

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****Notice of Funding Opportunity for projects located off the Northeast Corridor for the
Fiscal Year 2024 Federal-State Partnership for Intercity Passenger Rail Program**

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (USDOT).

ACTION: Notice of Funding Opportunity (NOFO or notice).

SUMMARY: This notice (FSP-National) details the application requirements and procedures to obtain grant funding for projects not located on the Northeast Corridor (NEC) under the Federal-State Partnership for Intercity Passenger Rail Program (FSP Program) for FY 2024. This notice solicits applications for FSP Program funds made available by the Consolidated Appropriations Act, 2024, and Division J of the Infrastructure Investment and Jobs Act (IIJA). The opportunity described in this notice is made available under Assistance Listings Number 20.326, “Federal-State Partnership for Intercity Passenger Rail.”

DATES: Applications for funding under this solicitation are due no later than 11:59 p.m. Eastern Time, December 16, 2024. Applications that are incomplete or received after 11:59 p.m. Eastern Time, on December 16, 2024 will not be considered for funding. See Section D of this notice for additional information on the application process.

ADDRESSES: Applications must be submitted via www.Grants.gov. Only applicants who comply with all submission requirements described in this notice and submit applications through www.Grants.gov will be eligible for award. For any supporting application materials that an applicant is unable to submit via www.Grants.gov (such as oversized engineering drawings), an applicant may submit an original and two copies to Mr. Sergio Coronado, Office of Rail Program Development, Federal Railroad Administration, 220 Binney Street, Kendall Square, Cambridge, MA 02142. However, due to delays caused by enhanced screening of mail

delivered via the U.S. Postal Service, applicants are advised to use other means of conveyance (such as courier service) to ensure timely receipt of materials before the application deadline.

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, please contact the FRA NOFO Support program staff via email at FRA-NOFO-Support@dot.gov. If additional assistance is needed, you may contact Sergio Coronado, 617-571-1213, Sergio.Coronado@dot.gov; Caitlyn Mitchell, 202-579-3867, Caitlyn.Mitchell@dot.gov; or Marc Dixon, 202-493-0614, Marc.Dixon@dot.gov.

SUPPLEMENTARY INFORMATION:

Notice to applicants: FRA recommends that applicants read this notice in its entirety prior to preparing application materials. Definitions of key terms used throughout the NOFO are provided in Section A(2) below. These key terms are capitalized throughout the NOFO. There are several administrative and specific eligibility requirements described herein with which applicants must comply. Additionally, applicants should note that the required project narrative component of the application package may not exceed 25 pages in length.

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SUMMARY OVERVIEW OF KEY INFORMATION: Federal-State Partnership for Intercity Passenger Rail Program for Projects Located off the Northeast Corridor (FSP-National)	
Issuing Agency	Federal Railroad Administration, U.S. Department of Transportation
Program Overview	The purpose of the FSP Program is to reduce the State of Good Repair backlog, improve performance, or expand or establish new

	intercity passenger rail service. Program funding and selections are provided separately for projects located on and off the NEC. This notice solicits applications for projects located off the NEC.
Eligible Applicants	<ol style="list-style-type: none"> 1. A State (including the District of Columbia); 2. A group of States; 3. An Interstate Compact; 4. A public agency or publicly chartered authority established by one or more States; 5. A political subdivision of a State; 6. Amtrak, acting on its own behalf or under a cooperative agreement with one or more States; 7. A Federally recognized Indian Tribe; and 8. Any combination of the entities described in (1) through (7).
Eligible Project Types	<ol style="list-style-type: none"> 1. A project to replace, rehabilitate, or repair infrastructure, equipment, or a facility used for providing intercity passenger rail service to bring such assets into a State of Good Repair; 2. A project to improve intercity passenger rail service performance, including reduced trip times, increased train frequencies, higher operating speeds, improved reliability, expanded capacity, reduced congestion, electrification, and other improvements, as determined by the Secretary; 3. A project to expand or establish new intercity passenger rail service; 4. A group of related projects described in paragraphs (1) through (3); and 5. The planning, environmental studies, and final design for a project or group of projects described in paragraphs (1) through (4).
Funding	The total funding available for awards under this NOFO is up to \$1,057,596,637.
Deadline	Applications Due: 11:59 pm EST on December 16, 2024.

A. Program Description

(1) Overview

Our Nation’s rail network is a critical component of the U.S. transportation system and economy. The FSP Program provides a federal funding opportunity to improve American passenger rail assets by funding projects that reduce the State of Good Repair backlog, improve performance, or expand or establish new intercity passenger rail service, including privately operated intercity passenger rail service if an eligible applicant is involved. The FSP Program

recognizes that long-distance passenger rail routes and services should be sustained to ensure connectivity throughout the national network and has funding set aside for such efforts.

The FSP Program is authorized in Sections 22106 and 22307 of the Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 14, 2021) (IIJA), codified at 49 U.S.C. 24911, and this NOFO is funded by 2024 IIJA advance appropriations as provided in Title VIII of Division J of IIJA (Advance Appropriations), and the Consolidated Appropriations Act, 2024, Division F, Title I, Public Law 118-42 (2024 Appropriation). This FSP-National NOFO describes funding available, application submission requirements, and the selection and evaluation criteria for projects not located on the NEC. The IIJA provided distinct selection and evaluation criteria for projects located on the NEC and for projects not located on the NEC. FRA publishes separate NOFOs for projects located on the NEC. Those projects are not eligible for funding under this announcement.

