Expenditure Deadline</b>
FY 2023	September 30, 2026	Available until Expended
FY 2024	September 30, 2027	Available until Expended
FY 2025	September 30, 2028	Available until Expended
FY 2026	September 30, 2029	Available until Expended

Obligation of a WCPP grant occurs after a selected applicant enters a grant agreement with the FHWA and FHWA authorizes the project to proceed. For construction, this is generally after the applicant has satisfied applicable administrative requirements, including transportation planning; environmental review requirements, including those under the National Environmental Policy Act (NEPA); real property and right-of-way acquisition requirements in accordance with 49 CFR 24 and 23 CFR 710; and compliance with 23 CFR 635 subpart C “Physical Construction Authorization” for State DOT applicants or 2 CFR 200.318 – 327 for non-State DOT applicants.

If a WCPP grant includes pre-construction and construction activities, FHWA may obligate funding in phases to provide funding for specific activities where administrative requirements are not required or have already been met. For example, FHWA may use a phased obligation to obligate funding at the execution of a grant agreement for environmental review activities and then obligate funding for construction once the environmental review activities are completed.

## **7. Previous WCPP Grant Applications**

Applicants may apply for funding in multiple application periods under this NOFO. Applicants to the FY 2022-2023 NOFO, including those that were awarded funds under that NOFO, may apply for funding in either or both application periods under this NOFO. There is no preference for applications or applicants who have previously applied or been selected or not selected for the WCPP.

FHWA will not carry over applications from the FY 2024 and FY 2025 application period to the FY 2026 application period. Each application will be evaluated independently. Applications that were not awarded WCPP funding and are still seeking funding under the WCPP NOFO, will need to be resubmitted for each subsequent application period.

FHWA intends to award funding for the FY 2024 and FY 2025 application period prior to the beginning of the application period for FY 2026 funds. Applications for projects that previously received WCPP funding under the FYs 2022-2023 NOFO may seek additional funding for the projects under this NOFO and applications that receive an award under the FY 2024 and FY 2025 application period may seek additional funding under the FY 2026 application period. FHWA, however, will not provide additional funding under this NOFO for the same application previously awarded funding. Applications for projects that previously received funding will need to clearly identify the phase and deliverables of the project for which it is seeking additional funding under this NOFO. For example, the resubmission of an identical application that received funds will not be considered; however, an application that clearly identifies how the use of prospective funding will advance additional stages of the project will be considered.

## **8. Period of Performance**

If a grant recipient will be a State DOT or if a State DOT will serve as a pass-through entity to a non-State DOT entity awarded a grant, as described in Section B.5, the DOT Payment System will be “Current Bill” in FMIS and the start of the period of performance will begin on the date that WCPP funds are authorized in FMIS and end on the project end date in FMIS.

If a grant recipient will be a Tribe or FLMA, the DOT Payment System will be “DELPHI iSupplier” and the start of the period of performance will begin on the effective date of the grant agreement as executed by FHWA and the recipient, which will obligate the WCPP, and end on the project end date of the period of performance that is listed in the grant agreement.

## SECTION C – ELIGIBILITY INFORMATION

To be selected for a grant, an applicant must meet the eligibility requirements under this Section C, including: Eligible Applicants; Cost Sharing (Non-Federal Match Requirement); and identified requirements in Other. Applications that do not meet these threshold eligibility requirements will not be evaluated as described in Section E.

### 1. Eligible Applicants

Eligible applicants for the WCPP are the following individual entities or a group of such eligible entities (23 U.S.C. 171(c)):

- 1) A State DOT;
- 2) An MPO;
- 3) A unit of local government;
- 4) A regional transportation authority;
- 5) A special purpose district or public authority with a transportation function;
- 6) An Indian Tribe; or
- 7) An FLMA.

FHWA encourages multiple eligible applicants to submit a joint application. Such applications must identify a lead applicant as the primary point of contact (POC) and identify the primary recipient of the award. Joint applications should include a description of the roles and responsibilities of each applicant and be signed or include a letter of support by each applicant.

Eligible applicants can apply for funding from the WCPP in concert with Eligible Partners, and if funding is received, may provide such funding to Eligible Partners of the project in accordance with the terms of the grant agreement (23 U.S.C. 171(f)(2)(B)). Eligible Partners include the following entities or a group of the following entities:

1. An MPO;
2. A unit of local government;
3. A regional transportation authority;
4. A special purpose district or public authority with a transportation function;
5. An Indian Tribe;
6. An FLMA;
7. A foundation, nongovernmental organization, or institution of higher education; or
8. A Federal, Tribal, regional, or State government entity.

An Eligible Entity that receives a WCPP grant and enters into a partnership with an Eligible Partner must establish measures to verify that the Eligible Partner complies with the conditions of the WCPP in using WCPP funds (23 U.S.C. 171(f)(3)). FHWA encourages applicants to include such measures they plan to implement in their applications. Regardless of whether an Eligible Partner is involved, the Eligible Applicant remains responsible for meeting the conditions of the grant agreement. Applicants are asked to describe their role with expected partners and other applicants in their applications. For more information, see Section D.2.c.I.

## 2. Cost Sharing (Non-Federal Match Requirement)

Cost sharing (non-Federal match) means the portion of total eligible project costs not paid using Federal funds, including WCPP funds.

As the WCPP is under Title 23, U.S.C., the Federal share for projects under the WCPP is 80 percent of total eligible project costs, unless an exception, such as ones noted below, applies (23 U.S.C. 120(b)). This means that, unless a verified exception applies, awardees must provide at least 20 percent of the total project cost (not 20 percent of the Federal share) as a non-Federal match. For example, on a \$5 million project, the maximum Federal share would be \$4 million and the minimum required non-Federal matching share would be \$1 million. For more information, see [https://www.fhwa.dot.gov/bipartisan-infrastructure-law/fedshare\\_fact\\_sheet.cfm](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/fedshare_fact_sheet.cfm). Additional information on non-Federal matching requirements can be found at [https://www.fhwa.dot.gov/legsregs/directives/policy/fedaid\\_guidance\\_nfmr.pdf](https://www.fhwa.dot.gov/legsregs/directives/policy/fedaid_guidance_nfmr.pdf).

There are some flexibilities that may allow the Federal share to increase to more than 80 percent of project costs, which would mean that the awardee would have to provide a smaller matching share. For example, pursuant to 23 U.S.C. 120(c)(1), the Federal share for certain safety projects may be 100 percent of the cost of such construction projects. In addition, 23 U.S.C. 120(a) and (b) authorize an upward adjustment, also known as a sliding scale, to the Federal share for projects in States containing Federal and nontaxable Indian lands. The amount of the upward adjustment is based on the percentage of Federal nontaxable Indian lands in the State.<sup>11</sup>

Unless specifically authorized by Congress, all matching funds must come from non-Federal sources. Examples of programs where Federal funds can be used for the matching share include the Tribal Transportation Program under 23 U.S.C. 202 and the Federal Lands Transportation Program under 23 U.S.C. 203; per 23 U.S.C. 120(k), such funds can be used toward the matching share for the WCPP for a project that provides access to or within Federal or Tribal land. Again, it is important to note that other Federal funds cannot be used as an applicant's matching share unless that ability is specifically provided by Congress in statute, such as the clear language of 23 U.S.C. 120(k). Applicants could not, for example, use Highway Safety Improvement Program funds under 23 U.S.C. 148 to serve as the matching share for a safety-related project under the WCPP.

Beyond Federal funds that are specifically authorized to be used as matching funds, the matching share can come from private, local, Tribal, and State funds. In accordance with 2 CFR 200.306, grant recipients may use in-kind or cash contributions toward the match requirements so long as those contributions meet the requirements of 2 CFR 200.306(b). Matching funds are subject to the same Federal requirements as WCPP funds.

Applicants should document cost sharing in their application, including the ability to provide the 20 percent match under 23 U.S.C. 120(b) or, if the applicant believes a different matching share applies, a justification as to why that Federal share percentage applies and documentation

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<sup>11</sup>FHWA publishes [guidance](#) with the specific share allowable in each State based on the sliding scale.

indicating their ability to provide that alternative matching share.<sup>12</sup> FHWA will make the final determination on the match percentage required for each awarded project. For that reason, and since applications that do not provide a sufficient matching share will not be eligible to receive WCPP funds, FHWA recommends applicants document their ability to provide a 20 percent matching share as well as document any alternative matching share that the applicant believes is applicable. In addition, as noted in Criterion #2.1 in Section E.1.b, pursuant to 23 U.S.C. 171(e)(2)(A), FHWA will consider the extent to which a proposed project is likely to leverage Federal investment by encouraging non-Federal contributions to the project.

For each project that receives a grant under this notice, FHWA expects the project to be completed using at least the level of non-Federal funding that was specified in the application.

FHWA will not consider previously incurred costs or previously expended or encumbered funds toward the matching requirement for any project. Matching funds are subject to the same Federal requirements described in Section F.2 as awarded funds.

### **3. Other**

#### **a. Number of Applications**

There is no limitation on the number of applications that may be submitted by an eligible applicant.

Each application must be complete and able to stand on its own merits. FHWA encourages joint applications from eligible applicants with a lead applicant identified. Further, only one project may be included in each application. An Eligible Entity may not bundle multiple disconnected projects as a single application, but one project may include multiple related components. If a project consists of multiple components of the same project, an applicant should submit one application containing all such components. When determining whether multiple activities are components of the same project, and can be included in a single applicant, or should be treated as different projects, and therefore should be provided as separate applications, FHWA will consider factors such as geographic proximity, WVC and connectivity problems, and the goals and objectives of the components of the project.

#### **b. State Department of Transportation Consultation**

All applicants, other than FLMAs and State DOTs, shall include documentation of consulting with the State DOT in which applicant is located (23 U.S.C. 171(d)(2)). For Tribes, such consultation shall be required only for projects that are not located on Tribal lands.

