

AGENCY:

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

ACTION:

Notice of funding opportunity (NOFO).

SUMMARY:

This notice announces a funding opportunity and requests grant applications for FHWA's Tribal Transportation Program Safety Funds (TTPSF) for Fiscal Year (FY) 2021 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 will result in the distribution of up to \$10.1 million. The actual amount available to be awarded under this NOFO will be subject to the availability of funds.

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

DATES:

Applications must be submitted electronically no later than 11:59 p.m., Eastern Time, on September 9, 2021 (the "application deadline"). Applicants are encouraged to submit applications in advance of the application deadline; however, applications will not be evaluated, and awards will not be made until after the application deadline. FHWA plans to conduct outreach regarding TTPSF in the form of a webinar on July 15, 2021 at 2:30 p.m., Eastern Time. To join the webinar, follow the directions found at <https://highways.dot.gov/federal-lands/programs-tribal/safety/funds>. The audio portion of the webinar can be accessed from this teleconference line: TOLL FREE 1-888-251-2909; ACCESS CODE 13645062. The webinar will be recorded and 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 Time, Monday through Friday, except Federal holidays.

For legal questions, please contact:

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

SUPPLEMENTARY INFORMATION:**Background**

On August 5, 2013, FHWA published the first notice of funding opportunity for TTPSF (78 FR 47480). On November 13, 2013, FHWA awarded 183 Tribes a total of \$8.6 million for 193 safety projects. On May 14, 2014, FHWA published the second notice of funding availability for TTPSF (79 FR 27676). On March 10, 2015, FHWA awarded 82 Tribes a total of \$8.5 million for 94 projects to improve transportation safety on Tribal lands. On June 26, 2015, FHWA published the third notice of funding availability for TTPSF (80 FR 36885). On December 9, 2015, FHWA awarded 36 Tribes a total of \$449,500 for 36 projects to develop transportation safety plans. On April 26, 2016, FHWA awarded 35 Tribes a total of \$8 million for 54 projects. On July 18, 2016, FHWA published the fourth notice of funding opportunity for TTPSF (81 FR 46758). On April 10, 2017, FHWA awarded 74 Tribes a total of \$9 million for 77 projects. On September 21, 2017, FHWA published the fifth notice of funding opportunity for TTPSF (82 FR 44243). On July 5, 2018, FHWA awarded 82 Tribes a total of \$17.5 million for 94 projects. On March 19, 2019, FHWA published the sixth notice of funding opportunity for TTPSF. On February 11, 2020, FHWA awarded 80 Tribes a total of \$8.9 million for 91 projects. On May 7, 2020, FHWA published the seventh notice of funding opportunity for TTPSF with an application deadline of August 20, 2020. Grant awards totaling over \$9 million were announced on January 19, 2021. FHWA is publishing this eighth notice to announce an additional round of funding and request grant applications for FY 2021.

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A. Program Description

Since TTPSF was created under the Moving Ahead for Progress in the 21st Century Act (MAP-21), FHWA has awarded approximately \$70 million to federally recognized Indian Tribes for 648 projects, including to develop safety plans and to address safety issues in Indian country over multiple rounds of competitive grants. The TTPSF establishes more equitable access to resources that address transportation safety since prior to the TTPSF, the safety-focused resources for such projects were managed exclusively by State departments of transportation. The TTPSF goal is to reduce deaths or serious injuries in transportation-related crashes in Tribal areas. 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 Tribal 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. Tribal 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. Projects submitted must be consistent with a transportation safety plan, and must correct or improve a hazardous road location or feature or 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 if a roadway departure crash 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. FHWA has 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 prioritization of countermeasures that will be considered in this 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 three feet of paved shoulder;
- Narrow longitudinal rumble stripes on tangent sections with less than three 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 to compete under a separate application in the Infrastructure Improvements category which uses different selection criteria and does not prioritize project types.

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 2021, FHWA has identified four eligibility categories: safety plans; data assessment, improvement, and analysis activities; systemic roadway departure countermeasures; and infrastructure improvements and other eligible activities as listed in 23 U.S.C. § 148(a)(4).

The Catalog of Federal Domestic Assistance (CFDA) number for this funding opportunity is 20.205.