For applicants' reference, FRA has developed Guidance on Development and Implementation of Railroad Capital Projects (88 FR 2163 (Jan.12, 2023)) (FRA's Capital Projects Guidance) to assist Project Sponsors in developing effective and complete Capital Projects by defining the Project Development process and describing implementation tools, processes, and documentation that may be required for a grant. FRA's Capital Projects Guidance can be found here: <https://railroads.dot.gov/elibrary/fra-guidance-development-and-implementation-railroad-capital-project>.

In December 2023, FRA updated its standard grant agreement terms and conditions. The FRA grant agreement consists of three parts: Attachment 1: Standard Terms and Conditions; Attachment 2: Project-Specific Terms and Conditions; and Terms and Conditions Exhibits.

These templates are subject to revision. The most recent agreement templates are available at: <https://railroads.dot.gov/grants-loans/fra-discretionary-grant-agreements>.

The Department seeks to fund projects that advance the Administration’s priorities of safety, equity, climate and sustainability, workforce development, job quality, and wealth creation as described in the U.S. DOT Strategic Plan,¹ and in executive orders, which are described in Section E.

(2) Definitions of Key Terms

Terms defined in this section are capitalized throughout this notice.

- (a) “Benefit-Cost Analysis” (“BCA”) is a systematic, data-driven, and transparent analysis comparing monetized project benefits and costs, using a no-build baseline and properly discounted present values, including concise documentation of the assumptions and methodology used to produce the analysis; a description of the baseline, data sources used for project outcomes, and values of key input parameters; basis of modeling including spreadsheets, technical memos, etc.; and presentation of the calculations in sufficient detail and transparency to allow the analysis to be reproduced and for sensitivity of results evaluated by FRA. All project submissions to the FSP-National program require a Benefit-Cost Analysis. Please refer to the updated Benefit-Cost Analysis Guidance for Discretionary Grant Programs (2024) prior to preparing a BCA at <https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance-discretionary-grant-programs-0>.
- (b) “Capital Cost Estimate” means an estimate of the cost to implement the Capital Project inclusive of Project Development through completion of Construction that accounts for risk to the cost elements and the schedule to complete the project.

¹ Additional information about the U.S. DOT Strategic Plan, Research, Development and Technology Strategic Plan can be found here: <https://www.transportation.gov/dot-strategic-plan>.

- (c) “Capital Project” means a project for acquiring, constructing, improving, or inspecting rail equipment, track and track structures, or a rail facility, including expenses incidental to the acquisition or Construction including pre-Construction activities (such as designing, engineering, location surveying, mapping, acquiring rights-of-way) and related relocation costs, environmental studies, and all work necessary for FRA to approve the project under the National Environmental Policy Act (NEPA); highway-rail grade crossing improvements; communication and signalization improvements; and rehabilitating, remanufacturing, or overhauling rail rolling stock and rail facilities.²
- (d) “Commuter Rail Passenger Transportation” means short-haul rail passenger transportation in metropolitan and suburban areas usually having reduced fare, multiple rides, and commuter tickets, and morning and evening peak period operations, consistent with 49 U.S.C. 24102(3); the term does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation.
- (e) “Construction” means the Lifecycle Stage of a Capital Project during which the Capital Project is completely built, installed, and placed into use. Construction activities include, but are not limited to, physical construction and installation of the Capital Project, including testing of equipment, workforce training, and start-up testing. Construction activities occur after a project has completed Final Design.
- (f) “Corridor Identification and Development Program” or “CID” means the FRA intercity passenger rail planning and development program that will help guide development throughout the country and create a pipeline of intercity passenger rail projects ready for Implementation as authorized in 49 U.S.C. 25101(a).

² FRA will consider right-of-way acquisition only for applications seeking eligible Construction funding.

- (f) “Final Design” or “FD” means the Lifecycle Stage of a Capital Project during which the Capital Project design is advanced to be ready for Construction. This is when final engineering plans and specifications necessary for construction of the project are produced. Final Design activities occur after a Capital Project has completed Project Development, and before a Capital Project can advance to Construction. Final Design is described in FRA’s Capital Projects Guidance.
- (g) “Highly Rated” means a rating provided for purposes of 49 U.S.C. 24911(g)(2) to those Major Capital Projects evaluated under this NOFO that receive an overall rating of “Recommended” or “Highly Recommended.”
- (h) “Improvement” means repair or enhancement to existing rail infrastructure, equipment, or facility, or Construction of new rail infrastructure, equipment, or facilities, that results in efficiency of the rail system and the safety of those affected by the system.
- (i) “Intercity Rail Passenger Transportation” means rail passenger transportation, except Commuter Rail Passenger Transportation. See 49 U.S.C. 24911(a)(2). In this notice, “Intercity Passenger Rail Service” and “Intercity Passenger Rail Transportation” are equivalent terms to “Intercity Rail Passenger Transportation.”
- (j) “Interstate Rail Compact” for the purposes of this program, means legislatively enacted agreement or compact that establishes a formal, legally binding relationship between two or more States to prepare for and provide Intercity Passenger Rail Service.
- (k) “Lifecycle Stage” means each of the consecutive stages of a Capital Project as it is developed and implemented that include Systems Planning, Project Planning, Project Development, Final Design, Construction, and Operation. Each sequential stage involves specific activities. Lifecycle Stages are described in FRA’s Capital Projects Guidance.

