

2022-2026 Tribal Transportation Program Safety Fund

Notice of Funding Opportunity

Amendment # 1

This amendment to the 2022-2026 Tribal Transportation Program Safety Fund (TTPSF) Notice of Funding Opportunity (NOFO) incorporates changes to the version originally posted to Grants.gov on June 7, 2022.

In the document below, the deadline for applications to the 2023 funding cycle is extended to March 9, 2023. Please see red underlined text for revisions.

AGENCY:

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

ACTION:

Notice of Funding Opportunity (NOFO) as amended.

SUMMARY:

This notice announces a funding opportunity and requests grant applications for FHWA's Tribal Transportation Program Safety Funds (TTPSF) for Fiscal Year (FY) 2022 through 2026 funding. The TTPSF is authorized within the Tribal Transportation Program (TTP) under section 202(e) of Title 23, United States Code (U.S.C.).

This grant opportunity is expected to result in the distribution of annual funding ranging from up to \$23.1 million in FY 2022 to up to \$25.1 million in FY 2026, based on current authorized amounts. The actual amount available to be awarded under this NOFO for each fiscal year will be subject to the availability of funds. The anticipated maximum available funding will be up to \$23,138,400 for FY 2022; up to \$23,598,400 for FY 2023; up to \$24,098,400 for FY 2024; up to \$24,518,400 for FY 2025; and up to \$25,118,400 for FY 2026.

In addition, this notice identifies selection criteria, application requirements, and technical assistance during the grant solicitation period. The FHWA will distribute these funds as described in this notice on a competitive basis in a manner consistent with the selection criteria.

DATES:

For FY 2022, applications may be submitted through the application deadline at 11:59 p.m., Eastern Standard Time, on September 15, 2022. For FY 2023, applications may be submitted through the application deadline at 11:59 p.m., Eastern Standard Time, on March 9, 2023. For each of FY ~~2023-2024~~ through FY 2026, applications must be submitted between 12:00 a.m., Eastern Standard Time, on October 1 and no later than 11:59 p.m., Eastern Standard Time, on January 15 for each respective fiscal year (the "application deadline"). Applications for all fiscal years must be submitted electronically. Also, applicants are encouraged to submit applications in advance of the application deadline, however applications will not be evaluated, and awards will not be made until after the application deadline. The FHWA plans to conduct outreach regarding TTPSF FY 2022 funding in the form of a Webinar on June 15, 2022 at 3:30 p.m., Eastern Standard Time. For FY 2023 through FY 2026 funding, FHWA will conduct similar Webinars as announced through the FHWA Office of Tribal Transportation mailing list. Attending these informational Webinars is not required to apply. To join the Webinar or subscribe to the mailing list, follow the directions found at <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds>. Any changes to Webinar connection information along with a recording of the Webinar will be posted at <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds>. A Telephone Device for the Deaf (TDD) is available for individuals who are deaf or hard of hearing at 202-366-3993.

ADDRESSES:

Applications must be submitted electronically through the Website:
<https://highways.dot.gov/federal-lands/programs-tribal/safety/funds>.

FOR FURTHER INFORMATION CONTACT:

For further information concerning this notice please contact:

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Office hours are from 7:00 a.m. to 3:30 p.m. Pacific Standard Time, Monday through Friday, except Federal holidays.

For legal questions, please contact:

Michelle Andotra
Office of the Chief Counsel
Federal Highway Administration
60 Forsyth Street, SW, Suite 8M5
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Office hours are from 8:00 a.m. to 4:30 p.m. Eastern Standard Time, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Background**

A listing of TTPSF projects/activities that Tribes were previously awarded, answers to frequently asked questions, and additional safety-related information can be found at <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds>.

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A. Program Description

The National Roadway Safety Strategy (issued January 27, 2022) commits the DOT and FHWA to respond to the current crisis in traffic 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 highway deaths. FHWA recognizes that zero is the only acceptable number of deaths on our roads and achieving that is our safety goal. FHWA therefore encourages Tribes and other funding recipients to prioritize safety in all Federal highway investments and in all appropriate projects, using relevant funding, including funds from TTPSF. Additional information about the National Roadway Safety Strategy can be found in Section E.4 of this NOFO and at <https://www.transportation.gov/NRSS>.

Under 23 U.S.C. § 202(e), FHWA sets aside not more than four percent of the funds made available under the Tribal Transportation Program for each fiscal year to be allocated based on an identification and analysis of highway safety issues and opportunities on Tribal land on application of the Indian Tribal governments for eligible projects described in 23 U.S.C. § 148(a)(4).

Since TTPSF was created under the Moving Ahead for Progress in the 21st Century Act (MAP-21), FHWA has awarded approximately \$79 million over multiple rounds of competitive grants to federally recognized Indian Tribes for 765 projects, including to develop safety plans and to address safety issues in Tribal areas. The goal of TTPSF is to reduce deaths or serious injuries in transportation-related crashes in Tribal areas. The FHWA will prioritize projects that incorporate safety into existing infrastructure. Strategic safety planning, data collection and analysis, and the implementation of safety projects are objectives that contribute to achievement of the TTPSF goal. Successful TTPSF projects leverage resources, encourage partnerships, result from strategic safety planning, and have the data to support the applicants’ approach in addressing the prevention and reduction of death or serious injuries in transportation-related crashes.

The TTPSF emphasizes the development of strategic transportation safety plans using a data-driven process as a means for Tribes to determine how transportation safety needs will be addressed in Tribal communities. Transportation safety plans are a tool used to identify risk factors that lead to serious injury or death and organize various entities to strategically reduce risk. Transportation safety plans are aimed at preventing transportation-related fatalities and serious injuries in a locality that may include--

- A goal and timeline for eliminating fatalities and serious injuries;
- An analysis of the location, severity, and contributing factors of vehicle-involved crashes in a locality;
- An analysis of community input, gathered through public outreach and education;
- A data-driven approach to identify projects or strategies to prevent fatalities and serious injuries in a locality, such as those involving--
 - a. Education and community outreach;
 - b. Effective methods to enforce traffic laws and regulations;
 - c. New vehicle or other transportation-related technologies; and
 - d. Roadway planning and design; and

- Mechanisms for evaluating the outcomes and effectiveness of the transportation safety plan, including the means by which that effectiveness will be reported to residents in a locality.

More information on the development of transportation safety plans can be found on the FHWA's website at <https://highways.dot.gov/federal-lands/programs-tribal/safety/safety-plan-toolkit>.