Where this requirement applies, State DOT consultation is an eligibility requirement, and FHWA will not review applications that fail to provide sufficient documentation of consultation under the criteria in Section E, and such applications will not be eligible for funding. FHWA may refer to the consultation outcome as part of the review process. Examples of documentation of consultation with the State DOT include, but are not limited to, letters, agreements, and signed

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<sup>12</sup> See Section D.2.c.ii for more information about documenting cost sharing in the application.

meeting minutes. Applicants are not required to form an agreement with the State DOT to administer the project during the consultation process.

### **c. Eligible Projects and Project Costs**

Eligible projects must seek to achieve a reduction in WVCs and, in seeking to achieve a reduction in WVCs, also improve habitat connectivity for terrestrial and aquatic species. (23 U.S.C. 171(b)). Eligible projects may be non-construction or construction projects (23 U.S.C. 171(b)).<sup>13</sup> Construction projects include all activities that lead to a built project, while non-construction projects include all other projects, such as research projects and planning studies. See Section B.4 for examples of types of projects.

Eligible project costs may include the following eligible grant activities for non-construction projects: planning, research, public outreach, and feasibility analyses.

Eligible project costs may include the following eligible grant activities for construction projects: environmental review, preliminary engineering and design work, preservation, replacement, reconstruction, rehabilitation, acquisition of real property and rights-of-way, environmental mitigation, permitting, public outreach project monitoring, construction contingencies, and operations.

Evaluation expenses, and the purchase of equipment such as cameras and detection systems for monitoring is allowable unless prohibited by statute or regulation.

FHWA recognizes that some potential projects may focus on subsets of activities within the project development lifecycle (e.g., just environmental studies and reviews or preliminary engineering) or propose to build upon or complete project activities (e.g., construction of a project after its design has been completed). FHWA will allow proposed projects that include one or multiple such subsets.

All project costs must conform to 2 CFR 200.403 and FHWA reserves the right to make cost eligibility determinations on a case-by-case basis. Submission of an eligible project is an eligibility requirement.

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<sup>13</sup>Since the statute is silent and the range of eligible activities that may constitute a “project,” FHWA broadly construes this eligibility to include both construction and non-construction activities.

## SECTION D – APPLICATION AND SUBMISSION INFORMATION

### 1. Address to Request Application Package

All application materials may be found on Grants.gov at <http://www.grants.gov>.

Once at Grants.gov, select the Search Grants tab. Then enter one of the following:

- Opportunity Number: 693JJ324NF00023
- Opportunity Name: FY 2024-2026 Wildlife Crossings Pilot Program
- Assistance Listing Number: 20.205

When at one of these Webpages, select the opportunity, which will open to a Webpage with several tabs. The first tab is a synopsis of the opportunity. Select the Application Package tab to download the forms needed to submit an application.

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. If potential applicants are unable to download the application package from the Internet, they may send a written request for a paper copy to the NOFO POC, listed on Page 2 of this NOFO.

### 2. Content and Form of Application Submission

#### a. Application Submittals

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

The application must include the following required forms, submitted as individual pdf documents, based on the type of project:

<b>Required Forms for Non-Construction Project Applications:</b>	<b>Required Forms for Construction Project Applications:</b>
Standard Form 424 (Application for Federal Assistance)	Standard Form 424 (Application for Federal Assistance)
Grants.gov Lobbying Form (Certification Regarding Lobbying)	Grants.gov Lobbying Form (Certification Regarding Lobbying)
Disclosure of Lobbying Activities form (SF-LLL)	Disclosure of Lobbying Activities form (SF-LLL)
Standard Form 424A (Budget Information for Non-Construction Programs)	Standard Form 424C (Budget Information for Construction Programs)
Project Abstract	Project Abstract
Project Narrative	Project Narrative

In addition, the Key Contacts form is optional for all applications. Applicants may also submit any letters of support or endorsement for consideration by FHWA.



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

Forms can also be found with the grant opportunity on Grants.gov under “package forms,” where the forms are grouped as mandatory forms and optional forms. Under “package forms,” forms listed as mandatory are required for both non-construction and construction project applications; forms listed as optional are required based on the type of project.

In Standard Form 424, applicants may leave fields 5a, 5b, 6, 7, and 13 blank.

The Standard Form 424A or 424C, as applicable, should be supported by a budget narrative explaining each element of cost (See Section B.2.c.ii). FHWA reserves the right after an application is selected for award, to request additional supporting information and or documentation for purposes of confirming costs proposed are allowable (2 CFR 200.403) Reasonable (2 CFR 200.404) and Allocable (2 CFR.405).

The applicant should ensure they include the information outlined in the WCPP Application Checklist, provided as Attachment 1, in their application.

Within the Project Narrative, applicants do not need to specifically reference the three aspects of Project Readiness described in Section E.1.c. Information provided by the applicant in the Project Readiness section of the Project Narrative on the project budget and on the technical capabilities of the project should allow FHWA to undertake the three Project Readiness assessments described below.

FHWA recommends that the Project Abstract and Project Narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins on 8½ x 11 inch size paper). Applicants may include maps, graphics, and tables. Text in tables and captions may be smaller than 12-point font but must be legible. The Project Abstract should not exceed 1 page in length. The Project Narrative should not exceed 25 pages in length. Appendices may include documents supporting assertions or conclusions made in the 25-page Project Narrative and do not count toward the 25-page limit.

If possible, Website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the Project Narrative the relevant portion of the Project Narrative that each supporting document supports. FHWA recommends including a table of contents, and using appropriately descriptive final names (e.g., “Project Narrative,” “Maps,” “Memoranda of Understanding and Letters of Support,” etc.) for all attachments.

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

fair and unbiased evaluation of applications, FHWA will not request additional information to perfect incomplete applications.

The project narrative and project abstract must be attached to Item 15 of the SF-424. The WCPP Application Checklist should not be included as part of an application. To add an attachment to Item 15 of the SF-424:

- Click on “Add Attachments” in Item 15 to open the first pop-up window. Click “Add Attachment” and a second pop-up File Explorer/Directory window will appear, from which you can choose files to attach. Attachments can be added one at a time or all at once by holding down the CTRL key and selecting multiple files. Select “Open” to add the selected files as attachments.
- Click “Done” to finalize the attachments.
- Click “View Attachments” to see a list of files that have been added as attachments.

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

**b. Project Abstract**

The Project Abstract should summarize the scope of work and type of project that would be completed under the award. Applicants should briefly describe the project scope and location, and anticipated goals and outcomes, including how the project supports the program goals of improving safety by reducing WVCs; and, in doing so, improving habitat connectivity for terrestrial and aquatic species. Applicants are also encouraged to briefly describe how the project supports the goals of safety, climate change and sustainability, equity and reducing barriers to opportunity, and labor and workforce.

The Project Abstract should not exceed one page in length.

**c. Project Narrative**

FHWA recommends that the Project Narrative include the following sections. Following this outline will also assist evaluators in locating relevant information.

I. Basic Project Information - Description, Location, and Parties	See D.2.c.i
II. Budget Narrative - Grant Funds, Sources, and Uses of all Project Funding	See D.2.c.ii
III. Project Merit Criteria	See D.2.c.iii
IV. Project Readiness	See D.2.c.iv
V. Selection Considerations	See D.2.c.v

The Project Narrative should provide information necessary for FHWA to determine that the project satisfies project requirements described in Section C for the grant program and to assess the selection criteria specified in Section E.1. While applicants do not need to specifically reference the three aspects of Project Readiness described in Section E.1.c in the Project Narrative, information provided by the applicant in the Project Readiness section of the Project Narrative on the project budget and on the technical capabilities of the project should allow FHWA to undertake the three Project Readiness assessments described below.

**i. Basic Project Information – Project Description, Location, and Parties**

The applicant should provide a concise description of the project including a discussion of the proposed project's history and a description of any previously incurred costs.

The applicant may further use this section to place the project into a broader investment context, including information on other infrastructure investments being pursued by the applicant or other entities in the transportation corridor, wildlife corridor, or habitat, including other conservation grant programs administered by other Federal, State, or local agencies.

An application may describe a project that contains more than one component and may describe components that may be carried out by parties other than the applicant. FHWA expects, and will impose requirements on fund recipients to ensure, that all components included in an application will be delivered as part of the WCPP Project, regardless of whether a component includes Federal funding. The status of each component should be clearly described. FHWA may award funds for a component instead of the larger project if that component: (1) independently meets all eligibility requirements described in Section C; (2) independently aligns well with the selection criteria specified in Section E.1; and (3) meets NEPA requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of FHWA funds, even if no other improvements are made in the area and will be ready for intended use upon completion of that component's construction. All project components that are presented together in a single application must demonstrate a relationship or connection between one another. Applicants should be aware that, depending upon the relationship between project components and applicable Federal law, FHWA funding of only some project components may make other project components subject to Federal requirements as described in Section F.2.

FHWA strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested WCPP grant funding for those components. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal, of which the independent component is a part, addresses the selection criteria in Section E.1.

As applicable to the specific type of project, the applicant should describe the project location, including a detailed geographical description of the proposed project (such as the latitude and longitude), a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location. Tribal applicants should

indicate whether their proposed project will be located on Tribal land. As indicated in Section C.3.b, the requirement that applicants consult with the State DOT in the State in which the applicant is located does not apply for Tribal applicants where the project is located on Tribal land.