- (l) “Major Capital Project” means a Capital Project with a Capital Cost Estimate equal to or greater than \$500 million and with at least \$100 million in federal assistance under the FSP Program. Major Project is described in FRA’s Capital Projects Guidance.
- (m) “National Environmental Policy Act” or “NEPA” (42 U.S.C. 4321 et seq.) is a federal law that requires federal agencies to analyze and document the environmental impacts of a proposed action in consultation with appropriate Federal, Tribal, State, and local authorities, and with the public. Environmental review under NEPA consists of an Environmental Impact Statement (EIS), Environmental Assessment (EA), or Categorical Exclusion (CE). The NEPA class of action depends on the potential environmental impacts of the proposed action. For purposes of this NOFO, NEPA also includes all related federal laws and regulations including the Clean Air Act, Section 4(f) of the Department of Transportation Act, Section 7 of the Endangered Species Act, and Section 106 of the National Historic Preservation Act. Additional information regarding FRA’s environmental processes and requirements is located at <https://railroads.dot.gov/rail-network-development/environment/environment>. NEPA consultation and documentation are considered part of the Project Development Lifecycle Stage, as described in FRA’s Capital Projects Guidance.
- (n) “Northeast Corridor” (“NEC”) means the main rail line between Boston, Massachusetts, and the District of Columbia; the branch rail lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York; and facilities and services used to operate and maintain these lines. See 49 U.S.C. 24911(a)(3).
- (o) “Preliminary Engineering (PE)” means engineering design to define a Capital Project, including identification of all environmental impacts and design of all critical project elements at a level sufficient to ensure reliable cost estimates and schedules. The PE

development process starts with specific project design alternatives that allow for the assessment of a range of rail improvements, specific alignments, and project designs. PE is considered part of the Project Development Lifecycle Stage, as described in FRA’s Capital Projects Guidance.

(p) “Project Development” means the Lifecycle Stage of a Capital Project during which the Project Sponsor conducts design, environmental, and other studies to ensure the Capital Project is ready for implementation. Project Development activities occur after a Project Sponsor has completed Project Planning, and before a Capital Project can advance to Final Design. Project Development is further described in FRA’s Capital Projects Guidance.

(q) “Project Management Plan” means, under this NOFO, a document developed consistent with FRA’s Capital Projects Guidance that describes how the Capital Project will be implemented, monitored, and controlled to help the Project Sponsor effectively, efficiently, and safely deliver the project on-time, within-budget, and at the highest appropriate quality.

(r) “Project Planning” is the first Lifecycle Stage of a Capital Project during which the Project Sponsor identifies Capital Project concepts to adequately address transportation needs and opportunities. The purpose is to identify and compare the costs, benefits, and impacts of project options. FRA encourages Project Sponsors to identify the impacted environmental resources and engage with interested parties, agencies, and infrastructure owners. Project Planning activities are completed before a Capital Project advances to Project Development. Project Planning is further described in FRA’s Capital Projects Guidance.³

³ For the Project Planning Lifecycle stage, applicants should avoid using the term “feasibility study” and should instead describe scope that is consistent with this definition and the expanded information in FRA’s Capital Projects Guidance.

- (s) “Project Pipeline” (1) identifies intercity passenger rail corridors selected for development under this section; (2) identifies capital projects for federal investment, project applicants, and proposed federal funding levels, as applicable, consistent with the corridor project inventory; (3) specifies the order in which the Secretary would provide federal financial assistance, subject to the availability of funds, to projects that have identified sponsors, including a method and plan for apportioning funds to project sponsors for a 5-year period, which may be altered by the Secretary, as necessary, if recipients are not carrying out projects on the anticipated schedule; (4) takes into consideration the appropriate sequence and phasing of projects described in the corridor project inventory; (5) takes into consideration the existing commitments and anticipated federal, project applicant, sponsor, and other relevant funding levels for the next 5 fiscal years based on information currently available to the Secretary; (6) is prioritized based on the level of readiness of the corridor; and (7) reflects consultation with Amtrak, consistent with 49 U.S.C. 25101(g).
- (t) “Project Sponsor” means the entity responsible for implementing a project that may also be an applicant seeking or recipient receiving federal financial assistance.
- (u) “Risk Assessment” means for a Major Capital Project, an unbiased, risk-based, probabilistic analysis that verifies the accuracy and reasonableness of the current cost estimate and schedule and results in a probability range that represents the project’s cost while accounting for the range of potential costs associated with project uncertainties.
- (v) “State of Good Repair” means a condition in which physical assets, both individually and as a system, are (A) performing at a level at least equal to that called for in their as-built or as-modified design specification during any period when the life cycle cost of maintaining the

assets is lower than the cost of replacing them; and (B) sustained through regular maintenance and replacement programs, consistent with 49 U.S.C. 24102(12).

(w) “Total Project Cost” means the sum of FSP Program funding, other federal funding, and the non-federal funding required to complete the Lifecycle Stage(s) of the project for which funding is requested in this application.

B. Federal Award Information

(1) Available Award Amount:

The total amount of funding made available for new FSP-National awards under this NOFO is \$1,057,596,637.⁴ Should additional FSP Program funds become available after the release of this NOFO, FRA may elect to award such additional funds to applications received under this NOFO.

