

U.S. Department of Transportation
Amendment 1 to Notice of Funding Opportunity Number DTOS59-22-RA-RAISE

“FY 2022 National Infrastructure Investments”

Amendment 1 issued March 22, 2022

The purpose of this amendment is to edit the Notice of Funding Opportunity to reflect additional funding and associated requirements per the Consolidated Appropriations Act, 2022, and to make clerical amendments. Accordingly, the Notice of Funding Opportunity is hereby amended.

The application due date remains unchanged as April 14, 2022 at 5:00 pm Eastern Time through www.Grants.gov.

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 ~~striketrough~~.
- 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.

SECTION A.1 Overview, paragraphs 1 through 3

The Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021, “Bipartisan Infrastructure Law,” or “BIL”) authorized and appropriated \$1.5 billion to be awarded by the Department of Transportation (“DOT”) for FY 2022 for Local and Regional Project Assistance Program Grants under National Infrastructure Investments. This Notice of Funding Opportunity (NOFO) solicits applications for projects to be funded under the Local and Regional Project Assistance Program, known as the RAISE Grants program, including any additional funding appropriated for the RAISE Grants program under the FY 2022 Appropriations Act. ~~If the FY 2022 Appropriations Act significantly alters requirements for the RAISE Grant program, the Department will amend this Notice with guidance on additional requirements.~~ **On March 15, 2022, the Consolidated Appropriations Act, 2022 (Pub. L. 117-103, “FY 2022 Appropriations Act”) appropriated an additional \$775 million for the FY 2022 RAISE Grant Program. Therefore, a total of \$2.275 billion in funding is now available for the FY 2022 RAISE Grant Program. Applicants should note**

that the two funding streams (BIL funding and FY 2022 Appropriations Act funding) have slightly different funding restrictions and requirements that may affect competitiveness. These differences are summarized below and further described in Section B of this Notice.

RAISE Grants are for capital investments in surface transportation that will have a significant local or regional impact. Per the BIL, in addition to capital awards, DOT will award at least \$75– **\$113.75** million for eligible planning, preparation or design of projects eligible for RAISE Grants that do not result in construction with FY2022 RAISE funding; **at least \$75 million will be awarded from the BIL funding and at least \$38.75 million will be awarded from the FY 2022 Appropriations Act funding.**

In addition, DOT will award at least \$15 **\$35** million for projects located in areas of persistent poverty or historically disadvantaged communities; **a minimum of \$15 million will be awarded from the BIL funding and a minimum of \$20 million will be awarded from the FY 2022 Appropriations Act funding.** ~~If either of these amounts are changed by the FY 2022 Appropriations Act, DOT will amend this Notice.~~

SECTION A.3, Changes from the FY 2021 NOFO, paragraphs 5 through 8

~~Unlike FY 2021, all projects, including planning projects, have minimum award amounts; the minimum award for urban projects is \$5 million and the minimum award for rural projects is \$1 million (see Section B.2).~~

Planning projects funded under the BIL have minimum award amounts; the minimum award for urban projects is \$5 million and the minimum award for rural projects is \$1 million (see Section B.2). Planning projects funded under the FY 2022 Appropriations Act do not have a minimum award amount.

The BIL prohibits more than 15 percent of the available **BIL** funds, or \$225 million, from being awarded to eligible projects in a single State in FY 2022. **The FY 2022 Appropriations Act prohibits more than 15 percent of the available FY 2022 Appropriations funding, or \$116.25 million, from being awarded to eligible projects in a single state in FY 2022. Therefore, the maximum amount that can be awarded to any single state is \$341.25 million.**

Applicants who are planning to re-apply using materials prepared for prior competitions should ensure that their FY 2022 application fully addresses the criteria and considerations described in this Notice and that all relevant information is up to date. **Applicants should carefully consider the differing restrictions for the two different pools of funding, which are further described in Section B.**

SECTION B.1 Amount Available, full section

The BIL authorized and appropriated \$1.5 billion to be awarded by DOT for

RAISE grants under the Local and Regional Project Assistance Program for FY 2022. **On March 15, 2022, the FY 2022 Appropriations Act appropriated an additional \$775 million for the FY 2022 RAISE Grant Program. Therefore, a total of \$2.275 billion in funding is now available for the FY 2022 RAISE Grant Program. Applicants should note that the two funding streams (BIL and FY 2022 Appropriations Act funding) have slightly different restrictions and requirements that may affect competitiveness of certain request amounts.** This Notice will be amended if additional amounts become available for this program under the FY 2022 Appropriations Act. FY 2022 RAISE grants are for capital investments in surface transportation infrastructure and are to be awarded on a competitive basis for projects that will have a significant local or regional impact and improve transportation infrastructure. DOT will award at least **\$113.75 million for the planning, preparation or design of eligible projects; this amount includes 5 percent of available funds, or \$75 million (of the \$1.5 billion) from BIL funds and \$38.75 million from the FY 2022 Appropriations Act** for the planning, preparation or design of eligible projects. DOT refers to awards for the planning, preparation or design of eligible projects that do not result in construction with RAISE FY 2022 funding as planning grants. DOT will award at least **\$35 million** 1 percent of available funds, or \$15 million, for projects located in historically disadvantaged communities or areas of persistent poverty; **this amount includes \$15 million from available BIL funds and \$20 million from available FY 2022 Appropriations Act funds.** The BIL allows DOT to may retain up to 2 percent, or \$30 million **from BIL funds and up to \$15 million from FY 2022 Appropriations Act funds** of the \$1.5 billion for oversight and administration of grants and credit assistance made under the program.