The application should also identify whether the project is located in an urban or rural area per the definition for this program described in Section B.3 of this NOFO. If the project is located in an urban area, the applicant should identify the Adjusted Urban Area; and whether the project is located in one of four federally designated community development zones (Opportunity Zones, Empowerment Zones, Promise Zones, or Choice Neighborhoods). Information provided may be used for DOT's internal data tracking.<sup>14</sup>

This section of the application should further provide details about the lead applicant. Applicants should include information on their experience, qualifications, facilities, equipment, and administrative resources available to successfully execute a grant agreement with FHWA and obligate funds prior the applicable funding obligation deadline. Applicants should also include information on their ability to fulfill the responsibilities associated with managing a Federal grant award, including their ability to manage funds, maintain financial and administrative records, and fulfill reporting requirements. This section should describe the lead applicant's demonstrated experience with receipt and expenditure of Federal highway program funds under Title 23, U.S.C. or other Federal funding sources. FHWA will consider the degree of experience as part of the project readiness evaluation. If an application is rated highly under other criteria, but the applicant has no or limited experience with the receipt and expenditure of Federal highway program funds, FHWA may contact the applicant prior to final selection of awards to discuss technical resources that may be available to assist the applicant in obtaining the capacity and expertise to ensure compliance with all applicable Federal requirements and timely delivery of the project.

The WCPP funds may be provided by an Eligible Applicant to Eligible Partners, including an MPO; a unit of local government; a regional transportation authority; a special purpose district or public authority with a transportation function; an Indian Tribe; an FLMA; a foundation, nongovernmental organization, or institution of higher education; or a Federal, Tribal, regional, or State government entity. An Eligible Entity that enters into a partnership with an Eligible Partner must establish measures to verify that the Eligible Partner complies with the conditions of the WCPP in using WCPP funds (23 U.S.C. 171(f)(3)). FHWA will treat the relationship between an Eligible Entity and Eligible Partner the same as would exist between an Eligible Entity and subrecipient under 2 CFR 200.332. Regardless of whether a grant recipient forms a partnership or provides a subaward, the grant recipient remains responsible for compliance with program requirements, all applicable Federal, State, and local laws, and the terms and conditions of the grant agreement.

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<sup>14</sup> Community development zones can be identified using the following Websites:

Opportunity Zones: <https://opportunityzones.hud.gov>;

Empowerment Zones: [https://www.hud.gov/hudprograms/empowerment\\_zones](https://www.hud.gov/hudprograms/empowerment_zones);

Promise Zones: [https://www.hud.gov/program\\_offices/field\\_policy\\_mgt/fieldpolicymgtpz](https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz);

Choice Neighborhoods: [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/ph/cn](https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn)

The applicant should describe in detail the role of any expected Eligible Partner and all of the other public and private parties who are expected to be involved in delivering the project, including a specific description of the role of each entity in delivering the project and their experience with applicable wildlife crossing and aquatic organism passage guidelines or standards.

**ii. Budget Narrative- Grant Funds, Sources, and Uses of all Project Funding**

The application should include information regarding the project's budget that is sufficient for FHWA to evaluate the project's financial completeness. This is in addition to the submission of SF-424A (Budget Information for Non-Construction Programs) or SF-424C (Budget Information for Construction Programs), which are required forms separate from the project narrative in which the budget should be included. See Section E.1.c for more information on how FHWA will evaluate an applicant's financial completeness.

The applicant should describe the project's budget in detail and the plans for covering the full cost of the project from all sources (including the Federal share and non-Federal matching share). Project budgets should show how different funding sources will share in each activity and present those data in dollars and percentages. The budget should identify other Federal funds the applicant is applying for or has been awarded, if any, that the applicant intends to use. Funding sources should be grouped into three categories: (1) non-Federal; (2) current application WCPP Federal funding being requested; and (3) other Federal with specific amounts from each funding source.

If the project contains components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should be detailed enough to demonstrate that the project satisfies the WCPP statutory cost-sharing requirements described in Section C.2 and those associated with any additional category of Federal funding. The application should include information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated cost increases and plans to address potential cost overruns, as well as plans to fund future maintenance, operations, and preservation costs after proposed project completion, as applicable.

The project budget should identify all Federal funds to be used for future eligible costs of the project, including the requested WCPP grant amount, other Federal grants that have been awarded to the project or for which the project intends to apply in the future, and any Federal formula funds that have already been programmed for the project or are planned to be programmed for the project. For each category of Federal funds to be used for future eligible project costs, the project budget should indicate the amount, nature, and source of any required non-Federal match for those funds.

In addition to the information described above, this section should provide complete information on how all project funds may be used. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a source of funds is available for expenditure

only during a fixed period, the application should describe that restriction. The budget should clearly identify any expenses expected to be incurred between the applicant being selected for award, and obligation of WCPP funds because such expenses, except as authorized by DOT, are not eligible for reimbursement and may not be used toward the non-Federal match requirements. Complete information about project funds will ensure that FHWA's expectations for award execution align with any funding restrictions unrelated to FHWA, even if an award differs from the applicant's request.

If needed, FHWA may request additional budget information to clarify an application. FHWA encourages applicants to submit the most relevant and complete information they can provide.

### **iii. Project Merit Criteria**

The applicant should describe how the proposal meets the Primary Merit Criteria listed in Section E.1.a. and the Secondary Merit Criteria listed in Section E.1.b. Applicants are encouraged to organize their Project Narrative to address each criterion in order with the applicable heading to assist evaluators in locating the relevant information.

### **iv. Project Readiness**

The application should also include information that, when considered with the project budget information, is sufficient for DOT to evaluate whether the project is reasonably expected to be delivered in a timely manner.

To assist FHWA's project readiness assessment, the applicant should provide the information requested on technical feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections. Applicants are not required to follow the specific format described below, but this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators.

Section E.1.c describes how FHWA will evaluate project readiness based on the information provided in the application. Applicants also should review that section before considering how to organize their application.

#### **1. Technical Feasibility**

As applicable, the applicant should demonstrate the technical feasibility of the project (e.g., conceptual or proposed, engineering or design studies, and activities); the development and/or application of design criteria and/or a basis of design; the basis for the cost estimate presented in the application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work or technical and management plan that focuses on any applicable technical and engineering aspects of the project and describes in detail the project to be completed.

The applicant must demonstrate compliance with Title VI/Civil Rights requirements, to ensure that no person is excluded from participation, denied benefits, or otherwise subjected to discrimination under any program or activity, based on race, color, national origin, sex, age, or disability.

Prior to submission, applicants may obtain guidance from:

- An agency in the State with jurisdiction over fish and wildlife to ensure accurate, current, and reliable data and understand the State agency's priorities with respect to habitat connectivity;
- A Federal Agency with jurisdiction for the protection of species and habitat;
- The State DOT or other State agency responsible for maintaining trend analysis and statistics on WVCs;
- The State DOT responsible for updating the State Freight Plan that includes strategies and goals to decrease the impacts of freight movement on wildlife habitat loss;
- Institutions of higher education regarding landscape ecology, and current data;
- Experts in landscape ecology and habitat connectivity;
- FHWA data on [proven safety countermeasures](#);
- FHWA reports such as [Wildlife-Vehicle Collision Reduction Study: Report To Congress \(2008\)](#), [Wildlife Crossing Structure Handbook Design and Evaluation in North America \(2011\)](#), and [Wildlife Vehicle Collision Reduction and Habitat Connectivity Pooled Fund Study \(2022\)](#); and
- Other authoritative sources.

## 2. Project Schedule

The applicant should include a detailed project schedule that identifies all major project milestones for their type of project. Examples of such milestones may include State and local planning approvals (programming on the Statewide Transportation Improvement Program (STIP)); start and completion of the NEPA and other Federal environmental reviews and approvals, including permitting, design completion, right-of-way acquisition, approval of plans, specifications, and estimates; procurement; State and local approvals; project partnership and implementation agreements, including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that milestones will occur in a timely manner to meet obligation deadlines per Section B.6. The schedule should, for example, demonstrate:

- All necessary activities will be complete to allow WCPP funds to be obligated and expended in a timely manner consistent with the proposed project schedule and that any unexpected delays will not put the funds at risk of expiring before they are obligated; and
- All real property and right-of-way acquisition necessary for the project will be completed in a timely manner in accordance with 49 CFR 24, 23 CFR 710, and other applicable legal requirements or a statement that no acquisition is necessary. A plan for securing any required right-of-way agreements should be included. If applicable, this section should describe a right-of-way acquisition plan that minimally disrupts communities and maintains community cohesion.

### **3. Required Approvals**

#### **i. Environmental Permits and Reviews**

The application should provide documentation of receipt (or the schedule for anticipated receipt) of all environmental approvals and permits necessary for the project to meet the project delivery timeline specified in the project schedule and necessary to meet obligation deadlines per Section B.6, including satisfaction of all Federal, State, and local requirements and completion of the NEPA process. Specifically, in this section the applicant may elaborate on the NEPA evaluation process. If the final agency action with respect to NEPA occurred more than 3 years before the application date, the applicant should describe a proposed approach for updating this material in accordance with applicable NEPA reconsideration requirements. This section should also provide:

- Any information on reviews, approvals, and permits by other Federal and State agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies, indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local requirements, and when such approvals are expected. Applicants should provide a Website link or other reference to copies of any reviews, approvals, and permits prepared.
- Environmental studies or other documents—preferably through a Website link—that describe in detail known project impacts, and possible mitigation for those impacts.
- A description of discussions with FHWA regarding the project’s compliance with NEPA and other applicable Federal environmental reviews and approvals.
- A description of public engagement about the project that has or will occur, including details on the degree to which public comments and commitments have been integrated into project development and design, as well as of any future public engagement which is planned.

#### **ii. State and Local Approvals**

The applicant should demonstrate receipt (or the schedule for anticipated receipt) of State and local approvals required for the project, such as State and local environmental and planning approvals, and STIP or Transportation Improvement Program (TIP) funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

MPOs, units of local government, regional transportation authorities, special purpose districts, or public authorities with a transportation function, and Tribes with projects not located on Tribal lands are required to consult with the State DOT in which applicant is located (23 U.S.C 171(d)(2)). Therefore, those applicants must demonstrate consultation with the State DOT in their application to be eligible to receive an award.