(2) Award Size

There are no predetermined minimum or maximum dollar thresholds for awards. FRA anticipates making multiple awards with the available funding. FRA may not be able to award grants to all eligible applications even if they meet or exceed the stated evaluation criteria (see Section E, Application Review Information). FRA may award partial funding, as projects may require more funding than is available. If FRA anticipates not fully funding a project, FRA may contact the applicant during the evaluation process to ensure that the applicant is able to

⁴ The total amount of FY 2024 funding made available for projects not located on the NEC from IIJA 2024 Advance Appropriations and the 2024 Appropriation is \$2,232,000,000. From this amount, FRA intends to obligate up to \$1,212,765,863 to fulfill FY 2024 contingent commitments to FSP projects previously selected for Phased Funding Agreements under the FY 2022-2023 FSP-National NOFO. The total available funding for awards under this NOFO will consist of \$1,019,234,138 from IIJA 2024 Advance Appropriations and up to \$38,362,500 in FY 2024 annual appropriations: The 2024 Appropriation provided \$75,000,000 for the FSP Program. Consistent with 49 U.S.C. 24911(d)(3)(A), a minimum of 45 percent and a maximum of 55 percent of this amount is for FSP-National, of which not less than 20 percent (a minimum of \$6,277,500) shall be for projects that benefit (in whole or in part) a long-distance route. After the funding set aside for FRA award and project management oversight and the planning and development activities authorized at 49 U.S.C. 24911(k), at least \$31,387,500 and up to \$38,362,500 in FY 2024 annual funding is made available for FSP Program awards under this FSP-National NOFO.

complete the project with available funding. Where an application includes multiple Lifecycle Stages of a Capital Project, FRA may decide to only award funds for what it determines is the appropriate Lifecycle Stage.

FRA encourages applicants to propose a project that has operational independence, or a component of such project, which can be completed and implemented with funding under this NOFO as a part of the total project cost together with other, non-federal sources. (See section C(3)(c) for more information).

Applicants are not limited in the number of projects for which they seek funding. Applicants submitting more than one application are requested to submit a priority ranking of their submitted applications that is consistent with each application package submitted.

(3) Award Type

a. Grants and Cooperative Agreements

- (i) FRA will make awards for projects selected under this notice through grant agreements or cooperative agreements. FRA will determine the type of agreement after project selection and prior to grant obligation. Grant agreements are used when FRA does not expect to have substantial federal involvement in carrying out the funded activity. Cooperative agreements allow for substantial federal involvement in carrying out the agreed upon investment, including technical assistance, review of interim work products, and increased program oversight. The term “grant” is used throughout this document and is intended to reference funding awarded through a grant agreement or a cooperative agreement. The funding provided under this NOFO will be made available to recipients on a reimbursable basis. Applicants must certify that their expenditures are allowable, allocable, reasonable, and necessary to the approved project before seeking reimbursement from FRA.

Additionally, the recipient is expected to expend non-federal funds at the required percentage concurrent with federal funds throughout the life of the project.

b. Phased Funding Agreements

(i) FRA may provide grant funding in phases through a Phased Funding Agreement (PFA) for Highly Rated Major Capital Projects. A PFA, authorized at 49 U.S.C. 24911(g)(2), is an FRA grant agreement associated with the obligation of an initial grant award under the FSP Program that includes phased funding provisions. A PFA shall: (1) establish the terms of participation by the Federal Government in the project; (2) establish the maximum amount of federal financial assistance for the Major Capital Project; (3) include the period of time for completing the Major Capital Project, even if such period extends beyond the period for which federal financial assistance is authorized; (4) make timely and efficient management of the Major Capital Project easier in accordance with federal law; and (5) if applicable, specify when the process for complying with NEPA and related environmental laws will be completed for the Major Capital Project. FRA anticipates limiting the use of PFAs to Major Capital Projects that are currently in, or beginning, the Final Design and/or the Construction Lifecycle Stages. A PFA provides an initial obligation and includes contingent commitments that are not financial obligations of the Federal Government but relate to the future obligation of funds and are subject to the availability of appropriations. In the PFA, FRA commits to provide funding as specified in the PFA for the duration of the Major Capital Project, as long as the recipient continues to meet the terms of the PFA and Congress appropriates sufficient FSP Program funding for such purpose. Applications for a Major Capital Project seeking a PFA must request a PFA in the project narrative and

provide the additional information required in Section D(2)(a). Additionally, FRA may independently determine that a Major Capital Project is appropriate for a PFA.

c. Letters of Intent

(i) FRA may issue a Letter of Intent (LOI) for a Major Capital Project. An LOI, authorized at 49 U.S.C. 24911(g)(1), is a letter from FRA to a recipient announcing “an intention to obligate” an amount for a Major Capital Project from future budget authority. An LOI is a contingent commitment and is not a binding obligation of the Federal Government, but signals FRA’s intent to provide future Final Design and/or Construction Lifecycle Stage funding for Major Capital Projects, assuming successful completion of Project Planning and Project Development Lifecycles for the project and subject to the availability of funds. Generally, FRA anticipates issuing an LOI primarily to Major Capital Projects currently in, or beginning, the Project Development Lifecycle Stage. FRA may outline conditions and/or define readiness thresholds in the LOI that the recipient may use to inform its future funding requests under the FSP Program. Applicants that request FSP funds beyond what is made available in this NOFO, who are seeking an LOI, must request an LOI in the project narrative and provide the additional information required in Section D(2)(a). Additionally, FRA may independently issue an LOI for a Major Capital Project.