Projects submitted as part of a grant application must be consistent with a transportation safety plan and must (i) correct or improve a hazardous road location or feature or (ii) address a highway safety problem (23 U.S.C. § 202(e), 148(a)(4)). Projects must be identified through a data-driven process. The TTPSF is focused on improving transportation safety, but many TTPSF projects also address community health, livability, sustainability, transportation alternatives, and climate change.

Safety data is critical for informed transportation safety decisions; as such, TTPSF also places an emphasis on assessment and improvement of traffic records systems (primarily crash data systems). Tools to improve crash data planning, collection, and analysis, including guidelines for conducting a crash records self-assessment, can be found in the Tribal Crash Reporting Toolkit at <https://www.tribalsafety.org/tribal-crash-reporting-toolkit>.

Tribes can reduce the risk of serious roadway departure crashes by deploying roadway improvements designed to keep drivers in their lane, to provide recoverable roadsides, and to reduce the severity of a roadway departure crash if one does occur. Rather than relying on location specific crash history alone, systemic roadway departure countermeasures are selected by considering risk factors frequently involved in roadway departure crashes. The FHWA established a new category in FY 2021, the systemic roadway departure countermeasures category, with a flexible goal to allocate 25 percent of the available TTPSF for this category. Because roadway departure crashes in Tribal areas are significantly overrepresented in horizontal curves, improvements in this category will first prioritize improvement of higher risk horizontal curves before addressing tangent sections. The following list shows the countermeasures, in order of priority, that will be considered in the Systemic Roadway Departure Countermeasures category:

- Horizontal alignment warning signs required or recommended by Table 2C-5 of the Manual on Uniform Traffic Control Devices (MUTCD);
- Horizontal alignment warning signs identified as optional in Table 2C-5 of the MUTCD when additional risk factors exist;
- Delineators in curves as described in Chapter 3F of the MUTCD;
- First installation, including design, of center line and edge line markings up to 300 feet approaching and through a horizontal curve;
- Edge line rumble stripes, including narrow longitudinal rumble strips, up to 300 feet approaching and through horizontal curves;
- Center line rumble stripes up to 300 feet approaching and through horizontal curves;
- Delineators in tangent sections as described in Chapter 3F of the MUTCD;

- First installation, including design, of center line and edge line markings on tangent sections of roadway;
- Edge line rumble strips or rumble stripes on tangent sections with at least 3 feet of paved shoulder;
- Narrow longitudinal rumble stripes on tangent sections with less than 3 feet of paved shoulder;
- Center line rumble strips on tangent sections with at least 22 feet of pavement width;
- Mitigation of roadside hazards to establish or widen clear zones in horizontal curves including clearing and grubbing, removal of fixed objects, and replacement with crashworthy devices; and
- Mitigation of roadside hazards to establish or widen clear zones along tangent sections of roadway including clearing and grubbing, removal of fixed objects, and replacement with crashworthy devices but excluding roadside slope flattening.

Activities eligible for the Systemic Roadway Departure Countermeasures category are also eligible for the Infrastructure Improvements category, which uses different selection criteria and does not prioritize project types.

A wide variety of projects are eligible under the Infrastructure Improvements and Other Eligible activities as listed in 23 U.S.C. § 148(a)(4) category. Pedestrian safety, intersections, speed management, and roadway departure are examples of issues that may be identified in a Tribe's transportation safety plan and addressed by a project submitted for funding in the Infrastructure Improvements category. Applicants should review the non-exhaustive eligibility list in 23 U.S.C. § 148(a)(4) for examples of projects that are eligible for the Infrastructure Improvements category.

A listing of TTPSF projects/activities that Tribes were previously awarded, answers to frequently asked questions, and additional safety-related information can be found at <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds>.

For purposes of awarding funds under this program in FY 2022 through FY 2026, FHWA has identified four award categories: (1) safety plans; (2) data assessment, improvement, and analysis activities; (3) systemic roadway departure countermeasures; and (4) infrastructure improvements and other eligible activities as listed in 23 U.S.C. § 148(a)(4).

The Catalog of Federal Domestic Assistance number for this funding opportunity is 20.205, Highway Planning and Construction.

B. Federal Award Information

Eligible projects are those described in 23 U.S.C. § 148(a)(4), which include strategies, activities, and projects on a public road that are consistent with a transportation safety plan and (i) correct or improve a hazardous road location or feature, or (ii) address a highway safety problem.

Under 23 U.S.C. § 148(a)(4)(B), eligible projects are limited to the following:

- (i) An intersection safety improvement that provides for the safety of all road users, as appropriate, including a multimodal roundabout.
- (ii) Pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition).
- (iii) Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities.
- (iv) Installation of a skid-resistant surface at an intersection or other location with a high frequency of crashes.
- (v) An improvement for pedestrian or bicyclist safety or safety of persons with disabilities.
- (vi) Construction and improvement of a railway-highway grade crossing safety feature, including installation of protective devices or a grade separation project.
- (vii) The conduct of a model traffic enforcement activity at a railway-highway crossing.
- (viii) Construction or installation of features, measures, and road designs to calm traffic and reduce vehicle speeds.
- (ix) Elimination of a roadside hazard.
- (x) Installation, replacement, and other improvement of highway signage and pavement markings, or a project to maintain minimum levels of retroreflectivity, that addresses a highway safety problem consistent with a State strategic highway safety plan (SHSP).
- (xi) Installation of a priority control system for emergency vehicles at signalized intersections.
- (xii) Installation of a traffic control or other warning device at a location with high crash potential.
- (xiii) Transportation safety planning.
- (xiv) Collection, analysis, and improvement of safety data.
- (xv) Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to work zone safety.
- (xvi) Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators.
- (xvii) The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.
- (xviii) Installation of yellow-green signs and signals at pedestrian and bicycle crossings and in school zones.
- (xix) Construction and operational improvements on high risk rural roads.
- (xx) Geometric improvements to a road for safety purposes that improve safety.
- (xxi) A road safety audit.
- (xxii) Roadway safety infrastructure improvements consistent with the recommendations included in the publication of FHWA entitled "Highway Design Handbook for Older Drivers and Pedestrians" (FHWA-RD-01-103), dated May 2001 or as subsequently revised and updated.
- (xxiii) Truck parking facilities eligible for funding under section 1401 of the MAP-21.
- (xxiv) Systemic safety improvements.
- (xxv) Installation of vehicle-to-infrastructure communication equipment.

(xxvi) Installation or upgrades of traffic control devices for pedestrians and bicyclists, including pedestrian hybrid beacons and the addition of bicycle movement phases to traffic signals.