State DOTs are required to administer WCPP grants for MPOs, units of local government, regional transportation authorities, special purpose districts, or public authorities with a transportation function for that State in which the project is to be carried out (23 U.S.C. 171 (f)(2)(A)(ii)). Therefore, those applicants should demonstrate agreement from the State DOT to administer the grant and include documentation of any necessary State DOT approvals and oversight requirements in their application. The existence and documentation of such an agreement at the time of application is not required in order to be eligible to receive an award; however, FHWA will take this information into consideration when evaluating project readiness. All applicants should have such an agreement in place before the obligation of funding.

### **iii. Federal Transportation Requirements Affecting State and Local Planning**

The planning requirements applicable to the Federal-aid highway program apply to all WCPP projects.<sup>15</sup> Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. Applicants should provide links or other documentation supporting this consideration.

Because projects have different schedules, the construction start date for a construction grant will be specified in the grant agreement signed by FHWA and the grant recipient, will be based on critical path items that the applicant identifies in the application, and will be consistent with relevant State and local plans.

### **iv. Assessment of Project Risks and Mitigation Strategies**

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, pushback from stakeholders or impacted communities, or lack of legislative approval, affect the likelihood of successful project start, timely obligation, and completion. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks.<sup>16</sup> The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

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<sup>15</sup> In accordance with 23 U.S.C. 134 and 135, all projects requiring an action by FHWA must be in the applicable planning and programming documents (e.g., metropolitan transportation plan, TIP, and STIP). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and MPO. Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive a grant.

<sup>16</sup> FHWA considers an applicant's lack of experience with receipt and expenditure of Federal highway funds under Title 23, U.S.C. a material risk.

To the extent they are unfamiliar with the Federal-aid highway program, applicants should contact the FHWA Division Office in their State as found at [Field Offices Federal Highway Administration \(dot.gov\)](#) for information on what steps are prerequisite to the obligation of Federal funds to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements. Indian Tribes should contact the [Office of Tribal Transportation](#), and FLMAs should contact the [Office of Federal Lands Highway](#) for additional information specific to those processes.

#### **v. Selection Considerations**

The applicant should include a section to describe how the application aligns with and advances the Selection Considerations listed in Section E.1.d such as safety, climate change and sustainability, equity, and workforce development, job quality, and wealth creation. This information will be considered as provided in the selection process described in Section E.2.

### **3. Unique Entity Identifier (UEI) and System for Award (SAM)**

Applicants must follow the instructions on [grants.gov](#) to successfully use the Website to apply. Use of [grants.gov](#) may entail the following steps for those setting up new accounts or first-time users:

- 1) Register with SAM at [www.SAM.gov](#)
- 2) Obtain a valid UEI;
- 3) Create a [grants.gov](#) account; and
- 4) Respond to the registration email sent to the E-Business POC from [grants.gov](#), and log in at [grants.gov](#) to authorize the Applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

For [grants.gov](#) training resources, including video tutorials, refer to: [Home | GRANTS.GOV](#). For assistance with [grants.gov](#) registration and application submittal, refer to the Grants.gov Support Center: [Support | GRANTS.GOV](#).

Applicants are required to use a UEI issued during the SAM.gov registration process to do business with DOT.

Each applicant is required to:

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

Please see <https://grants.gov/applicants/applicant-registration/> for more information on the SAM.gov registration process.

FHWA may not make a Federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements. If an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

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

#### **4. Submission Dates and Times**

This NOFO announces two application periods. For the combined FY 2024 and FY 2025 application period, where FHWA intends to award up to \$145 million in FY 2024 and FY 2025 funds and \$2,269,418 in unawarded FY 2023 funds, the application period will begin on June 6, 2024 and applications must be submitted electronically through [grants.gov](https://grants.gov) no later than 11:59 p.m., Eastern Time, on September 4, 2024.

The Grants.gov “Apply” function will close on September 5, 2024, and will reopen on May 1, 2025, to allow for the submission of applications for the FY 2026 application period. For the FY 2026 application period, where FHWA intends to award up to \$80 million in FY 2026 funds, applications must be submitted electronically through grants.gov starting on May 1, 2025, and no later than 11:59 p.m., Eastern Time, on August 1, 2025.

Applications will not be carried over from the FY 2024 and FY 2025 application period to the FY 2026 application period, and interested applicants will need to resubmit applications for the FY 2026 application period.

The applicable application deadline (September 4, 2024, at 11:59 p.m. Eastern Time for the FY 2024 and FY 2025 application period; and August 1, 2025, at 11:59 p.m. Eastern Time for the FY 2026 application period) is the date and time by which the full and completed application, including all required sections, has been successfully uploaded into [grants.gov](https://grants.gov).

FHWA will additionally announce the FY 2026 application period on the program Webpage: <https://highways.dot.gov/federal-lands/programs/wildlife-crossings>.

Applicants are encouraged to submit applications as soon as possible once the applicable application period begins; however, applications will not be evaluated, and awards will not be made, until after the application deadline. A late application will not be reviewed or considered unless the Government determines that doing so is in FHWA’s best interest. FHWA will not consider late applications that are the result of failure to register or comply with [grants.gov](https://grants.gov) applicant requirements in a timely manner. If Applicants are unable to use the system due to verifiable technical difficulties, applicants must follow the instructions listed in Section D.7.e below.

## **5. Intergovernmental Review**

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

## **6. Funding Restrictions**

- a.** Unless authorized by FHWA in writing after FHWA's announcement of WCPP awards, any costs incurred prior to FHWA's obligation of funds for a project ("pre-award costs") are ineligible for reimbursement per 2 CFR 200.458.
- b.** Grant funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

## **7. Other Submission Requirements**

### **a. Scalable Project Options**

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund an application at the full requested amount. If an applicant advises that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FHWA may award a lesser amount whether a scalable option is provided.

### **b. Submission Location**

Applications must be submitted to [grants.gov](https://www.grants.gov).

### **c. File Types and Size**

Applicants should submit documents in .docx or pdf format.

For the submitted application package, FHWA suggests that pictures, graphics, and other large files be reduced in number and quality to keep the size of the files of the application manageable and in line with the [grants.gov](https://www.grants.gov) maximum size of 200 megabytes for the entire grant application package.

### **d. Consideration of Applications**

Only eligible applicants who comply with all submission deadlines described in this notice and electronically submit a valid and complete applications through [grants.gov](https://www.grants.gov) will be considered for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

### **e. Incomplete Applications**

FHWA may, but is not required to, request additional information, to allow an application to confirm, correct, or complete missing information in the project application.

#### **f. Late Applications**

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

- 1) Details of the technical issue experienced;
- 2) Screen capture(s) of the technical issues experienced along with corresponding [grants.gov](https://www.grants.gov) "Grant tracking number;"
- 3) The "Legal Business Name" for the applicant that was provided in the SF-424;
- 4) The POC name submitted in the SF-424;
- 5) The UEI associated with the application; and
- 6) The [grants.gov](https://www.grants.gov) Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the registration process before the deadline; (2) failure to follow [grants.gov](https://www.grants.gov) instructions on how to register and apply as posted on its Website; (3) failure to follow all instructions in this NOFO; and (4) technical issues experienced with the applicant's computer or information technology environment.

After FHWA reviews all information submitted and contact the [grants.gov](https://www.grants.gov) Help Desk to validate reported technical issues, FHWA staff will contact late applicants to approve or deny a request to submit a late application through [grants.gov](https://www.grants.gov). FHWA will not accept appeals of FHWA's decision to approve or deny a request for a late application. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

#### **g. Compliance with Section 508 of the Rehabilitation Act of 1973**

DOT and FHWA encourage applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973. Section 508 guidelines are available at <https://www.access-board.gov/ict/>.

## SECTION E - APPLICATION REVIEW INFORMATION

FHWA will award WCPP funds based on project selection criteria, and the application review process as described in this Section E. Section E.1 describes the project selection criteria. The criteria incorporate the primary and secondary statutory considerations listed in 23 U.S.C. 171(e).

FHWA will rate applications independently against the project selection criteria based on the data and information provided in the application. There is no preference for applications or applicants who have previously applied or been selected for the WCPP.

Each project selection criteria lists the criterion-specific considerations that FHWA will use to assign ratings of *Strong Alignment*, *Alignment*, or *No Alignment* for each criterion. Section E.2 describes the application review using these ratings and selection process including the different FHWA teams and levels of review. FHWA will first review an application using the Primary Merit Criteria described in Section E.1.a. As described further in Section E.2, FHWA will then review applications rated *Strongly Recommended* or *Recommended* in the Primary Merit Criteria using the Secondary Merit Criteria described in Section E.1.b. Following that, FHWA will then review remaining applications rated *Strongly Recommended* or *Recommended* in the Secondary Merit Criteria through a Project Readiness review as described in Section E.1.c.

### 1. Criteria

#### a. Primary Merit Criteria

Pursuant to 23 U.S.C. 171(e)(1) and to further the purpose of this program, there are two primary merit criteria. Each of the primary merit criteria are of equal importance.

**Criterion # 1.1: Reduction of Wildlife Vehicle Collisions.** FHWA will assess the extent to which the proposed project is likely to protect motorists and wildlife by reducing the number of WVCs.