(4) Concurrent Applications

USDOT and FRA may be concurrently soliciting applications for transportation infrastructure projects for several financial assistance programs. Applicants may submit applications requesting funding for a particular project to one or more of these programs. In the application for funding under this NOFO, applicants must indicate the program(s) to which they submitted or plan to submit an application for funding the entire project or certain components,

as well as highlight new or revised information in the application responsive to this NOFO that differs from the previously submitted application(s).

C. Eligibility Information

This section of the notice explains applicant eligibility, cost sharing and matching requirements, project eligibility, and operational independence. Applications that do not meet the requirements in this section will be ineligible for funding. Instructions for submitting eligibility information to FRA are detailed in Section D of this NOFO.

(1) Eligible Applicants

The following entities are eligible applicants for all projects permitted under this notice:

- a. A State (including the District of Columbia);
- b. A group of States;
- c. An Interstate Compact;
- d. A public agency or publicly chartered authority established by one or more States;
- e. A political subdivision of a State;
- f. Amtrak, acting on its own behalf or under a cooperative agreement with one or more States;
- g. A federally recognized Indian Tribe; or
- h. Any combination of the entities described in (a) through (g).

Applications must be submitted by the lead applicant that serves as the primary point of contact for the application, and that if selected, will be the recipient of the FSP grant award.

To submit an application under (h) above, the lead applicant must identify the other entities(s), and include a signed statement from an authorized representative of each entity that

affirms the entity joins the application. See Section D(2) for further instructions about submitting an application under 49 U.S.C. 24911(a)(1)(H).

An application submitted by Amtrak and one or more States, whether eligible under (a), (b), (f) or (h) above, must identify the lead applicant and include a signed cooperative agreement between Amtrak and the State(s) consistent with 49 U.S.C. 24911(a)(1)(F). Applications may reference entities that are not eligible (e.g., private sector firms) in an application as a partner in project funding or implementation, but ineligible entities do not qualify as an applicant and cannot be a recipient. If the applicant seeks to partner with an ineligible entity (e.g., a private intercity passenger rail operator), that intention should be made clear in the application and a letter of support from the ineligible entity should be included in the application. If selected, only the eligible applicant will be the recipient under the grant agreement, regardless of other arrangements between the eligible applicant and other entities, private or otherwise. This means the eligible applicant will be legally and financially responsible to FRA under the terms and conditions of the FRA grant agreement, including for administering and managing federal funds for the authorized purpose, complying with federal requirements, and delivering the project. Before partnering with an ineligible entity, applicants should carefully review FRA's Grant Agreement Terms and Conditions (<https://railroads.dot.gov/grants-loans/fra-discretionary-grant-agreements>), as these terms and conditions will apply to the applicant, if selected.

(2) Cost Sharing and Matching

The federal share of total costs for FSP projects funded under this notice shall not exceed 80 percent. The estimated total cost of a project must be based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment and/or facilities, consistent with 49

U.S.C. 24911(f)(1). Additionally, applicants are encouraged to use FRA’s cost estimate guidance documentation, “Capital Cost Estimating: Guidance for Project Sponsors,” and to account for the impact of external factors and cost-impacts of time (e.g., inflation) while preparing the scope, schedule, and budget.⁵

Applicants must identify the source(s) of their non-federal share and must clearly and distinctly reflect these funds as part of the Total Project Cost. The minimum 20 percent non-federal share may be comprised of public or private funding⁶. FRA will not consider any federal financial assistance, or any non-federal funds already expended (or otherwise encumbered) toward the matching requirement, unless compliant with 2 CFR part 200.⁷ In-kind contributions, including the donation of services, materials, and equipment, may be credited as a project cost in a uniform manner consistent with 2 CFR 200.306.

If Amtrak is an applicant, Amtrak may use its ticket and other non-federal revenues generated from its operations and other sources to satisfy the non-federal share requirements. Applicants must identify the source(s) of their matching and must clearly and distinctly reflect these funds as part of the total project cost.

Funding under this NOFO may not be used for costs that are included in or used to meet cost sharing or matching requirements of any other federally financed award or program. If the applicant is seeking additional funding for a project that has already received federal financial assistance, costs associated with the scope of work for the existing federal award are not eligible

⁵ “Capital Cost Estimating: Guidance for Project Sponsors,” is available at: <https://www.fra.dot.gov/Page/P0926>.

⁶ In addition, the non-federal share can consist of Transportation Infrastructure Finance and Innovation Act financing or Railroad Rehabilitation & Improvement Financing.

⁷ See Section D(2)(a) for supporting information required to demonstrate eligibility of federal funds for use as non-federal share.

for funding under this NOFO. Only new scope elements and activities (e.g., new deliverables) are eligible for funding under this NOFO.

Before applying, applicants should carefully review the principles for cost sharing or matching in 2 CFR 200.306. See Section D(2)(a) for required application information on non-federal share and Section E for further discussion of FRA's consideration of matching funds in the review and selection process. FRA will approve pre-award costs incurred after announcement of awards consistent with 2 CFR 200.458, as applicable. Cost sharing or matching may be used only for authorized federal award purposes.