(xxvii) Roadway improvements that provide separation between pedestrians and motor vehicles or between bicyclists and motor vehicles, including medians, pedestrian crossing islands, protected bike lanes, and protected intersection features.

(xxviii) A pedestrian security feature designed to slow or stop a motor vehicle.

(xxix) A physical infrastructure safety project not described in clauses (i) through (xxviii).

The Infrastructure Investment and Jobs Act (also known as the “Bipartisan Infrastructure Law” (BIL)), Public Law 117-58, added eligibilities to the Highway Safety Improvement Program (HSIP) for non-infrastructure safety projects known as specified safety projects. Those changes to eligibility for HSIP are not transferable to TTPSF because the establishing legislation for TTPSF in 23 U.S.C. § 202(e) specifically refers to projects described in 23 U.S.C. § 148(a)(4). Tribes should continue to identify multi-disciplinary strategies such as improvements to enforcement, emergency medical services, and education to address the challenges identified in their safety plans. Funding to implement such strategies may be available through the Indian Highway Safety Program managed by the Bureau of Indian Affairs (BIA) Office of Justice Services, the Tribal Injury Prevention Cooperative Agreement Program managed by the Indian Health Service, the Safe Streets and Roads for All Program managed by the U.S. Department of Transportation, or transportation safety programs managed by States. Relevant contacts may be found at <https://www.tribalsafety.org/state-contacts>.

Upon award, successful applicants will receive TTPSF funds through their existing TTP contracting methodology with either FHWA or the BIA. Upon completion of a TTPSF project, funds that are not expended are to be recovered and returned to FHWA to be made available for the following year's TTPSF grant cycle.

C. Eligibility Information

To be selected for a TTPSF award, an applicant must be a federally recognized Indian Tribe and the project must be an eligible project, as defined in 23 U.S.C. § 148(a)(4)(B). For a description of eligible projects, please see Section B of this Notice.

1. Eligible Applicants

Eligible applicants for TTPSF discretionary grants are federally recognized Indian Tribes identified on the list of “Indian Entities Recognized and Eligible to Receive Services from the Bureau of Indian Affairs” (published at [86 FR 18552](https://www.federalregister.gov/documents/2017/07/26/86-FR-18552) or future updates). Other entities may partner with a Tribal government to submit an application, but the eligible applicant must be a federally recognized Indian Tribe. A Tribe may submit more than one application; however, only one project may be included in each application. In the event a Tribe submits more than one application, each application will be evaluated separately.

The FHWA anticipates high demand for this limited amount of funding and encourages applications with scalable requests that allow more Tribes to receive funding and applications for requests that identify a commitment of other funding sources to complement TTPSF funding

requests. Applicants should clearly demonstrate the independent components of each project that can be completed if only partial funding is provided. Applicants should demonstrate the capacity to successfully implement the proposed request in a timely manner and ensure that cost estimates and timelines to complete deliverables are included in their applications.

Recipients of prior TTPSF funds may submit applications during this current round according to the selection criteria. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project or projects has met estimated project schedules and budget, as well as the ability to realize the outcomes for previous awards.

2. Cost Sharing or Matching

There is no matching requirement for the TTPSF. However, if the total amount of funding requested for applications rated “highly qualified” or “qualified,” or independent components of such applications, exceeds the amount of available funding, FHWA may give priority consideration to those projects that show a commitment of other allowable¹ funding sources to complement a TTPSF funding request. Therefore, leveraging a TTPSF request with other funding sources is encouraged. Under previous notices, the “leveraging of TTPSF funds with other funding” has been used as a selection criterion rather than an element that is considered when prioritizing applications after rating. For this notice, the leveraging will not be used as a factor during the merit review of the applications and will only be considered after assigning the ratings when the total amount requested for “highly qualified” rated applications, or independent components of such applications, exceeds the amount of available funding. Additional information about leveraging funds can be found in the TTPSF frequently asked questions at: <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds>.

D. Application and Submission Information

1. Address to Request Application Package

The application package can be downloaded at: <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds> or from Grants.gov. For a TDD please call 202-366-3993. If potential applicants are unable to download the application package from the internet, they may send a written request for a paper copy to TTPSF@dot.gov or Adam Larsen, Safety Program Manager, Office of Tribal Transportation, Federal Highway Administration, 610 E 5th Street, Vancouver, WA 98661.

If any changes are made to this NOFO, the updated version will be posted at <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds> and on Grants.gov.

2. Content and Form of Application Submission

The FHWA may request additional information, including additional data, to clarify an application, but FHWA encourages applicants to submit the most relevant and complete information they can provide. The FHWA also encourages applicants, to the extent practicable, to provide data and evidence of project merits in a form that is publicly available or verifiable. The applicants must include the following information in their online application package:

¹ Please refer to 2 CFR § 200.306 and 25 CFR § 170.133 for more information on permitted forms of cost sharing.

I. APPLICATION FORM

Fill out an application form and then submit it online. Both the application form and the online submittal process are found at: <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds> and on Grants.gov.

II. INVENTORY AND OWNER'S LETTER OF SUPPORT

The official inventory status for all official routes can be found from the National Tribal Transportation Facility Inventory (NTTFI). It is recommended that applicants include a copy of the applicable inventory data sheets from the NTTFI that identify the status and ownership of routes to be improved. One source of inventory data sheets is the "Regional NTTFI Reports" on: <https://itims.bia.gov/>

For projects located on a facility not owned by BIA or a Tribe, a letter of support for the project from the facility owner is required.

III. COST BREAKDOWN

An estimate of the costs in the project should be clearly identified in the project narrative or as an attachment to the project narrative. Applications to develop or update a transportation safety plan can provide a lump sum cost for the entire project. Applicants for other categories are encouraged to provide detailed cost estimates customized for the project but may alternatively use the standard forms for Non-Construction (SF-424A) or Construction Projects (SF-424C) as appropriate. These forms can be found at <https://www.grants.gov/forms/sf-424-family.html>. It is recommended that applications for large funding requests present cost breakdown packages showing what can be accomplished if full funding is not available for the project.