The application should include the following information where it is available and relevant to the proposed project: (1) the current and projected WVC problem in the proposed project area; and the severity, impacts, and costs of those WVCs; (2) type and configuration of any transportation facility on the landscape within the proposed project area, relevant existing and projected traffic analyses of the relevant area, existing and projected WVC data (including road departures) for the project area, effectiveness of any deployed WVC mitigation measures within the project area, and planned transportation projects that may affect species within the project area; (3) species involved in WVCs within the proposed project area, travel (migratory or movement) corridors that may contribute to WVCs within the proposed project area, roadside habitats and connected habitat corridors of species involved in WVCs within the proposed project area, and other contributing factors that may lead to WVCs as a result of existing conditions within the proposed project area; (4) the specific actions that the project will take to improve safety by reducing WVCs, and; (5) the magnitude of and timeframe for the expected reduction in the number of WVCs as a result of the project, expected improvements to safety of motorists and wildlife based

on the proposed project, and a description of the long term maintenance needs for any constructed infrastructure.

In describing how the proposed project will address safety by reducing WVCs, applicants should provide sufficient project details such as descriptions of fencing or other features to demonstrate that WVCs will be reduced.

In providing information responsive to (1) through (5) above, applicants should include supporting information such as anecdotal knowledge; Tribal, State, or regional plans (e.g., transportation safety plans); data; modeling; or graphics to support conclusions.

In evaluating the extent to which the information provided demonstrates that the project will improve safety by reducing WVCs, FHWA will consider the context and intensity of harm to motorists and wildlife, and the degree to which the project mitigates or removes those harms by reducing WVCs.

*Strong Alignment:* The application demonstrates that the project will significantly improve safety by reducing WVCs.

*Alignment:* The application demonstrates that the project will moderately improve safety by reducing WVCs.

*No Alignment:* The application does not demonstrate or poorly demonstrates improving safety by reducing WVCs.

**Criterion #1.2: Improvement of Terrestrial and Aquatic Habitat Connectivity.** FHWA will assess the extent to which the proposed project is likely to improve terrestrial and aquatic habitat connectivity.

The application should include the following information where it is available and relevant to the proposed project: (1) the current and projected terrestrial or aquatic habitat connectivity problem within the proposed project area; (2) the specific species population(s) that will benefit from improved habitat connectivity caused by the project; (3) the ranges, and travel corridors of such species population(s); (4) surrounding land use of the proposed project area, including any crucial habitat<sup>17</sup> or protected land status and connectivity to the larger landscape; (5) the impact to relevant wildlife movement from transportation and other landscape features within the proposed project area; (6) the specific actions that the project will take to improve habitat connectivity, and; (7) the potential benefit of the proposed project regarding habitat connectivity for terrestrial and aquatic species. If there is a potential for construction of the proposed project to increase human- wildlife interaction, the applicant should explain how the project and increased interactions will not conflict with the goal of improving habitat connectivity.

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<sup>17</sup> Crucial habitats are places containing the resources, including food, water, cover, shelter, and wildlife corridors that contribute to survival and reproduction of wildlife, are necessary to prevent unacceptable declines, or facilitate future recovery of wildlife populations.

In providing information responsive to (1) through (7) above, applicants should include supporting information such as anecdotal knowledge; Tribal, State, or regional plans (e.g., transportation and wildlife corridor plans, or State Wildlife Action Plans); surveys; data; modeling; or graphics to support conclusions.

Applicants should provide sufficient project details that demonstrate how the proposed project will improve habitat connectivity, such as fencing lengths and spacing of new and existing crossings.

In evaluating the extent to which the information provided demonstrates that the project will improve habitat connectivity, FHWA will consider the context and degree of the impact of current habitat barriers, and the degree to which the project improves connectivity by removing or reducing those barriers and providing connectivity.

*Strong Alignment:* The application demonstrates how the project will significantly improve wildlife habitat connectivity for terrestrial or aquatic species.

*Alignment:* The application demonstrates how the project will moderately improve wildlife habitat connectivity for terrestrial or aquatic species.

*No alignment:* The application does not demonstrate or poorly demonstrates an improvement to wildlife habitat connectivity for terrestrial and aquatic species.

## **b. Secondary Merit Criteria**

Pursuant to 23 U.S.C. 171(e)(2) and to further the purpose of this program, there are six secondary merit criteria. Secondary merit criteria will only be evaluated for applications with either *Strong Alignment* or *Alignment* in both Primary Merit Criterion #1.1 and #1.2.

As described further in Section E.2, it is not necessary for applicants to receive a *Strong Alignment* or *Alignment* rating for all Secondary Merit Criteria in order to receive a WCPP grant.

**Criterion #2.1: Leveraging Investments.** FHWA will assess the extent to which the proposed project is expected to leverage Federal investment by encouraging future non-Federal contributions<sup>18</sup> to the project, including projects from public-private partnerships. Expended contributions will not be considered for this criterion.

The application should include relevant information on (1) the extent to which the proposed project is supported by contributions, other than funds received under the program, to advance, implement, construct, maintain, or operate the completed deliverable; and (2) the source(s) of the other dedicated non-Federal contributions, including documentation of their current and long-term availability.

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<sup>18</sup> Non-Federal contributions include Federal funding that qualifies as a non-Federal match for this program. For more information on such funding, see Section B.2.



*Strong Alignment:* The application documents substantial, dedicated non-Federal contributions above what is required for non-Federal share.

*Alignment:* The application documents dedicated non-Federal contributions.

*No Alignment:* The application does not document or poorly documents the inclusion of dedicated non-Federal contributions.

**Criterion #2.2: Economic Development and Visitation Opportunities.** FHWA will assess the extent to which the proposed project is expected to support local economic development and improve visitation opportunities.

The application should include relevant information on how the proposed project will equitably support or enable local economic development and improve visitation opportunities in the local area of the proposed project. Projects may demonstrate that they support or enable local economic development by, for example, demonstrating how the project will directly or indirectly create good-paying jobs or improve the passage of freight through the project area. Projects may demonstrate that they improve visitation opportunities by, for example, demonstrating how the project will attract visitors to wildlife viewing, hunting, or fishing opportunities.

*Strong Alignment:* The application describes how the project will support the local economy and improve visitation opportunities.

*Alignment:* The application describes how the project will either support the local economy or improve visitation opportunities.

*No Alignment:* The application does not demonstrate or poorly demonstrates support of the local economy or improvement of visitation opportunities.

**Criterion #2.3: Innovation.** FHWA will assess the extent to which the proposed project will incorporate innovative technologies, including advanced design techniques and other strategies to enhance efficiency and effectiveness in reducing WVCs and improving habitat connectivity for terrestrial or aquatic species.

The application should include relevant information on how and the extent to which the proposed project will utilize new technologies and innovations to (1) enhance the efficiency and effectiveness of the project in reducing WVCs; and (2) enhance the efficiency and effectiveness of the project in improving habitat connectivity for terrestrial and aquatic species.

*Strong Alignment:* The application describes how the proposed project will employ at least one new technology or innovation that is expected to substantially enhance the project's efficiency and effectiveness in reducing WVCs or improving habitat connectivity for terrestrial or aquatic species.

*Alignment:* The application describes how the proposed project will employ at least one new technology or innovation that is expected to enhance the project's efficiency and

effectiveness in reducing WVCs or improving habitat connectivity for terrestrial or aquatic species.

*No Alignment:* The application does not demonstrate or poorly demonstrates incorporation and application of new or innovative technologies that are expected to enhance the proposed project's efficiency and effectiveness in reducing WVCs and improving habitat connectivity for terrestrial or aquatic species.

**Criterion #2.4: Education and Outreach.** FHWA will assess the extent to which the proposed project will provide educational and outreach opportunities.

The application should include relevant information on how the proposed project will equitably provide outreach and educate the public on (1) the impacts of WVCs to motorist safety, wildlife injury and mortality, and habitat connectivity; (2) best practices and innovations to incorporate safety and habitat connectivity into transportation design; (3) the impacts of the project to improving motorist safety and habitat connectivity; and (4) best practices, innovations, and individual efforts the public can take to reduce WVCs, protect motorists and wildlife, and improve habitat connectivity. In responding to (1) through (4) above, applicants should include supporting information such as any outreach or education plans.

In evaluating the effectiveness of outreach, FHWA will consider the extent and level of active engagement of educational and outreach opportunities.

*Strong Alignment:* The application describes how the proposed project will effectively and equitably engage and educate the public on WVCs, motorist safety, or habitat connectivity.

*Alignment:* The application describes the proposed project's plan to engage the public on WVCs, motorist safety, or habitat connectivity.

*No Alignment:* The application does not demonstrate or poorly demonstrates a plan for public engagement on WVCs, motorist safety, or habitat connectivity.

**Criterion #2.5: Monitoring and Research.** FHWA will assess the extent to which the proposed project will include monitoring and research to allow FHWA or others to evaluate, compare effectiveness of, and identify best practices in selected projects.

The application should include relevant information on how the proposed project will: (1) identify historical trends and baseline conditions for the area to be affected by the project; (2) establish methodologies, criteria, and metrics for monitoring the area to be affected by the project, including the timeframes for monitoring; (3) record and track relevant data including locations of WVCs, the location of wildlife, the total reduction in WVCs, and improvement of habitat connectivity; (4) evaluate the effectiveness of the project; (5) identify best practices; and (6) make data, results, information, or reports available. See Section F.2.b for data collection and monitoring requirements and information on allowable costs for such activities.

In evaluating the effectiveness of the monitoring and research plan, FHWA will consider the robustness of protocols, extent of monitoring, and the applicant's stated plan to assess project effectiveness and identify best practices.

*Strong Alignment:* The application demonstrates that the proposed project includes an effective plan to monitor, evaluate, and report on WVCs or habitat connectivity.

*Alignment:* The application demonstrates that the project includes data collection and monitoring efforts for WVCs or habitat connectivity.

*No Alignment:* The application does not demonstrate or poorly demonstrates data collection or monitoring efforts for WVCs or habitat connectivity.