All contracts for projects financed with federal funds will be subject to applicable federal requirements. Applicants that have entered into contracts for a proposed project prior to award must ensure that applicable federal requirements are included in the contract in the event the project is selected, and federal funds are obligated.

(3) Eligible Projects

(i) The following Capital Projects, including acquisition of real property interests, are eligible under this NOFO:

- (A) A project to replace, rehabilitate, or repair infrastructure, equipment, or a facility used for providing intercity passenger rail service to bring such assets into a State of Good Repair.
- (B) A project to improve intercity passenger rail service performance, including reduced trip times, increased train frequencies, higher operating speeds,

improved reliability, expanded capacity, reduced congestion, electrification, and other improvements, as determined by the Secretary.

- (C) A project to expand or establish new intercity passenger rail service.
- (D) A group of related projects described in paragraphs (A) through (C).
- (E) The planning, environmental studies, and Final Design for a project or group of projects described in paragraphs (A) through (D).

For projects that are on a shared corridor with Commuter Railroad Passenger Transportation or freight transportation, applicants must clearly demonstrate how the proposed project benefits Intercity Passenger Rail Transportation and that funding the proposed project would be a reasonable investment in Intercity Passenger Rail Transportation, independent and separate from consideration of the proposed project's benefits to other transportation purposes.

Capital Projects, as further defined in Section A(2), may include the acquisition of real property interests,⁸ Project Planning, Project Development, Final Design, and Construction. Pre-Construction activities are eligible for funding independently or in conjunction with Construction.

Applicants that request funding for Project Development may include with the application engineering drawings and specifications (scale drawings at the 30 percent design level, including track geometry as appropriate); design criteria, schematics, and/or track charts that support the development of PE; and may request funding for work that can be funded in conjunction with developing PE, such as operations modeling, surveying,

⁸ Any project that includes acquisition of real property, even if the project is only receiving federal funds for Construction, is subject to requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601 et seq. (Uniform Act). Regulations implementing the Uniform Act are at 49 C.F.R. part 24.

project work/management plans, preliminary cost estimates, and preliminary project schedules. If selected, recipients will be expected to complete Project Development to support FD or Construction. (See Section D(2)(a)(i) for additional information.)

- ii. **Project Component:** If an applicant requests funding for a component or set of components of a larger capital project, the project component(s) must be attainable with the award amount and comply with all eligibility requirements described in Section C. In addition, the component(s) must enable independent analysis and decision making, as determined by FRA under NEPA (i.e., have independent utility, connect logical termini, and do not restrict the consideration of alternatives for other reasonably foreseeable rail projects).
- iii. **Application Tracks:** FRA strongly encourages applicants to align eligible project activities with the following tracks.
 - Track 1—Project Planning;
 - Track 2—Project Development;
 - Track 3—FD/Construction.

An applicant may seek funding for one or more tracks in a single application, but applicants should clearly explain which project activities fall within each track. For example, if an applicant requests funding for PE, environmental review and final design, the applicant should request funding for both Track 2 (Project Development) and Track 3 (FD/Construction). In addition, applicants should request a specific amount of federal funds for each track. Based on the availability of funds, FRA may fund one or more of the tracks identified in the application.

The project tracks are based on Lifecycle Stages. Applicants must identify the federal dollar amount requested for each Lifecycle Stage, itemized by project component (if

applicable) and task. Where an application covers multiple tracks, FRA may award funds based on project readiness information for what it determines is the appropriate Lifecycle Stage. The Application Tracks are briefly described below, and applicants are encouraged to review the information on Lifecycle Stages in FRA's Capital Projects Guidance.

(A) Track 1—Project Planning: Track 1 consists of Project Planning specific to a Capital Project. Examples include: the development of a purpose and need statement; completion of conceptual engineering and other design; documentation showing that project alternatives were considered; completion of an environmental resource inventory and potential environmental concerns analysis; scale design drawings; public and stakeholder involvement; completion of an order-of-magnitude project cost estimate; and for Major Capital Projects, completion of an initial Project Management Plan. Project Planning projects funded under this NOFO must be sufficiently developed when complete to support Project Development activities.

(B) Track 2—Project Development: Track 2 consists of projects for eligible Project Development activities. Examples include: completion of Preliminary Engineering (PE) and architectural or other design; PE drawings and specifications (scale drawings at the 30 percent design level, including track geometry as appropriate); design criteria, schematics and/or track charts that support the development of PE; work that can be funded in conjunction with developing PE, such as operations modeling, surveying, project work/management plans, preliminary cost estimates, and preliminary project schedules; completion of environmental review; and completion of applicable

project management documentation (such as a Project Management Plan, schedule, Capital Cost Estimate, and financial plan). Project Development projects funded under this NOFO must be sufficiently developed when complete to support FD or Construction activities.

(C) Track 3—FD/Construction: Track 3 consists of projects for eligible FD and Construction activities. Applicants must complete all necessary Planning and Project Development stages, including PE and NEPA requirements, prior to moving to the FD/Construction stage of a project. FD funded under this track includes completion of the Final Design documentation, resolving remaining uncertainties or risks associated with changes to the design and scope of the Capital Project; addressing procurement processes; and updating/completing the applicable project management documentation (such as a Project Management Plan, schedule, Capital Cost Estimate, and financial plan). During Construction, the Capital Project is completely built, installed, and placed in use. Prior to obligation, applicants selected for funding for FD/Construction must demonstrate the following to FRA's satisfaction: (A) PE is completed for the proposed project, resulting in project designs that are reasonably expected to conform to all regulatory, safety, security, and other design requirements, including those under the Americans with Disabilities Act of 1990 (ADA); (B) NEPA is completed for the proposed project; (C) the applicants have entered into appropriate agreements with key project partners, including infrastructure-owning entities; and (D) for Major Capital Projects, a Project Management

Plan, schedule, Capital Cost Estimate, and financial plan are complete and up to date.