IV. PROJECT NARRATIVE

Depending on the eligibility category (safety plans; data assessment, improvement, and analysis activities; systemic roadway departure countermeasures; or infrastructure improvements and other eligible activities as listed in 23 U.S.C. § 148(a)(4)), applicants must attach a project narrative to their online application submittal to successfully complete the application process. Project narratives are not required for the transportation safety plans category since responses to the questions in the application form provide enough information so that an additional project narrative may not be necessary. A project narrative is required, however, for applications in the data assessment, improvement, and analysis activities and infrastructure improvements and other eligible activities as listed in 23 U.S.C. § 148(a)(4) categories. For the systemic roadway departure countermeasures category, a project narrative is recommended in addition to the systemic roadway departure countermeasures request form.

Applicants must identify the eligibility category for which they are seeking funds in the application form and, as applicable, project narrative. In addition, applicants should address each question or statement in their application. It is recommended that applicants use standard formatting (*e.g.*, a single-spaced document, using a standard 12-point font, such as Times New Roman, with 1-inch margins) to prepare their application narratives. An application must include any information needed to verify that the project meets the statutory eligibility criteria in order for FHWA to evaluate the application against TTPSF rating criteria. For example, if the

project is supported by a transportation safety plan, applicants should provide a copy of that plan with the application.

Applicants should demonstrate the responsiveness of their proposals to any pertinent selection criteria (See Section E) with the most relevant information that applicants can provide, substantiated by data, regardless of whether such information is specifically requested, or identified, in the final notice. Applicants should provide evidence of the feasibility of achieving certain project milestones, financial capacity, and commitment in order to support project readiness. Applicants should identify the status of compliance with the National Environmental Policy Act (NEPA) for the project.

Consistent with the requirements for an eligible highway safety improvement project under 23 U.S.C. § 148(a)(4), applicants must describe clearly how their project would correct or improve a hazardous road location or feature or would address a highway safety problem. The application must include supporting data unless otherwise specified. Formal safety data is limited in many Tribal areas; applicants should support their application with documentation summarizing the best available data that demonstrates a history or risk of transportation incidents that are expected to be reduced by the proposed activity. The optimal data is a summary of police crash reports.

However, where police crash reports are not available, news articles, written testimonies, a letter from local law enforcement describing safety performance, health data on injuries, and other documentation of incident history can be accepted. Average daily traffic volumes, pedestrian volumes, traffic citation statistics, public surveys, and sign inventories are examples of alternative safety data sources that could be used to supplement incident history.

If police crash reports are not available to support a project application, then FHWA strongly encourages federally recognized Tribes to conduct an assessment of traffic records (which is an eligible activity for TTPSF). Applicants that do not provide formal crash data are encouraged to attach documentation to their application showing that a traffic records assessment has been conducted or is planned. The National Highway Traffic Safety Administration has published the Tribal Crash Reporting Toolkit which can assist in assessing and improving crash data collection. More information can be found at: <https://www.tribalsafety.org/safety-data>.

The data that should support an application varies by project type, as follows:

- *For safety plans:* There is no requirement to submit data with the application. However, development of safety plans should include and be based on an analysis of incident history.
- *For traffic records assessments and improvements:* Supporting data should be an estimate of the data to be collected (such as approximate number of crashes per year) and a description of any process currently used to collect that data.
- *For Road Safety Audits (RSA):* Site specific data should be submitted that demonstrate an incident history or propensity on the specific roadway to be analyzed.
- *For Systemic Safety Studies:* Data should be provided that demonstrate an incident history across the road network that is associated with the risk factor to be studied.

- *For Systemic Roadway Departure Countermeasures:* Roadway departure is a factor in 63 percent of motor vehicle fatalities in Tribal areas according to the 2017 Tribal Transportation Strategic Safety Plan (<https://www.tribalsafety.org/reports>) which contains an analysis of data from the Fatality Analysis Reporting System. Significant factors often involved in roadway departure crashes in Tribal areas include horizontal curves, low light conditions, and major collector and lower classification roadways. Most of these crashes involve only one vehicle and can be the result of driver behavior factors such as distraction, impairment, and error. Roadway departure crashes often involve similar risk factors (e.g., horizontal curves, visual trap, or low light conditions) but occur infrequently at a given location. For this reason, the systemic approach is used to focus on treating sites of higher risk instead of treating all sites or focusing solely on crash history.
 - For horizontal curve improvements, applicants must provide the traffic volume of the route. Additional risk data may also be considered when assessing the risk level at a horizontal curve location proposed for improvement. Additional risk data for a horizontal curve may include geometric data, site-specific concerns (such as visual trap, intersection within the curve, low friction surface, edge drop-off, etc.), existing safety countermeasures, roadway departure crash history for the Tribal area, and site-specific crash data.
 - For improvements to tangent road segments, applicants must provide the segment length, the posted speed limit, annual average daily traffic, and the width of the paved shoulder, at a minimum, as a means of documenting risk. Additional risk data may also be considered when assessing the risk level of roadway departure for a tangent road segment. Additional risk data for a tangent road segment may include geometric data, terrain, speed study data, edge-drop off measurements, clear zone information, existing safety countermeasures, site-specific crash data, and other risk considerations.
 - The application form includes systemic roadway departure countermeasure request forms that should be used to identify locations proposed for improvement under this category and to document risk factor data. These forms are available at: <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds>.
- *For Infrastructure Improvement and Other Eligible Activities:* Good data are site specific data that describe the crash history and directly demonstrate the safety need. When site specific incident data are not available, some data must still be provided that demonstrate the safety risk to be mitigated; this data could be an area-wide incident history (such as the results of a systemic safety study) supplemented by some supporting data from an alternative safety data source as described above.

The FHWA recommends that the project narrative generally adhere to the following basic outline, and include a table of contents, project abstract, maps, and graphics:

a. *Project Abstract* (maximum five sentences): Summarize project work that would be completed under the project, the hazardous road location or feature or the highway safety problem that the project would address, and whether the project is a complete project or part of a larger project with prior investment. The project abstract must succinctly describe how this specific request for TTPSF would be used to complete the project;

- b. *Applicant information and coordination with other entities:* Identify the Indian Tribal government applying for TTPSF, a description of cooperation with other entities in selecting projects from the Transportation Improvement Program as required under 23 U.S.C. § 202(e)(2), and information regarding any other entities involved in the project;
- c. *Project Description:* Include information on the expected users of the project, status of the environmental review process, including any applicable documentation, a description of the hazardous road location or feature or the highway safety problem that the project would address, and how the project would address these challenges;
- d. *Grant Funds and Sources/Uses of Project Funds:* Include information about the amount of grant funding requested for the project, availability and commitment of funds sources and uses of all project funds, total project costs, percentage of project costs that would be paid for with TTPSF, and the identity and percentage shares of all parties providing funds for the project (including Federal funds provided under other programs). Also provide evidence of the feasibility of achieving project milestones, financial capacity, and commitment in order to support project readiness; and
- e. *Selection Criteria:* Include a description of how the proposal meets the Selection Criteria identified in Section E, Subsection 1 Criteria.