B. Federal Award Information

Under section 202(e) of title 23 U.S.C., TTPSF is a set-aside of not more than two percent of the funds authorized under TTP for each fiscal year. This NOFO solicits proposals under TTPSF for FY 2021 funding. This grant opportunity will result in the distribution of up to \$10.1 million. The actual amount available to be awarded under this NOFO is subject to funding availability. Section 202(e) of title 23, U.S.C., provides that the Secretary of Transportation shall allocate funds based on an identification and analysis of highway safety issues and opportunities on Tribal lands, as determined by the Secretary of Transportation, on application of the Indian Tribal governments for eligible projects described in 23 U.S.C. § 148(a)(4). Eligible projects described in section 148(a)(4) include strategies, activities, and projects on a public road that are

consistent with a transportation safety plan and correct or improve a hazardous road location or feature, or 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.
- (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.
- (vii) The conduct of a model traffic enforcement activity at a railway-highway crossing.
- (viii) Construction of a traffic calming feature.
- (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) Pedestrian hybrid beacons.
- (xxvii) Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands.
- (xxviii) A physical infrastructure safety project not described in clauses (i) through (xxvii).

For more information regarding eligible activities under the Highway Safety Improvement Program, please see FHWA guidance at <https://safety.fhwa.dot.gov/legislationandpolicy/fast/guidance.cfm>.

Upon award, successful applicants will receive TTPSF funds through their existing TTP contracting methodology with either FHWA or the Bureau of Indian Affairs (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.

1. Eligible Applicants

Eligible applicants for TTPSF discretionary grants are federally recognized 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). 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.

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 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 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 only be considered after assigning the ratings and 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>. For a Telephone Device for the Deaf (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 Adam Larsen, Office of Tribal Transportation, Federal Highway Administration, 610 E 5th Street, Vancouver, WA 98661.

2. Content and Form of Application Submission

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. 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:

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>.

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.

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.

IV. PROJECT NARRATIVE

Applicants must attach a project narrative to their online application submittal to successfully complete the application process.

Applicants must identify the eligibility category for which they are seeking funds in the 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.

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. Formal safety data is limited in many Tribal areas; applicants should support their application with documentation summarizing the best available data that demonstrate 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% 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 in 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, posted speed limit, curve advisory speed, and the method used to determine the curve advisory speed as a means of documenting risk. Additional risk data may also be considered when assessing the risk level at a proposed horizontal curve location. 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 requirement for providing a project narrative varies by category. For the transportation safety plans category, responses to the questions in the application form provide enough information so that an additional project narrative is not necessary. A project narrative is required 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, the application form including the systemic roadway departure countermeasures request form will provide adequate information such that additional project narrative may not be necessary.

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 (TIP) 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, 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); and
- e. *Selection Criteria*: Include a description of how the proposal meets the Selection Criteria identified in Section E, Subsection 1 Criteria.

Addressing the deteriorating conditions and disproportionately high fatality rates on our rural transportation infrastructure is of critical interest to the Department, as rural transportation networks face unique challenges in safety, infrastructure condition, and passenger and freight usage. Consistent with the Rural Opportunities to Use Transportation for Economic Success (ROUTES) Initiative, the Department encourages applicants to consider how the project will address the challenges faced by rural areas.

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

Each applicant must: (1) Be registered in SAM before submitting its application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Department may not make a TTPSF grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOT is ready to make an TTPSF grant, DOT may determine that the applicant is not qualified to receive a TTPSF grant and use that determination as a basis for making a TTPSF grant to another applicant. Information on SAM can be found at <https://www.sam.gov>. It typically takes 7-10 business days for SAM registration process to be completed.

4. Submission Dates and Time

- i. *Deadline*—Applications must be submitted electronically no later than 11:59 p.m., Eastern Time on September 9, 2021 (the “application deadline”).
- ii. Applications will not be evaluated, and awards will not be made, until after the application deadline.

iii. 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. FHWA will consider 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

There are no funding restrictions on any applications. However, 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 request. 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.

7. Other Submission Requirements

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

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. 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, 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. However, to be competitive, the applicant 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.

Addressing the deteriorating conditions and disproportionately high fatality rates on our rural transportation infrastructure is of critical interest to the Department, as rural transportation networks face unique challenges in safety, infrastructure condition, and passenger and freight

usage. Consistent with the ROUTES Initiative, the Department encourages applicants to consider how the project will address the challenges faced by rural areas.

FHWA intends to allocate TTPSF between four categories as follows:

- (1) transportation safety plans;
- (2) data assessment, improvement, and analysis activities;
- (3) systemic roadway departure countermeasures; and
- (4) 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 of the four funding categories.

