

U.S. Department of Transportation  
Amendment 1 to Notice of Funding Opportunity Numbers DOT-RCP-FY23-01  
and DOT-NAE-FY23-01

“FY 2023 National Infrastructure Investments”

Amendment 1 issued August 21, 2023

The purpose of this amendment is to edit the Notice of Funding Opportunity to reflect clarification language, additional language, and to make clerical amendments. Accordingly, the Notice of Funding Opportunity is hereby amended.

The application due date remains unchanged as September 28, 2023 at 11:59:59 pm Eastern Time through [www.valideval.com](http://www.valideval.com).

Except as provided herein, all terms and conditions remain unchanged and in full force and effect.

This amendment revises the text of the NOFO in the section identified below.

- Deleted text is shown in ~~strikethrough~~.
- Added text is both **underlined and bolded**.

If a section or paragraph is not listed below, no text changes apply to that section or paragraph as a result of this amendment.

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**Change 1 - Thriving Communities Language Addition**

**SECTION A.3 RCN Program Grant Priorities and Policy Priorities, paragraph 3,  
bullet point 8**

- **Thriving Communities: DOT will also consider whether the applicant is participating in a federal technical assistance program as part of the Thriving Communities Network, which includes DOT’s Thriving Communities Program and Regional Infrastructure Accelerator Program, the Department of Housing and Urban Development’s Thriving Communities Technical Assistance, DOE-Energy Communities, USDA’s Rural Partner Network, and the Government Service Administration’s Land Port of Entry communities.**

Federal Interagency Thriving Communities Network | US Department of Transportation

**Change 2 – Planning Study Clarification (3 locations)**

**SECTION C.1 Eligibility Information**

| Eligible Applicants  |  |  |
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| RCP – Community Planning Grants  | RCP – Capital Construction Grants  | NAE – Community Planning, Capital Construction, and Regional Partnerships Challenge Grants <sup>1</sup>  |
| <ol style="list-style-type: none"> <li>1. a State;</li> <li>2. a unit of local government;</li> <li>3. a Tribal government;</li> <li>4. a Metropolitan Planning Organization; or</li> <li>5. a non-profit organization.</li> </ol> | <ol style="list-style-type: none"> <li>1. owner(s) of the eligible facility proposed in the project for which <del>adequate all necessary feasibility studies and other planning activities</del> <b>such as public involvement, user data evaluation, and conceptual design</b> have been completed; or</li> <li>2. a partnership between a facility owner (#1 above) and any eligible RCP Community Planning Grant applicant.</li> </ol> | <ol style="list-style-type: none"> <li>1. a State or territory of the United States;</li> <li>2. a unit of local government;</li> <li>3. a political subdivision of a State;</li> <li>4. a Tribal government;</li> <li>5. a special purpose district or public authority with a transportation function;</li> <li>6. a Metropolitan Planning Organization; or</li> <li>7. a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity (#1-6 above) and is applying for a grant for planning and capacity building activities in disadvantaged or underserved communities.<sup>2</sup></li> </ol> |

<sup>1</sup> NAE Regional Partnerships Challenge Grants must be a partnership between two or more of the eligible applicants listed in this column.

<sup>2</sup> Regional councils and councils of governments that are organized as non-profit organizations, units of local government, or metropolitan planning organizations, are eligible applicants. DOT encourages regional council or council of government applicants to include in their application documentation showing how they are established under relevant State law.

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|  |  | For NAE, all eligible applicants are listed above in #1-7; however, DOT encourages for Community Planning Grants and Regional Partnerships Challenge Grants with planning activities, and requires for Capital Construction Grants and Regional Partnerships Challenge Grants with construction activities, that all lead applicants be the owner of the facility proposed in the project or, if the lead applicant is another eligible entity, to demonstrate a partnership with the Facility Owner. |
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### SECTION C.3

Eligible projects for RCP Capital Construction Grants include those for which ~~adequate all-necessary feasibility studies and other~~ **adequate all-necessary feasibility studies and other** planning activities **such as public involvement, user data evaluation, and conceptual design** have been completed. Projects must be consistent with the Long-Range Statewide Transportation Plan, included in the Metropolitan Long-Range Plan (if applicable), and in the Metropolitan Transportation Improvement Program (TIP) and/or Statewide Transportation Improvement Program (STIP), Tribal Transportation Improvement Program (TTIP) or equivalent, as applicable, prior to the obligation of the award. Transit projects must be included in the investment prioritization of the relevant Transit Asset Management (TAM) Plan by the time of the obligation of the award. For NAE Capital Construction Grants and Regional Partnerships Challenge Grants with construction activities, DOT encourages satisfying the requirements described in this paragraph to ensure that projects can be completed efficiently and by the obligation deadline.

### Appendix II – Environmental Risk Template

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| <p><b>Inclusion in STIP/Transit Asset Management Plan:</b></p> <p><i>RCP Capital Construction Grant applications are subject to the pre-requisite that “adequate <del>all-necessary feasibility and other</del> planning activities <b>such as public involvement, user data evaluation, and conceptual design</b> have been completed.” Projects must be listed in the Statewide Transportation Improvement Program (STIP) or equivalent. Transit projects are required to be in the transit asset management plans.</i></p> <p><i>Does the applicant provide verification of inclusion or sufficient</i></p> |  |
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| <i>narrative to indicate this would be achieved prior to the obligation of an award?</i> |  |
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### **Change 3 – Construction Eligibility Clarification**