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

Effective April 4, 2022, the Data Universal Numbering System (DUNS) number will no longer be required for entities doing business with the Federal Government and will be replaced by the SAM Unique Entity Identifier (UEI). As of that date, applicants will need to use a UEI issued during the SAM.gov registration process. Active registrants in SAM.gov have had their SAM UEI automatically assigned and it is currently viewable within SAM.gov; there is no action for registered entities to take at this time to obtain their SAM UEI. Note that, prior to April 4, 2022, applicants should have or obtain both a DUNS number and a SAM UEI as the DUNS will remain the authoritative identifier until that date.

Each applicant is required to:

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

Please see <https://www.grants.gov/web/grants/applicants/applicant-faqs.html#UEI> for more information on the transition from DUNS to SAM UEI, including what UEI to enter in the UEI field on grants.gov and on application package forms.

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

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

4. Submission Dates and Time

- i. Call for Projects—For FY 2022 the call for projects will begin on the day that the NOFO is published, June 7, 2022. For subsequent years, applications will be accepted starting on October 1 each year as specified by FHWA. At the beginning of each call for projects, the email listserv for the FHWA Office of Tribal Transportation will distribute an announcement and information will be posted at <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds> and Grants.gov. Unfunded applications will not be carried forward to the next year’s funding cycle. Instead, applicants must reapply each year if they are still pursuing funding for an unfunded project. An exception may be made by FHWA to carry forward unfunded applications to the next funding cycle if grant awards from the previous funding cycle have not been announced before the beginning of the next call for projects.
- ii. Deadline— For FY 2022, applications may be submitted through the application deadline at 11:59 p.m., Eastern Standard Time, on September 15, 2022. For FY 2023, applications may be submitted through the application deadline at 11:59 p.m., Eastern Standard Time, on March 9, 2023. For subsequent years, applications must be submitted electronically no later than 11:59 p.m., Eastern Standard Time on January 15 each year (the “application deadline”).
- iii. Applications will not be evaluated, and awards will not be made, until after the application deadline.
- iv. Late Applications—Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties that are beyond the applicant's control. The FHWA will consider such late applications on a case-by-case basis. Applicants are encouraged to submit additional information documenting the technical difficulties experienced, including a screen capture of any error messages received.

5. Intergovernmental Review

The TTPSF is not subject to the Intergovernmental Review of Federal Programs.

6. Funding Restrictions

The FHWA will not reimburse any application preparation costs or research activities. Pre-award costs will not be reimbursed except in the case of developing or revising a transportation safety plan. After an application has been submitted, applicants may, at their own risk, incur costs to develop or update a transportation safety plan and reimburse those costs if a Federal award is issued for the project. Awards will be administered according to the existing agreement between the awarded Tribe and a Federal Agency.

An indirect cost rate of not more than three percent is allowed to be applied to pass through funds. If the project is done by a Tribe's work force, then the indirect cost rate should be based on the negotiated rate from the U.S. Department of the Interior's Interior Business Center.

Upon completion of a TTPSF project, funds that are not expended in accordance with the activities described in the grant application are to be recovered and returned to the TTPSF funding pool. Changes to the scope of work for a funded project must address the problem

identified in the grant application and must be approved in writing by the FHWA TTPSF Program Manager.

Any project not under contract within three fiscal years after the award announcement will forfeit unexpended funding. This funding will be returned to FHWA for redistribution under the next year's TTPSF awards. Applicants may request, in writing, a one-time, one-year extension of this deadline from the FHWA TTPSF Program Manager.

7. Other Submission Requirements

- i. Applications must be submitted electronically at <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds> when possible. Applications will not be evaluated, and awards will not be made, until after the application deadline.
- ii. Upon electronic submission of the applications, applicants will be sent an automatic reply by email confirming transmittal of the application to FHWA. Please contact Adam Larsen at 360-619-2601 should you not receive any confirmation from FHWA stating that your application was received.
- iii. The FHWA prefers to receive applications in an electronic format as described at <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds>. However, if an applicant is unable to submit their application using the electronic system then the application may be submitted as a paper copy by mail. Applications sent by mail must be received by the deadline and must be addressed to Adam Larsen, TTPSF Program Manager, Office of Tribal Transportation, Federal Highway Administration, 610 E 5th Street, Vancouver, WA 98661.

E. Application Review Information

1. Criteria

FHWA will award TTPSF funds based on the selection criteria and policy considerations as outlined below. To be competitive, an applicant with a previously funded project or projects should demonstrate the extent to which a previously funded project or projects has been able to meet estimated project schedules and budget, as well as the ability to realize the outcomes for previous awards.

FHWA intends to allocate TTPSF between four categories as follows:

- (i) transportation safety plans;
- (ii) data assessment, improvement, and analysis activities;
- (iii) systemic roadway departure countermeasures; and
- (iv) infrastructure improvement and other eligible activities as listed in 23 U.S.C. § 148(a)(4).

The selection criteria are listed below along with rating definitions for each award category.

I. TRANSPORTATION SAFETY PLANS ^[1]

a. Criterion: Requests (up to a maximum of \$15,000) for development of a new transportation safety plan; or requests (up to a maximum of \$10,000) to update an existing transportation safety plan that is at least three years old.

- i. *Highly Qualified*: Request meets the eligibility requirements and the Tribe's existing transportation safety plan that was funded by TTPSF is at least three years old or the Tribe does not have a transportation safety plan.
- ii. *Not Qualified*: Projects that do not meet the eligibility requirements; any request to update a Tribe's existing transportation safety plan that is less than three years old.

The development of a transportation safety plan is the cornerstone for all future Tribal safety activities. Because of the importance of developing, completing, or updating a transportation safety plan and for this one category only, applications will be deemed either "Highly Qualified" or "Not Qualified." For applications requesting funding for a Safety Plan, applications will be rated "Highly Qualified" if the request is for the development of a new transportation safety plan or to update an existing transportation safety plan that is at least three years old. Applications that do not meet one of these criteria will be rated "Not Qualified."