The Department does not anticipate awarding additional funding from prior rounds; however, if unobligated program funds are made available from prior rounds, they may be awarded under this solicitation to projects that can be obligated before the obligation deadline associated with the respective prior year funds. If this solicitation does not result in the award and obligation of all available funds, DOT may publish additional solicitations.

The BIL allows up to 20 percent of available funds (or ~~\$455~~ \$300 million) to be used by DOT to pay the subsidy and administrative costs of a project receiving credit assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) or Railroad Rehabilitation and Improvement Financing (RRIF) programs.

SECTION B.2 Award Size, full section

~~The BIL specifies that the minimum RAISE grant award is \$5 million, except that for projects located in rural areas (as defined in Section C.3.ii) the minimum award size is \$1 million. Grants may not be greater than \$25 million. Under the RAISE FY 2022 program, minimum and maximum award sizes are the same for capital and planning projects. Applicants are strongly encouraged to submit applications only for eligible award amounts.~~

The BIL specifies that the minimum RAISE grant award is \$5 million in urban areas and \$1 million in rural areas (as defined in Section C.3.ii). These minimum award amounts apply to planning grants from BIL funding; however, there is no minimum award amount for planning grants funded under the FY 2022 Appropriations Act. Therefore, planning grant requests below the BIL minimums for urban and rural areas will only be considered for funding from the FY 2022 Appropriations Act; they will not be eligible to compete for the full amount of funding available.

Grants awarded under BIL funding may not be greater than \$25 million. Grants awarded under FY 2022 Appropriations Act funding may not be greater than \$45 million. Therefore, grant requests greater than \$25 million will be considered only for FY 2022 Appropriations Act funding; they will not be eligible to compete for BIL funding. In order to be considered under the full funding amount available of \$2.275 billion, the maximum grant request may not exceed \$25 million.

SECTION B.3 Restrictions on Funding, full section

~~Pursuant to the BIL, no more than 15 percent of the funds made available for RAISE grants (or \$225 million) may be awarded to projects in a single State. The BIL also directs that not more than 50 percent of the funds provided for RAISE grants (or \$750 million) shall be awarded to rural projects (as defined in section C.3.ii) and directs that not more than 50 percent of the funds provided for RAISE grants (or \$750 million) shall be awarded to urban projects (as defined in section C.3.ii). If these amounts are changed by the FY 2022 Appropriations Act, DOT will amend this Notice. Further, DOT must consider geographical and modal diversity.~~

No more than 15 percent of the BIL funds made available for RAISE grants (or \$225 million) may be awarded to projects in a single State. No more than 15 percent of the FY 2022 Appropriations Act funds may be awarded to projects in a single State. Therefore, the maximum amount that can be awarded to any single state is \$341.25 million.

The BIL and FY 2022 Appropriations Act also direct that not more than 50 percent of the respective funding provided for RAISE grants shall be awarded to rural projects (as defined in section C.3.ii) and directs that not more than 50 percent of the respective funding provided for RAISE grants shall be awarded to urban projects (as defined in section C.3.ii). Therefore, not more than \$1,137,500,000 will be awarded to urban and rural areas respectively; not more than \$750 million from the BIL funding and not more than \$387.5 million from the FY 2022 Appropriations Act funding will be awarded to urban and rural areas respectively.

SECTION B.4 Availability of Funds, full section

~~The BIL requires that FY 2022 RAISE grant funds are available for obligation only through September 30, 2026. Obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements. Unless authorized by DOT in writing after DOT's announcement of FY 2022 RAISE awards, any costs incurred prior to DOT's obligation of funds for a project ("pre-award costs") are ineligible for reimbursement. All FY 2022 RAISE funds must be expended (the grant obligation must be liquidated or paid out to the grant recipient) by September 30, 2031. After this date, unliquidated funds are no longer available to the project. As part of the review and selection process described in Section E.2., DOT will consider a project's likelihood of being ready to proceed with an obligation of RAISE grant funds within the statutory timeline. No waiver is possible for these deadlines.~~

The BIL requires that FY 2022 RAISE grant funds are available for obligation only through September 30, 2026. The FY 2022 Appropriations Act funding does not have this statutory requirement; however, to ensure that projects are started and completed in an efficient manner, the Department expects projects awarded with FY 2022 Appropriations Act funding to be obligated by the same date of September 30, 2026. Therefore, it shall be referred to in this Notice as the "obligation deadline" for all projects. Obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements. Unless authorized by DOT in writing after DOT's announcement of FY 2022 RAISE awards, any costs incurred prior to DOT's obligation of funds for a project ("pre-award costs") are ineligible for reimbursement. BIL requires that all FY 2022 RAISE funds must be expended (the grant obligation must be liquidated or paid out to the grant recipient) by September 30, 2031. After this date, unliquidated funds are no longer available to the project. The FY 2022 Appropriations Act funding does not have this statutory requirement; however, to ensure that projects are started and completed in an efficient manner, the Department expects projects awarded with FY 2022 Appropriations Act funding to be liquidated by the same date of September 30, 2031. As part of the review and selection process described in Section E.2., DOT will consider a project's likelihood of being ready to proceed with an obligation of RAISE grant funds within the timeline described above. No waiver is possible for these deadlines.