**Criterion #2.6: Survival of Species.** Pursuant to 23 U.S.C. 171(a)(4) and 23 U.S.C. 171(e)(2)(F), FHWA will assess the extent to which the proposed project is expected to benefit birds, fish, reptiles, mammals, and amphibians that are federally Threatened or Endangered Species and species that are Proposed or Candidates for listing.<sup>19</sup>

The application should indicate if species that benefit from the proposed project are federally Threatened or Endangered Species, or Proposed or Candidate for listing, and information on how those species are expected to benefit from the project.

In evaluating the directness of the benefit to these species, FHWA will consider the suitability of project features for the species, and the species' mobility, movement patterns, and habitat relative to the project area.

*Strong Alignment:* The application demonstrates that the proposed project is expected to directly benefit one or more federally-listed Threatened or Endangered Species or Proposed or Candidate for listing.

*Alignment:* The application demonstrates that the proposed project is expected to indirectly benefit or may provide direct benefits in the future for one or more federally-listed Threatened or Endangered Species, Proposed or Candidate for listing species.

*No Alignment:* The application does not demonstrate or poorly demonstrates a benefit to any Threatened and Endangered, Proposed or Candidate species for listing.

### **c. Project Readiness**

FHWA will consider project readiness to assess the likelihood of a successful project. In the project readiness analysis, FHWA will consider three components: Technical Assessment, Environmental Review and Permitting Risk, and Financial Completeness. The evaluation of these components will be based on information contained within the application. See Section D for information on what to include in the application. The application should contain a section

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<sup>19</sup> See Section 4 of the Endangered Species Act (16 U.S.C. 1533; see 50 CFR 17.11).

that explicitly addresses Environmental Review and Permitting Risk (described in Section D.2.c.iv.3).

In addition, applicants that are required to consult with the State DOT per Section C.3.b or have the State DOT administer their grant per Section B.5, must include a section that explicitly addresses that consultation and should include a section that addresses coordination with the State DOT to administer the grant. Otherwise, the Technical Assessment and Financial Completeness Assessment will be based on information contained throughout the application.

Project readiness will only be evaluated for applications that are *Strongly Recommended* or *Recommended* in both Primary and Secondary Merit Criteria, as further detailed in Section E.2.

**Technical Assessment.** The Technical Assessment will assess the applicant’s capacity to successfully deliver the project in a technically sound manner and in compliance with applicable Federal, State, and local requirements based on factors including, but not limited to, the recipient’s experience working with Federal Agencies, civil rights compliance (including compliance with Title VI of the Civil Rights Act of 1964 and accompanying FHWA regulations, the Americans with Disability Act, and Section 504 of the Rehabilitation Act), previous experience with DOT or FHWA discretionary grant awards, the technical experience and resources dedicated to the project, and the ability for applicants to maintain the project in accordance with Federal law. This assessment will result in a rating of “certain,” “somewhat certain,” or “uncertain.” Lack of previous project delivery in accordance with Federal requirements will not by itself result in a rating of “uncertain,” but may result in a rating of “somewhat certain.”

In order to ensure successful and timely project delivery, MPOs, units of local government, regional transportation authorities, special purpose districts, or public authorities with a transportation function should include information on their support from the State DOT in the State where the project is located indicating that the State DOT will administer a WCPP grant for the subject project pursuant to 23 U.S.C. 171(f)(2)(A)(ii). Selected applicants will need an agreement with the State DOT prior to FHWA obligating funds to the State DOT as a pass-through entity. While applicants do not need this agreement prior to submitting an application, FHWA recommends that applicants include information on support from their State DOT. FHWA will not be able to authorize a project where the application does not demonstrate an agreement with the State DOT to administer the project, where applicable, and may consider applications requiring State DOT agreement but lacking indication of State DOT support as possessing less certainty during the Technical Assessment.

**Environmental Review and Permitting Risk.** The FHWA will assess the project’s environmental approvals and likelihood of the necessary approvals affecting timely project obligation and completion, which will result in a rating of “low risk,” “moderate risk,” or “high risk.” See Section B.6 for obligation deadlines and requirements.

Applicants should provide the information described in Section D.2.c.iv.3, which FHWA will use to assess (1) the extent the proposal describes the environmental review and permitting process for the proposed project, including a realistic timeline, key milestones to be achieved,

and the status of permitting and environmental compliance; (2) the status of NEPA and other necessary reviews or approvals, and whether the applicant has secured necessary Federal, State, and local permits or approvals, or how the proposed project will timely complete the environmental review and permitting process; and (3) components of the project that could prevent the project from obtaining needed environmental approvals or significantly extend the time for approvals and project completion, and any proposed response plan.

**Financial Completeness.** FHWA will review the availability of matching funds and whether the application presents a complete funding package, and will receive a rating of “complete,” “partially complete,” or “incomplete.”

The Project Readiness Ratings will be evaluated using the table below:

<b>Rating</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Technical Assessment</b>	<i>Uncertain:</i> The team is not confident in the applicant’s capacity and capability to deliver this project in a technically sound manner that satisfies applicable Federal, State, local, and program requirements.	<i>Somewhat Certain:</i> The team is moderately confident in the applicant’s capacity and capability to deliver the project in a technically sound manner that satisfies applicable Federal, State, local, and program requirements.  The project may need additional assurances, oversight, or resources.	<i>Certain:</i> The team is confident in the applicant’s capacity and capability to deliver the project in a technically sound manner that satisfies applicable Federal, State, local, and program requirements.

<b>Rating</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Environmental Review and Permitting Risk</b>	<i>High Risk:</i> There are known environmental concerns associated with the project that would preclude timely implementation. The project may not have completed or begun NEPA or there are known environmental, or litigation concerns associated with the project.	<i>Moderate Risk:</i> There are potential environmental review, or permitting concerns, but these can likely be addressed without significant delays. The project may not have completed NEPA or secured necessary Federal permits, and it is uncertain whether they will be able to do so in the time necessary to meet the project schedule.	<i>Low Risk:</i> The project does not have or has already completed the NEPA process and other environmental reviews, or it is highly likely that they will be able to complete the NEPA process and other environmental reviews in the time necessary to meet requirements and their project schedule.
<b>Financial Completeness</b>	<i>Incomplete:</i> The project lacks definite funding from other Federal or non-Federal sources and sound fiscal management approaches.	<i>Partially Complete:</i> Project funding appears stable and highly likely to be available in time to meet the project's schedule.	<i>Complete:</i> The project's funding from other Federal and non-Federal sources is fully committed and there is demonstrated funding available to cover contingencies and cost increases.

The Project Readiness Ratings will then be translated to a high, medium, or low overall rating, using the table below:

<b>Project Readiness Rating</b>	<b>Description</b>
High	All 3s OR two 3s and one 2
Medium	One 3 and two 2s OR all 2s
Low	Any 1s

**d. Selection Considerations**

After completing the merit review, among projects of similar merit, DOT may prioritize projects that advance the Departmental priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth creation as described in the [DOT Strategic Plan](#), [DOT Research, Development and Technology Strategic Plan](#), and in executive orders.

### **i. Safety**

DOT and FHWA are committed to advancing safe, efficient transportation, including in the WCPP. As part of FHWA’s commitment to safety, FHWA seeks to fund projects that provide substantial safety benefits and advance safe, efficient transportation under the WCPP. The [National Roadway Safety Strategy](#) (NRSS), issued January 27, 2022, commits DOT to respond to the current crisis in roadway fatalities by “taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation’s roadways,” in pursuit of the goal of achieving zero roadway deaths and serious injuries through a Safe System Approach which focuses on five key objectives: safer people, safer roads, safer vehicles, safer speeds, and post-crash care.

FHWA will prioritize projects that demonstrate the extent to which the project will improve the overall safety of the traveling public, mitigate any significant safety risks that could result after the project completion, does not negatively impact the safety of the traveling public, and any relevant group applicable to the program, and align with the NRSS. FHWA will consider the benefits of reduced public burden and economic drain caused by WVCs, such as loss of income, medical costs, costs of replacing property damage, and decline in productivity and quality of life.

### **ii. Climate Change and Sustainability**

FHWA will prioritize projects for which reducing greenhouse gas (GHG) emissions and improving climate resilience are a primary project purpose. Applicants are encouraged to use the [DOT Navigator Climate checklist](#) in responding to this selection consideration. Applications that align with this selection consideration 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 that advances objectives in the [National Climate Resilience Framework](#).

### **iii. Equity**

FHWA will also prioritize projects that will create positive outcomes that will reduce, mitigate, or reverse how a community is experiencing disadvantage through increasing affordable transportation options, improving health or safety, reducing pollution, connecting Americans to good-paying jobs, fighting climate change, and/or improving access to nature, resources, transportation or mobility, and quality of life. Applicants are strongly encouraged to use the [USDOT Equitable Transportation Community \(ETC\) Explorer \(arcgis.com\)](#) to understand how their project area is experiencing disadvantage in any of five areas that transportation projects with a direct relationship. FHWA will

prioritize investments while mitigating economic displacement economically susceptible residents and businesses. Some examples include the preservation and/or production of affordable housing; expanding affordable, safe transportation and mobility options to areas where good jobs are concentrated; and supporting entrepreneurship, small business growth, tourism and access to capital through local hiring. FHWA also will prioritize investments where the applicant will engage the public, including disadvantaged communities, during all phases of the project, including planning, design, construction, and implementation. [Three Major Components of DOT's Justice40 Initiative | US Department of Transportation](#).

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

FHWA will prioritize projects that demonstrate the extent to which the project will support the creation of good-paying jobs with the free and fair choice to join a union including through the use of a project labor agreement, promote investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships. These programs should have a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.), and adopt local and economic hiring preferences for the project workforce or include other changes to hiring policies and workplace cultures to promote the entry and retention of underrepresented populations. DOT and FHWA also will prioritize projects that use the WCPP to support wealth creation, consistent with [DOT Equity Action Plan](#), through the inclusion of local inclusive economic development and entrepreneurship considerations, such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

### **2. Review and Selection Process**

The WCPP grant application review and selection process consists of an intake and eligibility review, a technical review, a senior-level review, and selection of projects to award grants by the FHWA Administrator. All teams and evaluators will be composed of DOT staff.