II. DATA ASSESSMENT, IMPROVEMENT, AND ANALYSIS ACTIVITIES

For this category, all criteria will be evaluated but greater consideration will be given to criteria 1 and 2.

a. Criterion 1: Strategic Safety Planning

- i. *Highly Qualified*: Requests that are in a current State SHSP or a Tribe's transportation safety plan that is five years old or newer.
- ii. *Qualified*: Requests that are in the most recent State SHSP or a Tribe's transportation safety plan (the supporting plan is more than five years old).
- iii. *Not Qualified*: The application did not provide documentation that would demonstrate that the project is supported by a State SHSP or Tribe's safety plan.

b. Criterion 2: Supporting Safety Data

- i. *Highly Qualified*: Submission of data, as specified for the specific project type above, that clearly demonstrate the need for the activities.
- ii. *Qualified*: Submission of some data, as specified for the specific project type above, that demonstrate the need for the activity.
- iii. *Not Qualified*: No applicable supporting data was provided to demonstrate the need for the activity.

a. Criterion 3: Facility Ownership

- i. *Highly Qualified*: Project addresses safety needs on a facility owned by a Tribe or BIA, including where a route owned by a Tribe or BIA intersects with a facility not owned by BIA or a Tribe and the road owner has provided a letter acknowledging the project.
- ii. *Qualified*: Project addresses safety needs on a facility not owned by a Tribe or BIA and the road owner has provided a letter acknowledging the project.
- iii. *Not Qualified*: Project is located on a route that is not owned by BIA or a Tribe and the road owner did not provide documentation acknowledging the project.

For applications requesting funding under the Data Assessment, Improvement, and Analysis Activities category, a project application will be rated "Highly Qualified" if the application satisfies all of the "Highly Qualified" criteria for the specified funding category. An application

that satisfies at least one “Highly Qualified” criterion for a specified funding category and “Qualified” for all other criteria for the category will be rated “Qualified.” An application that satisfies all of the “Qualified” criteria for a specified funding category will be rated “Qualified.” Applications that meet one or more of the “Not Qualified” criteria for the specified funding category or do not meet the TTPSF eligibility requirements will be rated “Not Qualified.”

III. SYSTEMIC ROADWAY DEPARTURE COUNTERMEASURES

An application in this category may propose to improve multiple locations. Each location will be evaluated individually which may result in partial funding of an application. For this category all criteria will be evaluated with equal importance.

- a. Criterion 1: Strategic Safety Planning
 - i. *Highly Qualified*: The need to address roadway departure is identified in a Tribe’s current transportation safety plan that is five years old or newer.
 - ii. *Qualified*: The need to address roadway departure is identified in the 2017 Tribal Transportation Strategic Safety Plan (www.TribalSafety.org/reports), a current State SHSP, or a Tribe’s transportation safety plan that is more than five years old.

- b. Criterion 2: Supporting Safety Data
 - i. *Highly Qualified*: Submission of data, as specified for the specific project type above, that directly demonstrate high risk at the location to be improved by the project.
 - ii. *Qualified*: Submission of some data, as specified for the specific project type above, that demonstrate risk at the location to be improved by the project.
 - iii. *Not Qualified*: Insufficient applicable supporting data were provided to demonstrate the need for the activity.

- c. Criterion 3: Systemic Prioritization
 - i. *Highly Qualified*: Locations that address roadway departure in horizontal curves.
 - ii. *Qualified*: Locations that address roadway departure on tangent sections of roadway.
 - iii. *Not Qualified*: Improvements not eligible for this category.

- d. Criterion 4: Facility Ownership
 - i. *Highly Qualified*: Improvements to a facility owned by a Tribe or BIA that is an official and existing route in the NTTFI.
 - ii. *Qualified*: Improvements to a facility owned by a State or local public agency that is an official and existing route in the NTTFI and the road owner has provided a letter acknowledging the proposed improvements.
 - iii. *Not Qualified*: Improvements are located on a route that is not official or existing on the NTTFI or project is located on a route not owned by BIA or a Tribe and the road owner did not provide documentation acknowledging the proposed improvements.

For applications requesting funding under the Systemic Roadway Departure Countermeasures category, each location proposed for improvement will be evaluated separately. A project location will be rated “Highly Qualified” if the application satisfies all of the “Highly Qualified” criteria for the specified funding category. A project location that satisfies at least one “Highly

Qualified” criterion for a specified funding category and “Qualified” for all other criteria for the category will be rated “Qualified.” A project location that satisfies all of the “Qualified” criteria for a specified funding category will be rated “Qualified.” Project locations that meet one or more of the “Not Qualified” criteria for the specified funding category or do not meet the TTPSF eligibility requirements will be rated “Not Qualified.” The evaluation team may recommend funding of higher risk locations rather than recommending funding for all locations proposed in the application package.

IV. INFRASTRUCTURE IMPROVEMENT AND OTHER ELIGIBLE ACTIVITIES AS LISTED IN 23 U.S.C. § 148(a)(4)

For this category, all criteria will be evaluated but greater consideration will be given to criteria 1, 2, and 3.

- a. Criterion 1: Strategic Safety Planning
 - i. *Highly Qualified*: Project is identified in a current State SHSP, Tribe’s transportation safety plan, RSA, or other safety engineering study. The supporting document is five years old or newer;
 - ii. *Qualified*: Project is identified in a current SHSP, a Tribe’s transportation safety plan, RSA, or other safety engineering study. The supporting document is more than five years old;
 - iii. *Not Qualified*: The application did not provide documentation that demonstrates that the project is supported by a State SHSP, Tribe’s transportation safety plan, RSA, or other safety engineering study.
- b. Criterion 2: Supporting Safety Data
 - i. *Highly Qualified*: Submission of data describing the type, severity, and quantity of incidents that directly demonstrate the need for the project;
 - ii. *Qualified*: Submission of some data that demonstrate the need for the project;
 - iii. *Not Qualified*: No supporting data was provided to demonstrate the need for the activity.
- c. Criterion 3: Expected Crash Reduction
 - i. *Highly Qualified*: The application references evidence (such as information from [FHWA’s proven safety countermeasures initiative](#) or the [Crash Modification Factors Clearinghouse](#)) that demonstrates the proposed project is likely to reduce crash frequency and/or severity.
 - ii. *Qualified*: Although the project is likely to reduce crash frequency and/or severity, the application does not reference evidence quantifying the expected crash reduction.
 - iii. *Not Qualified*: N/A for this criterion.
- d. Criterion 4: Facility Ownership
 - i. *Highly Qualified*: Project addresses safety needs on a facility owned by a Tribe or BIA that is an official and existing route in the NTTFI, including where a route owned by a Tribe or BIA intersects with a facility not owned by BIA or a Tribe and the road owner has provided a letter acknowledging the project.
 - ii. *Qualified*: Project addresses safety needs on a facility not owned by a Tribe or BIA that is an official and existing route in the NTTFI and the road owner has provided a letter acknowledging the project.

iii. *Not Qualified*: Project is located on a route that is not official or existing on the NTTFI or project is located on a route not owned by BIA or a Tribe and the road owner did not provide documentation acknowledging the project.

e. Criterion 5: Time Elapsed Since Previous TTPSF Construction Award

i. *Highly Qualified*: The Tribe has not received funding for a TTPSF transportation safety construction project in more than five years.

ii. *Qualified*: The Tribe has received funding for a TTPSF transportation safety construction project in the past five years.