| Capital Construction Grants   |   |
|---|---|
| Both RCP and NAE  | NAE   |
| <p>Preliminary and detailed design activities and associated environmental studies; predevelopment / preconstruction; <b>construction</b>; permitting activities including the completion of the National Environmental Policy Act (NEPA) process for:</p> <ul style="list-style-type: none"> <li>• The removal, retrofit, or mitigation of an eligible dividing facility;</li> <li>• The replacement of an eligible dividing facility with a new facility that restores community connectivity; or</li> <li>• Delivering community benefits and environmental improvements or mitigation of impacts identified through the NEPA process or other planning and project development for the construction project.</li> </ul> | <p>Preliminary and detailed design activities and associated environmental studies; predevelopment / preconstruction; <b>construction</b>; permitting activities including the completion of the NEPA process for:</p> <ul style="list-style-type: none"> <li>• The reuse of a burdening or dividing facility to improve walkability, safety, and affordable transportation access through projects that are context sensitive.</li> <li>• Projects to mitigate or remediate negative impacts on the human or natural environment resulting from a burdening or dividing facility through: <ul style="list-style-type: none"> <li>○ Noise barriers</li> <li>○ Technologies, infrastructure, and activities to reduce surface transportation-related greenhouse gas emissions and other air pollution</li> <li>○ Natural infrastructure, pervious, permeable, or porous pavement, or protective features to reduce or manage stormwater run-off resulting from a burdening facility described in subsection;</li> <li>○ Infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities; or</li> <li>○ Safety improvements for vulnerable road users</li> </ul> </li> </ul> |

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|  | <ul style="list-style-type: none"> <li>• Building or improving complete streets, multiuse trails, regional greenways, or active transportation networks and spines.</li> <li>• Providing affordable access to essential destinations, such as through transit, to public spaces, or transportation links and hubs.</li> </ul> |
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## **Change 4 – Disadvantaged Communities Eligibility Clarification**

### **SECTION H.1 Other Information, Definitions, Disadvantaged Communities**

The NAE Statute defines economically disadvantaged communities<sup>3</sup> as a community that:

- (A) is economically disadvantaged, underserved, or located in an area of persistent poverty;
- (B) has entered or will enter into a community benefits agreement with representatives of the community;
- (C) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or
- (D) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

For the purposes of this NOFO, applicants should use the [Climate and Economic Justice Screening Tool](#) (CEJST) to identify geographically defined disadvantaged or underserved communities. To identify communities that are “located in an area of persistent poverty” or one of the other potential community types listed above, or to further assess burdens or assess and demonstrate benefits of a project, applicants may use the CEJST and/or one or more of the following tools:

1. [EPA Environmental Justice Screening and Mapping tool](#) (EJSCREEN) – socio-economic indicator for low income, block groups in the 80<sup>th</sup> percentile or above, compared to the State.
2. [Areas of Persistent Poverty table](#) for the County or Census tract level.
3. Census tract identified in the [USDOT Equitable Transportation Community \(ETC\) Explorer](#)
4. [FHWA HEP GIS](#)

**A project located in both (1) areas that are Disadvantaged Communities and (2) areas that are not Disadvantaged Communities will be designated as Disadvantaged Communities if the majority the project’s costs will be spent in the areas that qualify as Disadvantaged Communities. For RCN Community Planning grants and Regional Partnerships Challenge grants with planning activities, the location being planned, prepared or designed will be used for the Disadvantaged Community designation. Projects that fall on the border of a Disadvantaged and Non-Disadvantaged Community will be considered as Disadvantaged Communities.**

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<sup>3</sup> 23 USC 177 (d)(2)

## **Change 5 – Benefit Cost Analysis Clarification**

### **Appendix, Second-Tier Analysis, Capital Construction Grants and Regional Partnerships Challenge Grants with construction activities, paragraph 1**

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

## **Change 6 – Addition of Direct Recipient Language**

### **SECTION B.4**

#### **Type of Award**

##### **State DOT Applicant**

**If the successful applicant is a State Department of Transportation (State DOT), RCN funds will be awarded upon the execution of a project agreement which is a type of grant agreement for administration of funds to a State DOT in Fiscal Management System (FMIS).**

##### **Non-State DOT Applicant**

**If the successful applicant is a non-State DOT, RCN funds may be awarded under one of two options:**

**(1) RCN funds will be awarded upon the execution of a grant agreement with the FHWA. The non-State DOT is the recipient of the grant funds and will be responsible for ensuring the project is delivered in accordance with all applicable Federal requirements and terms and conditions of the grant award. Under this option, the non-State DOT recipient may enter into a contractual agreement with a State DOT for assistance with project activities (such as drafting solicitations for consultant services, drafting request for proposals for physical construction, construction management) that comply with the applicable procurement standards (see 2 CFR 200.318 through 200.327). In this relationship, the non-State DOT recipient would reimburse the State DOT for eligible project activities as outlined in their contractual agreement. The Federal agency has no direct relationship with a contractor under a Federal award. Management of contracts is the responsibility of the recipient.**

**(2) At the request of the applicant selected to receive a RCN grant, and with the concurrence of the applicable State DOT, a determination may be made that the State DOT may be designated as the recipient of the grant funds.<sup>4</sup> The designation will be made at the time of the grant award and funds will be obligated to the project upon the execution of a project agreement in FMIS. The State DOT would be reimbursed through FMIS for any direct costs as well as any indirect costs if the State has an FHWA approved indirect cost rate.**

<sup>4</sup> The non-State DOT recipient and the State DOT designated subrecipient may enter into a separate agreement, to which the FHWA is not a party, assigning responsibilities, administrative and oversight responsibilities, and to satisfy the requirements under 2 CFR 200.332.

[end of Amendment]