#### **a. Intake and Eligibility Review**

For each application received, the Technical Evaluation Team will conduct an application intake and eligibility review based on the statutory eligibility requirements in Section C. The eligibility review will assess whether the applicant is an Eligible Entity, meets cost share requirements, submitted an Eligible Project, and has completed the required consultation with the State in which the Eligible Entity is located, if applicable. FHWA will also review whether the applicant submitted all required documents, as specified in Section D.2.a. Only applications from eligible entities that submit a complete application in conformance with the instructions in this NOFO will be further evaluated against the project selection criteria in Section E.1 that occurs in the Technical Review phase. Applications that are not eligible will be given a rating of *Not Eligible* and will not be evaluated further.



## **b. Technical Review**

For eligible projects that advance to the Technical Review phase, the Technical Evaluation Team will consider whether the application is responsive to the project selection criteria in Sections E.1.a. and E.1.b. Each application will receive a rating of *Strong Alignment*, *Alignment*, or *No Alignment* for both Primary Merit Selection Criterion. Based on these ratings, applications will be rated as *Strongly Recommended*, *Recommended*, or *Not Recommended* for the Primary Merit Selection Criteria category. Applications that are rated as *Not Recommended* for the Primary Merit Selection Criteria will not be evaluated further and will not receive funding under this application cycle.

All applications that are rated *Strongly Recommended* or *Recommended* for the Primary Merit Selection Criteria will be evaluated under the Secondary Merit Selection Criteria described in Section E.1.b. For each of the six Secondary Merit Selection Criteria, applications will be rated as *Strong Alignment*, *Alignment*, or *No Alignment*. Following the rating of each criterion, applications will receive a rating of *Strongly Recommended*, *Recommended*, or *Not Recommended* for the Secondary Merit Selection Criteria category.

### **i. Primary Merit Criteria**

The Technical Evaluation Team will evaluate all eligible applications for their alignment with the two Primary Merit Criteria in Section E.1.a.

*Strongly Recommended* applications have (1) *Strong Alignment* with both Primary Merit Criteria; or (2) *Strong Alignment* with one Primary Merit Criteria and *Alignment* with the other Primary Merit Criteria.

*Recommended* applications have *Alignment* with both Primary Merit Criteria.

*Not Recommended* applications have *No Alignment* with one or both Primary Merit Criteria.

The Technical Evaluation Team will only continue to evaluate applications that receive a *Strongly Recommended* or *Recommended* rating. Applications that are *Not Recommended* will receive an overall rating of *Not Recommended* and will not receive funding under this application cycle.

### **ii. Secondary Merit Criteria**

Only applications that are *Strongly Recommended* or *Recommended* from the Primary Merit Criteria will be evaluated for their alignment with the six Secondary Merit Criteria in Section E.1.b by the Technical Evaluation Team.

*Strongly Recommended* applications have (1) *Strong Alignment* with two or more of the six Secondary Merit Criteria; and (2) *Alignment* with all the remaining Secondary Merit Criteria.

*Recommended* applications are applications that are not evaluated as *Strongly Recommended* and which have *Alignment* or *Strong Alignment* with at least three of the six Secondary Merit Criteria.

*Not Recommended* applications have *No Alignment* with four or more of the six Secondary Merit Criteria.

Applications that receive a rating of *Not Recommended* for the Secondary Merit Criteria will receive an overall rating of *Not Recommended* and will not receive funding for this application cycle.

### **c. Project Readiness Evaluation**

Only applications that are *Strongly Recommended* or *Recommended* from the Primary Merit Criteria and *Strongly Recommended* or *Recommended* from the Secondary Merit Criteria will undergo a Project Readiness Evaluation. As described in Section E.1.c, FHWA will undertake a Technical Assessment, Environmental Review and Permitting Risk Assessment, and Financial Completeness Assessment for each such project. Based on the results of those assessments, projects will receive a Project Readiness rating of *High*, *Medium*, or *Low* as described in Section E.1.c.

Applications that receive a rating of *Low* for their Project Readiness rating will receive an overall rating of *Not Recommended* and will not receive funding for this application cycle.

### **d. Overall Rating**

The Technical Evaluation Team will assign overall application ratings based on the ratings for the Primary Merit Criteria, Secondary Merit Criteria, and Technical Assessment as follows.

Applications that are rated as *Highly Recommended* are those that receive ratings of (1) *Strongly Recommended* in Primary Merit Criteria; (2) either *Strongly Recommended* or *Recommended* in Secondary Merit Criteria; and (3) either *High* or *Medium* in Project Readiness.

Applications that are rated as *Recommended* are those that receive ratings of (1) *Recommended* in Primary Merit Criteria; (2) either *Strongly Recommended* or *Recommended* in Secondary Merit Criteria; and (3) either *High* or *Medium* in Project Readiness.

Applications that are rated as *Not Recommended* are those that receive ratings of (1) *Not Recommended* in Primary Merit Criteria; (2) *Not Recommended* in Secondary Merit Criteria; or (3) *Low* in Project Readiness.

*Not Eligible* applications are those that do not meet eligibility requirements in Section C as considered by the Intake and Eligibility Review described under Section E.2.a and were not evaluated for Project Selection Criteria.

All *Highly Recommended* and *Recommended* applications will be reviewed by the FHWA Office with jurisdiction over the project; applications from Tribes will be reviewed by FHWA's Office of Tribal Transportation, applications from FLMAs will be reviewed by FHWA's Federal Lands Highway Division Office in the area where the project is located, and all other applications will be reviewed by FHWA's Division Office in the State in which the project is located. FHWA offices will review the respective applications and evaluate whether there are any aspects in the delivery of the proposed projects that may prevent the project from timely moving forward upon receipt of a WCPP grant.

The Technical Evaluation Team will also evaluate each *Highly Recommended* and *Recommended* application against its alignment with the Selection Considerations.

The Technical Evaluation Team will send to the FHWA Senior Review Team (SRT) the overall application rating for each *Highly Recommended* and *Recommended* application and evaluation of alignment with the Selection Considerations.

Applications that are *Not Recommended* or *Not Eligible* will not be provided to the SRT at any point.

#### **e. Senior-Level Review**

The FHWA SRT consists of senior FHWA officials who have been requested to serve by the FHWA Administrator. The SRT, which may include the FHWA Administrator's participation in the SRT review process, advises the FHWA Administrator on which *Highly Recommended* and *Recommended* projects the FHWA Administrator should select for funding. The SRT will advance as many *Highly Recommended* applications to the FHWA Administrator as possible for grant awards, considering the requirement that 60 percent of available funds must be awarded to projects in rural areas.

The SRT may also advance *Recommended* applications or advance a *Recommended* project over a *Highly Recommended* project, after considering the application's alignment with the Selection Considerations, the rankings of individual Primary and Secondary Merit criterion, the results of each assessment for Project Readiness, and geographic diversity, while ensuring the effective use of Federal funds and compliance with the requirement that 60 percent of the funds be awarded to projects in rural areas.

In addition to recommending applications to the FHWA Administrator, the Senior Level Review Team may also advise the FHWA Administrator on options for reduced awards, or awards under a different funding category than identified in the application, ensuring consistency with the requirement that 60 percent of the funds be awarded to projects in rural areas.

## **f. Administrator Selections**

The FHWA Administrator makes final project selections from the list of applications provided by the SRT. The FHWA Administrator has the authority to award WCPP grants. The FHWA Administrator has the discretion to determine which applications best address the goals of the WCPP, the Selection Considerations, geographic diversity, as well as ensuring the effective use of Federal funding. If necessary to meet the requirements of 23 U.S.C. 171(g), the SRT may provide additional recommended applications to the Administrator based on the process described in Section E.2.e.

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

## **3. Additional Information**

- a.** FHWA may, during the selection process, enter into discussions with an applicant that may include mutually agreeing upon a lesser amount of a potential award than originally requested in the application if necessary due to the quantity, size and scope of the applications received in response to this notice and the results of the application review process. Discussions may include scalable project options as described under Section D.7.a of this notice. Discussions do not obligate FHWA to make an award.
- b.** Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.206. As part of this review, FHWA will review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding Agency previously entered. FHWA will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants. FHWA reserves the right to deny an award based on the results of the risk assessment.

## **SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION**

### **1. FEDERAL AWARD NOTICES**

Following the evaluation outlined in Section E, the FHWA Administrator will announce awarded projects by posting a list of selected projects at the [FHWA Newsroom](#). Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following that announcement, FHWA will contact the POC listed in the SF 424 to initiate negotiation of the grant agreement for authorization. Recipients of WCPP grant awards will not receive lump-sum cash disbursements at the time of award announcement. Instead, FHWA will reimburse WCPP grant funds or provide advance payment of WCPP grant funds only after a project agreement has been executed. For a grant provided to a State DOT or where a State DOT is serving as a pass-through entity, FHWA will reimburse grant funds to recipients only after a grant agreement has been negotiated and executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. For a grant provided to an Indian Tribe or FLMA, FHWA will provide grant funds only after a grant agreement has been negotiated and executed. FHWA intends to provide grants funds to Indian Tribes and FLMAs as advance payments if applicants meet the conditions of 2 CFR 200.305(b)(1).

If the negotiations regarding a grant agreement do not result in an acceptable submittal, FHWA reserves the right to terminate the negotiation and decline to fund the Applicant. Only the Agreements Officer or other authorized representative can commit FHWA and bind the Federal Government to the expenditure of funds.

Unless authorized by FHWA in writing after FHWA's announcement of WCPP awards, any costs that a recipient incurs before FHWA executes a grant agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

### **2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS**

All direct awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR Part 1201. In addition, applicable Federal laws, rules, and regulations set forth in 23 U.S.C., and 23 CFR, shall apply to awards provided under this program.