For applications requesting funding under the Infrastructure Improvements and Other Eligible Activities as listed in 23 U.S.C. § 148(a)(4) category, a project application will be rated “Highly Qualified” if the application satisfies all of the “Highly Qualified” criteria for the specified funding category. An application that satisfies at least one “Highly Qualified” criterion for a specified funding category and “Qualified” for all other criteria for the category will be rated “Qualified.” An application that satisfies all of the “Qualified” criteria for a specified funding category will be rated “Qualified.” Applications that meet one or more of the “Not Qualified” criteria for the specified funding category or do not meet the TTPSF eligibility requirements will be rated “Not Qualified.”

2. Review and Selection Process

The TTPSF grant applications will be evaluated in accordance with evaluation process discussed below. FHWA will determine which applications are responsive to the eligibility requirements and are sufficiently complete. If an application meets the eligibility requirements but is missing required documentation, FHWA may or may not request additional information from the applicant. Only applications that are responsive will be considered. FHWA will establish an evaluation team to review each responsive application received by FHWA by the application deadline. FHWA will lead the evaluation team, which will include members from BIA. The evaluation team will include technical and professional staff with relevant experience and expertise in Tribal transportation safety issues. The evaluation team will be responsible for evaluating and rating all eligible projects.

The evaluation team will review each application against the evaluation criteria in each of the categories and assign a rating of “Highly Qualified,” “Qualified,” or “Not Qualified,” to each application for FHWA Administrator’s review. FHWA may evaluate applications under a different category than indicated by the applicant if doing so is appropriate for the information submitted. The FHWA Administrator will forward funding recommendations to the Office of the Secretary. The final funding decisions will be made by the Under Secretary of Transportation for Policy.

All applications will be evaluated and assigned a rating of “Highly Qualified,” “Qualified,” or “Not Qualified,” based on conformity to the selection criteria, as defined in Section E, Subsection 1.

The FHWA will seek to fund all applications rated “Highly Qualified” before applications rated as “Qualified.” The FHWA may choose not to fund “Highly Qualified” or “Qualified”

applications, or independent components of such applications, if the applicant has a previously funded project(s) that has not, without reasonable explanation, met anticipated schedule, budget, or outcomes based on information in the application, project reports, or other FHWA information systems. Applications rated “Not Qualified” will not be funded. If the total amount of funding requested for applications exceeds the amount of available funding, FHWA may select one or more independent components of a project. To be eligible, a component must meet eligibility criteria and must be a transportation safety project that has independent utility (*i.e.*, is usable and a reasonable expenditure of Federal funds even if no other improvements are made in the area). In other words, FHWA may fund an independent component of a project, instead of the full project described in the application, only if that component provides transportation benefits and will be ready for its intended use upon completion of that component.

If the amount of funding requested for applications rated as “Highly Qualified,” or independent components of such applications, exceeds the amount available, priority consideration will be given to funding requests rated as “Highly Qualified” that include a commitment of other funding sources to complement TTPSF, those requests where the applicants demonstrate the capacity to successfully implement the proposed project in a timely manner, and applications that address the key Departmental objectives.

If the amount of funding requested for applications rated as “Highly Qualified” and “Qualified,” or independent components of such applications exceed the amount available, priority consideration will first be given to applications rated as “Highly Qualified” and then priority consideration will be given to funding requests rated as “Qualified” that include a commitment of other funding sources to complement TTPSF, those requests where the applicants demonstrate the capacity to successfully implement the proposed project in a timely manner, and applications that address the key Departmental objectives which demonstrate greater conformity to the selection criteria.

Applicants should be aware that the FHWA policies and procedures for implementing NEPA may, as appropriate, include evaluation of all project components in accordance with Title 23, Code of Federal Regulations (CFR), Part 771.

After considering all other selection criteria, the FHWA Administrator may take into account the following key Departmental objectives:

- Using innovative approaches to improve safety and to expedite project delivery;
- Supporting economic vitality at the national and regional level;
- Strengthening local economies;
- Utilizing alternative funding sources and innovative financing models to attract non-Federal sources of infrastructure investment;
- Proactively addressing racial equity and barriers to opportunity;
- Considering climate change and environmental justice;
- Promoting an equitable distribution of funds;
- Accounting for the life-cycle costs of the project to promote the state of good repair; and
- Beginning projects in a timely manner after award of program funding.
- Addressing the deteriorating conditions and disproportionately high fatality rates on our rural transportation infrastructure.

3. Federal Award Performance and Integrity

FHWA prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. § 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. FHWA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, 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 as described in § 200.206

4. Additional Information

GUIDANCE ON ADMINISTRATION PRIORITIES

On December 16, 2021, FHWA issued guidance, Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America, that serves as an overarching framework to prioritize the use of BIL resources on projects that will Build a Better America. That policy is available on FHWA's BIL resources implementation Website at the following URL:

https://www.fhwa.dot.gov/bipartisan-infrastructure-law/building_a_better_america-policy_framework.cfm.

Safety

Prioritizing Safety in All Investments and Projects

The National Roadway Safety Strategy (issued January 27, 2022) commits the DOT and FHWA to respond to the current crisis in traffic 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 highway deaths. FHWA recognizes that zero is the only acceptable number of deaths on our roads and achieving that is our safety goal. FHWA therefore encourages Tribes and other funding recipients to prioritize safety in all Federal highway investments and in all appropriate projects, using relevant funding, including funds from TTPSF.

The Safe System approach addresses the safety of all road users, including those who walk, bike, drive, ride transit, and travel by other modes. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives. To achieve the vision of zero fatalities and Building a Better America, safety should be fully considered in transportation investment decisions, from planning and programming, environmental analysis, project design, and construction, to maintenance and operations. Tribes should use data-driven safety analyses to ensure that safety is a key input in any decision made in the project development process and fully consider the safety of all road users in project development.