SECTION C.2, Cost Sharing or Matching, first paragraph

~~Per **As authorized under** the BIL, the Federal share of project costs for which an expenditure is made under the RAISE grant program may not exceed 80 percent unless the project is located in a rural area, a historically disadvantaged community, or an area of persistent poverty.⁵ Urban area and rural area are defined in Section C.3.ii of this notice. Historically Disadvantaged Communities and Areas of persistent poverty are defined in Section C.3.iii.~~

SECTION C.3.ii. Rural/Urban Definition, third paragraph

This definition affects four aspects of the program: (1) not more than 50 percent (or ~~\$750 million~~ **\$1,137,500,000**) of the funds provided for RAISE grants are to be used for projects in rural areas; (2) not more than 50 percent (or ~~\$750 million~~ **\$1,137,500,000**) of the funds provided for RAISE grants are to be used for projects in urban areas; (3) for a project in a rural area, the minimum award is \$1 million, while the minimum award for urban areas is \$5 million (**with the exception of planning grants funded under FY 2022 Appropriations Act funding which do not have minimum award requirements**); and (4) the Secretary may increase the Federal share above 80 percent to pay for the eligible costs of a project in a rural area.

SECTION C.3.iii. Areas of Persistent Poverty and Historically Disadvantaged Communities, first paragraph

The Secretary may increase the Federal cost share above 80 percent for projects located in an Area of Persistent Poverty or a Historically Disadvantaged Community. Additionally, DOT must award at least ~~one percent of available funds, or \$15 million~~ **\$35 million**, for projects located in historically disadvantaged communities or areas of persistent poverty.

SECTION D.2.iii, Grant Funds, Sources, and Uses of Project Funds, first paragraph

This section of the application should describe the budget for the RAISE project (i.e. the project scope that includes RAISE funding) including information about the degree of design completion on which the cost was estimated. **Applicants should carefully consider the differing funding restrictions for the BIL funding and the FY 2022 Appropriations Act funding, which could affect competitiveness and are further described in Section B. If the budget presented in the application shows a grant request greater than \$25 million, the application will be competing for only the FY 2022 Appropriations Act funding. If the budget presented in the application shows a planning grant request below the BIL minimums for urban and rural areas, the planning grant will be competing for only the FY 2022 Appropriations Act funding.** This budget should not include any previously incurred expenses. The budget should show how each source of funds will be spent. The budget should also show how each funding source will share in each major construction activity, and present that data in dollars and percentages. If applicable, the budget should identify Federal funds that have been previously authorized by a Federal agency. Funding sources should be grouped into three categories: non-Federal, RAISE, and other Federal with specific amounts from each funding source. If the project contains individual components, the budget should separate the costs of

each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should clearly identify any expenses expected to be incurred between time of award and obligation because these expenses are not eligible for reimbursement, as described in Section B.4, or for cost sharing, as described in Section C.2. The budget details should sufficiently demonstrate that the project satisfies the statutory cost-sharing requirements described in Section C.2. At a minimum, the project budget should include:

- (a) Costs for the FY 2022 RAISE project;
- (b) For all funds to be used for eligible project costs, the source and amount of those funds;
- (c) For non-Federal funds to be used for eligible project costs, documentation of funding commitments. Documentation should also be included as an appendix to the application. If the applicant is not a State DOT and matching contributions from a State DOT are included as non-Federal match, a supporting letter from the State indicating the source of the funds; and
- (d) For Federal funds to be used for eligible project costs, the amount, nature, and source of any required non-Federal match for those funds.

SECTION E.1.a.i. Merit Criteria, second paragraph

The criterion ratings will inform the following overall Merit Rating in accordance with this rubric below:

- Highly Recommended if five of the eight merit criteria ratings are “high” and none of the merit criteria ratings are “non-responsive.”
- Recommended if at least one, but no more than four, of the merit criteria ratings are “high”, no more than three of the merit criteria ratings are “low”, and none are “non-responsive.”
- Acceptable if ~~(1) there are no “high” ratings and no more than two “non-responsive” ratings, or (2) there are “high” ratings, but four or more “low” ratings, and no more than two “non-responsive” ratings.~~ **there is a combination of “high,” “medium,” “low,” or “non-responsive” ratings that do not fit within the definitions of Highly Recommended, Recommended, or Unacceptable.**
- Unacceptable if there are three or more “non-responsive” ratings.

[end of Amendment]