D. Application and Submission Information

Applicants must complete and submit all of the required documents for the application, which are outlined in the following paragraphs. See Section D(2) for the application checklist. FRA welcomes the submission of additional relevant supporting documentation, such as planning, engineering, and design documentation, and letters of support from partnering organizations, which will not count against the project narrative 25-page limit. The Department may share application information within the Department or with other federal agencies if the Department determines that sharing is relevant to the respective program's objectives.

(1) Address to Request Application Package

Applicants may access application materials at <https://www.Grants.gov> and must submit all application materials in their entirety through <https://www.Grants.gov> no later than 11:59 p.m. Eastern Time, on December 16, 2024. Applicants must complete an Authorized Organization Representative (AOR) profile on www.Grants.gov and create a username and password. Additional information about the registration process is available at: <https://www.grants.gov/applicants/applicant-registration>.

Applicants are strongly encouraged to apply early to ensure that all materials are received before the application deadline. FRA reserves the right to modify this deadline. General information for submitting applications through Grants.gov can be found at: <https://www.fra.dot.gov/Page/P0270>.

FRA is committed to ensuring that information is available in appropriate alternative formats to meet the requirements of persons who have a disability. If you require an alternative

version of files provided, please contact Laura Mahoney, Office of the Chief Financial Officer, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Washington, DC, 20590; email: laura.mahoney@dot.gov; phone: 202-578-9337.

The E-Business Point of Contact (E-Biz POC) at the applicant’s organization must respond to the registration email from Grants.gov and login at www.Grants.gov to authorize the applicant as the AOR. Please note there can be more than one AOR for an organization.

If an applicant experiences difficulty at any point during this process, please call the Grants.gov Customer Center Hotline at 1-800-518-4726, 24 hours a day, 7 days a week (closed on federal holidays). For information and instructions on each of these processes, please see instructions at: <https://www.grants.gov/support>.

(2) Content and Form of Application Submission

FRA strongly advises applicants to read this section carefully. Applicants must submit all required information and components of the application package to be considered for funding. Applications that are not submitted on time or do not contain all required documentation will not be considered for funding. To support the application, applicants may provide other relevant and available optional supporting documentation that may have been developed by the applicant, especially such documentation that provides evidence of completion of the appropriate Lifecycle Stage(s) of a Capital Project. Additionally, applicants selected to receive funding will be required to satisfy the requirements in 49 U.S.C. 22903 and 22905, including FRA’s Buy America requirement and other grant conditions explained in part at <https://www.fra.dot.gov/page/P0185> and further in Section F(2)(c) of this notice.

Required documents and information for an application package include the following:

Application Information	NOFO Section for Guidance
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Project Narrative	See D(2)(a)
Statement of Work, Estimated Project Schedule, Project Budget, Performance Measures (Articles 4-7)	See D(2)(b)(i)
Benefit-Cost Analysis	See D(2)(b)(ii)
Environmental Compliance Documentation	See D(2)(b)(iii)
Draft Agreement required under 49 U.S.C 22905(c)(1), if applicable	See D(2)(b)(iv)
Corridor Identification Documentation	See D(2)(b)(v)
SF 424 – Application for Federal Assistance ⁹	See D(2)(b)(vi)
SF 424A – Budget Information for Non-Construction or SF 424C – Budget Information for Construction	See D(2)(b)(vii)
SF 424B – Assurances for Non-Construction or SF 424D – Assurances for Construction	See D(2)(b)(viii)
FRA’s F 30 – Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying	See D(2)(b)(ix)
FRA F 251 – Applicant Financial Capability Questionnaire	See D(2)(b)(x)
SF LLL – Disclosure of Lobbying Activities	See D(2)(b)(xi)

(a) Project Narrative

⁹ The amount requested from the FSP Program on the SF-424 is the official record of request and, therefore, must match the amount requested in the project narrative, statement of work (Article 4), and project budget (Article 6). Where there are discrepancies in the amount requested among the SF-424, project narrative, statement of work (Article 4), and project budget (Article 6), FRA will use the request reflected in the SF-424 when reviewing applications.

This section describes the minimum content required in the project narrative of grant applications. The project narrative must follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

Project Narrative Section	NOFO Section for Guidance
I. Cover Page	See D(2)(a)(i)
II. Project Summary	See D(2)(a)(ii)
III. Project Funding	See D(2)(a)(iii)
IV. Applicant Eligibility Criteria	See D(2)(a)(iv)
V. Project Eligibility Criteria	See D(2)(a)(v)
VI. Corridor Identification Program Coordination (if applicable):	See D(2)(a)(vi)
VII. Detailed Project Description	See D(2)(a)(vii)
VIII. Project Location	See D(2)(a)(viii)
IX. Evaluation and Selection Criteria	See D(2)(a)(ix)
X. Project Implementation and Management	See D(2)(a)(x)

Applicants must provide the above content in a narrative statement. The project narrative may not exceed 25 pages in length (excluding cover pages, table of contents, and supporting documentation). FRA will not review or consider project narratives beyond the 25-page limitation. If possible, applicants should submit supporting documents via website links rather than hard copies. If supporting documents are submitted, applicants must clearly identify the relevant portions of the supporting documents with the page numbers of the cited information in the project narrative. The project narrative must adhere to the following outline.