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

In particular, E.O. 14005 directs the executive branch departments and agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. Any grant projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carriers Safety Regulations (FMCSR), or vehicles that are exempt from FMVSS or FMCSR in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

The online clauses entitled “General Terms and Conditions for Assistance Award” apply to direct awards to FLMAs and Tribes, and are available in full text online at:

[https://www.fhwa.dot.gov/cfo/contractor\\_recip/gtandc\\_generaltermsconditions.cfm](https://www.fhwa.dot.gov/cfo/contractor_recip/gtandc_generaltermsconditions.cfm)

Please visit the WCPP Website for the General Terms and Conditions for FY 2022-2023 WCPP awards: <https://highways.dot.gov/federal-lands/programs/wildlife-crossings-pilot-program/wcpp-terms-and-conditions-fy22-23>. The FY 2024-2026 WCPP Terms and Conditions will be similar to the FY 2022-2023 WCPP Terms and Conditions, but it will include relevant updates consistent with this notice.

#### **a. Public Access to Documents**

The applicant agrees that any resulting deliverables/documentation submitted to the FHWA under the grant agreement may be posted online for public access and/or shared by FHWA with other interested parties. FHWA anticipates the documents cited herein may be posted on an FHWA Website or another appropriate website.

#### **b. Data Rights**

The recipient must make available to FHWA copies of all work developed in performance with the project agreement, including but not limited to software and data. Data rights under the project agreement shall be in accordance with 2 CFR 200.315, Intangible property.

#### **c. Public Access Requirements and Compliance for Research Projects**

In response to the White House Office of Science and Technology Policy memorandum dated February 22, 2013, entitled Increasing Access to the Results of Federally Funded Scientific Research, DOT is incorporating Public Access requirements into all funding awards (grants) for scientific research. This section sets forth the requirements a recipient receiving funding for a research project must satisfy to be in full compliance with the DOT Public Access plan. For all wholly or partially Federal funded scientific research agreements, the recipient hereby agrees to comply with the requirements of the DOT Public Access plan. A recipient of research funding is required to include these obligations in any sub-awards or other related funding agreements. The full requirements of the DOT Public Access plan requirements include, but are not limited to, the following:

- i. Copyright License.** Recipient hereby grants to DOT a worldwide, non-exclusive, non-transferable, paid-up, royalty-free copyright license, including all rights under copyright, to all Publications and Digital Data Sets as such terms are defined in the DOT Public Access plan, resulting from scientific research funded either fully or partially by this funding agreement. Recipient herein acknowledges that the above copyright license grant is first in time to any and all other grants of a copyright license to such Publications and/or Digital Data Sets, and that DOT shall have priority over any other claim of exclusive copyright to same.
- ii. Reporting and Compliance Activities.** Recipient hereby agrees to satisfy the reporting and compliance requirements as set forth in the DOT Public Access plan, including, but not limited to, the submission and approval of a Data Management plan, the use of Open Researcher and Contributor ID numbers, the creation and maintenance of a research project record in the Transportation Research Board’s Research in Progress database, and the timely and complete submission of all required publications and associated digital data sets as such terms are defined in the DOT Public Access plan. Additional information about how to comply with the requirements can be found at: <https://ntl.bts.gov/public-access/how-comply>.

#### **d. Critical Infrastructure Security, Cybersecurity, and Resilience**

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including physical and cyber risks, consistent with Presidential Policy Directive 21 – Critical Infrastructure Security and Resilience, and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Each applicant selected for WCPP grant 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 U.S. Department of Homeland Security, will be required to do so before receiving funds.

#### **e. Domestic Preference Requirements**

As expressed in E.O. 14005, *Ensuring the Future Is Made in All of America by All of America’s Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to the domestic preference requirement at the Build America, Buy America Act (Pub. L. No 117-58, div. G 70901–70927), as well as FHWA’s Buy America requirements (23 U.S.C. 313) and Buy American requirements (41 U.S.C. 8301 et seq.), as applicable. FHWA expects all applicants to comply with that requirement.

The applicability of Federal requirements to a project may be affected by the scope of the NEPA reviews for that project. For example, under 23 U.S.C. 313(h), Buy America requirements apply

to all contracts that are eligible for assistance under Title 23, U.S.C., and are carried out within the scope of the NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract is funded with Title 23 funds, like in the case of one NEPA finding for an entire corridor with multiple phased projects for separate segments.

#### **f. 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 part 21), the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act, and 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. DOT's and FHWA's Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

#### **g. Federal Contract Compliance**

As a condition of receiving a grant award and consistent with E.O. 11246, Equal Employment Opportunity (30 FR 12319, and as amended), all federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on the geographic area in which the project is located for construction work hours and for work being performed by people of color.<sup>20</sup> 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 E.O. 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. The OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. The 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 award.

#### **h. Project Signage and Public Acknowledgements**

Recipients are encouraged for construction and non-construction projects to post project signage and to include public acknowledgements in published and other collateral materials (e.g., press releases, marketing materials, Website, etc.) satisfactory in form and substance to DOT, that

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<sup>20</sup> <https://www.dol.gov/sites/dolgov/files/ofccp/ParticipationGoals.pdf>



identifies the nature of the project and indicates that “the project is funded by the Bipartisan Infrastructure Law.” In addition, grant 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 acknowledgements must be reasonable and limited. Signs or public acknowledgements should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or burden to the grant recipient. Grant recipients are encouraged to use recycled or recovered materials when producing signs.

### **3. REPORTING**

#### **a. Progress Reporting on Grant Activities**

Each applicant selected for WCPP grant funding must submit progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the WCPP. Details including the reporting frequency can be found in the Grant Agreement and General Terms and Conditions.

#### **b. 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 million for any period of time during the period of performance of this Federal award, then the applicant, during that period of time, must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently FAPIIS) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

#### **c. Performance and Program Evaluation**

As a condition of grant award, 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) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff. Applicants must agree to provide the required data or, if applicable, access to right-of-way or adjacent wildlife corridors for long-term data collection by FHWA or agencies with wildlife jurisdiction. As appropriate, applicants must agree to supply any supporting design reports outlining site conditions (e.g., geomorphic, and biological) and the constructed “as-built” plans including documented post-construction

conditions specific to WVCs and habitat connectivity which will establish baseline conditions for future monitoring.

Recipients and sub-recipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. No. 115–435 (2019) urges Federal awarding agencies and Federal assistance recipients and sub-recipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency” (codified at 5 U.S.C. 311). 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 grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR part 200).

#### **d. WCPP Project Specific Reporting Requirements**

Each applicant selected for WCPP grant funding must collect and report to FHWA information on the project’s performance based on performance indicators FHWA identifies related to program goals (e.g., reducing the number of WVCs and improving habitat connectivity for terrestrial and aquatic species) and other information as requested by FHWA. Performance indicators should include measurable goals or targets that FHWA will use internally to determine whether the project meets program goals and whether grant funds achieve the intended long-term outcomes of the WCPP. FHWA will work with grant recipients to establish a recommended two to four performance measures that enable FHWA to measure and evaluate the outcomes of each individual grant. Indicators may document changes from an established baseline such as number of WVCs within the project area or degree of ecological benefit from habitat connectivity (e.g., considering pre-project baselines or post-project outcomes). Other indicators or metrics may consist of monitoring or maintenance activities where construction occurs, including those proposed to occur after completion of project construction. Performance reporting is expected continue for several years after project construction is completed.

#### **e. Other**

FHWA reserves the right to request additional information, if deemed needed, to better understand the status of the project. The successful applicant will provide additional financial reporting beyond the regular reporting frequency if such statements are necessary to address

FHWA's Stewardship and Oversight responsibility of the funds. The successful applicant also agrees to allow periodic project inspections and FHWA will provide notice for such inspections.

## **SECTION G – FEDERAL AWARDING AGENCY CONTACTS**

For questions concerning this NOFO and the WCPP, please contact the POC listed on page 2 of this NOFO.

In addition, DOT will post answers to questions and requests for clarifications on FHWA's Website at <https://highways.dot.gov/federal-lands/programs/wildlife-crossings>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions.

## SECTION H – OTHER INFORMATION

### 1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) State on the cover of that document that it “Contains Confidential Business Information (CBI);” (2) mark each page that contains confidential information with “CBI”; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. FHWA will protect confidential information complying with these requirements to the extent required under applicable law. If FHWA receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, FHWA will follow the procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under 40 CFR 7.29 will be exempt from disclosure under FOIA.

### 2. Publication/Sharing of Application Information

Following the completion of the selection process and announcement of awards, FHWA may publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1, FHWA may make application narratives publicly available or share application information within DOT or with other Federal Agencies if FHWA determines that sharing is relevant to the respective program’s objectives.

### 3. DOT Feedback on Applications

Debriefs by FHWA are available to applicants not selected for award to receive information about the evaluation of their application. Contact [WildlifeCrossings@dot.gov](mailto:WildlifeCrossings@dot.gov) to request a debrief.

### 4. Other Funding Opportunities

The WCPP is a new grant program created under the BIL. For safety and conservation related Federal assistance you may refer to other programs including, but not limited to the following:

- [FHWA Bipartisan Infrastructure Law Competitive Grant Programs;](#)
- [FHWA’s Bridge Investment Program;](#)

- [FHWA's Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation Program;](#)
- [FHWA's Tribal Transportation Program;](#)
- [FHWA's Federal Lands Transportation Program;](#)
- [FHWA's National Culvert Removal, Replacement and Restoration Grants;](#)
- [National Oceanic and Atmospheric Administration's fish passage initiatives;](#) and
- [US Fish and Wildlife Service's National Fish Passage Program.](#)