FHWA encourages Tribes to consider the use of funds from TTPSF to address roadway safety and implement the Safe System approach wherever possible. Improvements to safety features, including traffic signs, pavement markings, and multimodal accommodations that are routinely provided as part of a broader Federal-aid highway project can and should be funded from the same source as the broader project as long as the use is eligible under that funding source.

Because of the role of speed in fatal crashes, FHWA is also providing new resources on the setting of speed limits and on re-engineering roadways to help “self-enforce” speed limits. To achieve the vision of zero deaths on the Nation’s roads and [Building a Better America](#), FHWA encourages States to assess safety outcomes for all project types and promote and improve safety for all road users, particularly vulnerable users. FHWA recommends that streets be designed and operated to maximize the existing right-of-way for accommodation of non-motorized modes and transit options that increase safety and connectivity. Pedestrian facilities in the public right-of-way must comply with the Americans with Disabilities Act (ADA).

Complete Streets

As one approach to ensuring the safety of all roadway users, FHWA encourages States and communities to adopt and implement Complete Streets policies that prioritize the safety of all users in transportation network planning, design, construction and operations. Section 11206 of the BIL defines Complete Streets standards or policies as those which “ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles.” A complete street includes, but is not limited to, sidewalks, bike lanes (or wide paved shoulders), special bus lanes, accessible public transportation stops, safe and accommodating crossing options, median islands, pedestrian signals, curb extensions, narrower travel lanes, and roundabouts. A Complete Street is safe, and feels safe, for everyone using the street.

Americans With Disabilities Act (ADA)

The ADA of 1990 and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination against people with disabilities and ensure equal opportunity and access for persons with disabilities. The ADA requires that no qualified individual with a disability shall, because a public entity’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity (28 CFR § 35.149). A public entity’s pedestrian facilities are considered a “service, program, or activity” of the public entity. As a result, public entities and recipients of Federal financial assistance are required to ensure the accessibility of pedestrian facilities in the public right-of-way, such as curb ramps, sidewalks, crosswalks, pedestrian signals, and transit stops in accordance with applicable regulations.

FHWA will provide oversight to recipients of TTPSF funds to ensure that each public agency's project planning, design, and construction programs comply with ADA and Section 504 accessibility requirements. The TTPSF will require ADA compliance as a condition of award.

Equity

When Congress created the TTPSF, it established more equitable access to resources that address transportation safety. The TTPSF gives Tribes direct access to Federal transportation safety-focused resources that were previously primarily managed by States.

Climate Change and Sustainability

The United States is committed to a whole-of-government approach to reducing economy-wide net greenhouse gas pollution by 2030. The BIL provides considerable resources—including new programs and funding—to help Tribes, States and other funding recipients advance this goal in the transportation sector. Additionally, the BIL makes historic investments to improve the resilience of transportation infrastructure, helping States and communities prepare for hazards such as wildfires, floods, storms, and droughts exacerbated by climate change.

FHWA's goal is to encourage the advancement of projects that address climate change and sustainability. To enable this, FHWA encourages funding recipients to consider climate change and sustainability throughout the planning and project development process, including the extent to which projects under TTPSF align with the President's greenhouse gas reduction, climate resilience, and environmental justice commitments. In particular, FHWA encourages recipients to fund projects that reduce greenhouse gas emissions, support fiscally responsible land use and transportation efficient design, or incorporate electrification or zero emission vehicle infrastructure. In addition, FHWA encourages recipients to consider projects under TTPSF that support climate change resilience, including consideration of the risks associated with wildfires, drought, extreme heat, and flooding, in line with guidance for projects in floodplains. The FHWA also encourages recipients to consider projects under TTPSF that address environmental justice concerns.

F. Federal Award Administration Information

1. Federal Award Notices

The FHWA will announce the awarded projects by posting a list of selected projects at: <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds>. Following the announcement, successful applicants and unsuccessful applicants will be notified individually. Project applications that did not receive an award will not be rolled over into a new competition period. Applicants will need to re-submit an application during a subsequent grant cycle.

2. Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards found in [2 CFR Part 200](#). Applicable Federal laws, rules, and regulations set forth in Title 23, U.S.C., and Title 23 CFR apply. The TTPSF will be administered according to 25 CFR Part 170 the same as all TTP funds: FHWA Agreement Tribes will receive funds in accordance with their Program Agreement through a Referenced Funding Agreement; BIA Agreement Tribes will receive their funds through their BIA Regional Office; and Compact Tribes will receive their funds through the U.S. Department of the Interior's Office of Self Governance.

Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for TTPSF 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 Department of Homeland Security, will be required to do so before receiving Implementation Grant funds for construction, consistent with Presidential Policy Directive 21 - Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Additionally, funding recipients must be in compliance with 2 CFR § 200.216 and the prohibition on certain telecommunications and video surveillance services or equipment.

3. Reporting

Required reporting follows the requirements for regular TTP funds. This reporting will include completion of the TTP Online Reporting Tool (PORT) on an annual basis in addition to any other reporting required by the administering program office. For additional information about the reporting requirements applicable to the applicant, please refer to the applicant's TTP agreement or contact the agency through which the applicant receives TTP funds.

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. The 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 or DOT staff; (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.

G. Federal Awarding Agency Contact(s)

For further information concerning this notice please contact:

Adam Larsen
TTPSF Program Manager
Office of Tribal Transportation
Office of Federal Lands Highway
Federal Highway Administration
610 E 5th Street, Vancouver, WA 98661
Email: TTPSF@DOT.GOV
Phone: 360-619-2601

Office hours are from 7:00 a.m. to 3:30 p.m. Pacific Standard Time, Monday through Friday, except Federal holidays.

For legal questions, please contact:

Michelle Andotra
Office of the Chief Counsel
Federal Highway Administration
60 Forsyth Street, SW, Suite 8M5
Atlanta, GA 30303
Email: Michelle.Andotra@dot.gov
Phone: 404-562-3679

Office hours are from 8:00 a.m. to 4:30 p.m. Eastern Standard Time, Monday through Friday, except Federal holidays.

H. Other Information

1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the furthest extent possible. If the application includes information you consider to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission “Contains Confidential Business Information (CBI),” (2) mark each affected page “CBI,” and (3) highlight or otherwise denote the CBI portions.

Authority: 23 U.S.C. § 202.

CDFA: 20.205, Highway Planning and Construction.

Opportunity Number: FHWA-TTPSF-2022-2026