I. SAFETY PLANS ^[1]

a. Criterion 1: Requests (up to a maximum of \$12,500) for development of a new transportation safety plan; and requests (up to a maximum of \$7,500) to update an existing transportation safety plan that is at least 3 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 3 years old.

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 3 years old. Applications that do not meet one of these criteria will be rated "Not Qualified."

II. DATA ASSESSMENT, IMPROVEMENT, AND ANALYSIS ACTIVITIES

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 developed using the best available data and a comprehensive approach, coordinating with multiple safety stakeholders to address transportation safety needs, and is not more than 5 years old.
- ii. *Qualified*: Requests that are in the most recent State SHSP or a Tribe's transportation safety plan that is developed using the best available data and comprehensive approach (the supporting document is more than 5 years old).
- iii. *Not Qualified*: The application did not provide documentation that would demonstrate that the requested Data Assessment, Improvement, and Analysis Activity is supported by a State SHSP or Tribe's safety plan that uses the best available data and a comprehensive approach.

b. Criterion 2: Supporting Safety Data

- i. *Highly Qualified*: Submission of data that clearly demonstrate the need for the activities.
- ii. *Qualified*: Submission of some data that demonstrate the need for the activity.
- iii. *Not Qualified*: No supporting data was provided to demonstrate the need for the activity.

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.

- 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 uses the best available data and a comprehensive approach, coordinating with multiple safety stakeholders to address transportation safety needs, and is less than 5 years old.
 - 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 5 years old.
 - iii. *Not Qualified*: N/A for this criterion.
- b. Criterion 2: Supporting Safety Data
 - i. *Highly Qualified*: Submission of data that directly demonstrate high risk at the location to be improved by the project.
 - ii. *Qualified*: Submission of some data that demonstrate risk at the location to be improved by the project.
 - iii. *Not Qualified*: Insufficient 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, 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)

- a. Criterion 1: Strategic Safety Planning
 - i. *Highly Qualified*: Project is identified in a current State SHSP or Tribe’s transportation safety plan that uses the best available data and a comprehensive approach, coordinating with
 - iii. *Not Qualified*: The application did not provide documentation that demonstrates that the requested Data Assessment, Improvement, and Analysis Activity is supported by a State SHSP or Tribe’s safety plan that uses the best available data and a comprehensive approach.
- 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 3: 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.
 - ii. *Qualified*: Project addresses safety needs on 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 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 4: 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 5 years.

ii. *Qualified*: The Tribe has received funding for a TTPSF transportation safety construction project in the past 5 years.

iii. *Not Qualified*: N/A for this criterion.

2. Review and Selection Process

The TTPSF grant applications will be evaluated in accordance with evaluation process discussed below. FHWA will establish an evaluation team to review each application received by FHWA prior to 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 Administrator will forward funding recommendations to the Office of the Secretary. The final funding decisions will be made by the Secretary of Transportation.

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.

After considering all other selection criteria, the Federal Highway 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;
- 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;
- 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.

FHWA will seek to fund all applications rated “Highly Qualified” before applications rated as “Qualified.” 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, exceeds 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 the National Environmental Policy Act may, as appropriate, include evaluation of all project components in accordance with 23 CFR Part 771.

3. Additional Information

DOT must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself. DOT will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notices

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 separately.

2. Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards found in 2 CFR part 200. Applicable Federal laws, rules, and regulations set forth in title 23, U.S.C., and title 23 of 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.

3. Reporting

Required reporting follows the requirements for regular TTP funds. This reporting will include completion of the Tribal Transportation Program 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.

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 Time, Monday through Friday, except Federal holidays.

For legal questions, please contact:

Ms. Vivian Philbin
 Office of the Chief Counsel
 Federal Highway Administration
 12300 West Dakota Avenue
 Lakewood, CO 80228
 Email: vivian.philbin@dot.gov
 Phone: (720) 963-3445

Office hours are from 7:30 a.m. to 4:00 p.m. Mountain 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 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.

CDFR: 20.205, Highway Planning and Construction.

Opportunity Number: FHWA-TTPSF-2021

Footnotes:

1. 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.” All applications to develop a new transportation safety plan or update an existing transportation safety plan that is at least 3 years old are deemed to be highly qualified. Applications not directed to developing or updating a transportation safety plan or which address a plan not 3 years old or older are deemed “Not Qualified.”