- i. Cover Page: include a cover page that lists the following elements in either a table or formatted list:

Project Title	
---------------	--

Lead Applicant Name	
Joint Applicant Name(s)	
Amount of FSP Program funding requested under this NOFO	\$
Amount of proposed non-Federal share	\$
Source(s) of proposed non-Federal share	
Amount of other Federal funding, if applicable	\$
Source (s) of other Federal funding, if applicable	
Total Project Cost	\$
Total cost by Lifecycle Stage(s) for which funding is requested under this NOFO (list each Lifecycle Stage and cost separately)	\$
Was a Federal grant application previously submitted for this project?	Yes/No. If yes, state the name of the Federal grant program, funding year, and project title from the previous application, and identify any differences between the applications.
City(ies), State(s) where the project is located	
Congressional District(s) where the project is located	
Geospatial data for project location(s) in decimal degrees (with at least five decimal places of precision). If a track segment or corridor, provide start and end point data.	
Current Lifecycle Stage of project at time of application	
Anticipated completion date of current Lifecycle Stage	

Application Track and Lifecycle Stage proposed to be funded by this NOFO	
Existing Intercity Passenger Rail service(s) on routes not more than 750 miles benefiting from the project	
If applicable, existing Long-Distance service(s) (routes greater than 750 miles) benefiting from the project	
If applicable, existing Commuter Rail service(s) benefiting from the project	
If applicable, what Corridor as identified in FY 2022 CID Selections ¹⁰ is benefiting from the project	
Host Railroad/infrastructure owner(s) of project assets and property	
Other impacted Railroad(s)	
Tenant Railroad(s), if applicable	
If applicable, is a 49 U.S.C. 22905-compliant Railroad Agreement in place or pending?	Yes/No/Pending
LOI/PFA requested?	Yes/No
If LOI requested for Projects in Project Development, provide amount of future request of Final Design/Construction request.	\$
If PFA requested for Final Design and Construction:	
(a) Provide amount of request under this NOFO for initial obligation.	\$
(b) Provide amount of request under this NOFO for contingent commitment (equal to the remaining amount of the project cost).	\$

¹⁰ For the list of Corridors see FY 2022 Corridor Identification and Development Program Selections, available at <https://railroads.dot.gov/elibrary/fy22-CID-program-selections>.

ii. *Project Summary*: Provide a brief, 4–6 sentence summary of the proposed project and scope of work. The applicant should explain challenges the proposed project aims to address and summarize the intended outcomes that will result from the ped project.

iii. *Grant Funds, Sources, and Use of Project Funds*: Provide a project budget that lists all funding sources (i.e., federal and non-federal), specify how these will contribute to each activity, and present the data in year of expenditure dollars and percentages. If applicable, the applicant should identify in the project budget other federal funds the applicant is applying for, has been awarded, or intends to use.¹¹ Funding sources should be grouped into three categories: 1) requested FSP grant; 2) non-federal match for the FSP grant with specific amounts for each funding source; that together equal the 3) Total Project Cost. FRA may not award more funding for a project than is requested in an application.

In addition, applicants must specify whether non-federal funds are currently available for the project, or if the applicant will need to secure the non-federal funds if the project is selected for funding. To demonstrate availability, applicants should submit evidence of the availability of non-federal funds for FSP Program request and other federal funding (if applicable), which may include a board resolution, letter of support from the State, a budget document highlighting the line item or section committing funds to the proposed project. The applicant may provide this documentation in an appendix with the application. Any funding commitment letters must be signed by an authorized representative of the entity providing a non-federal share. For a Major Capital Project, applicants are encouraged to provide an annualized budget in year of expenditure dollars. Project budget information must be consistent throughout all application materials,

¹¹ FSP grant funds may not be used to fund activities funded with other federal funds. Therefore, applicants must clearly describe how FSP grant funds will be used with other federal funds.

specifically the Standard Form (SF) 424, project narrative, statement of work (Article 4), project budget (Article 6), and funding commitment letters.¹² The applicant must ensure the project budget is specific to the project scope described in the application. If the applicant is requesting funding for a project proposed that is part of a larger scope, the applicant may reference the larger scope in the project narrative but should only include a project budget for the project scope that the applicant is requesting funding for under this NOFO.

Applicants should explain whether the requested federal funding under this NOFO or other programs must be obligated or spent by a certain date due to dependencies or relationships with other federal or non-federal funding sources, related projects, law, or other factors. The applicant should also indicate whether the applicant anticipates securing financing for the project, and what the source, amount and terms will be. Financing costs (including interest) may be allowable consistent with 2 CFR 200.449. For PFAs, interest and other financing costs may be eligible, provided that such costs are not more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing, and the applicant has shown reasonable diligence in seeking the most favorable financing terms consistent with 49 U.S.C. 24911 (g)(2)(C)(iii). Regardless of any expected financing, if selected, the recipient will still be required to comply with the terms of 2 CFR part 200 and FRA's Standard Terms and Conditions. If applicable, the applicant should provide the type and estimated value of any proposed in-kind contributions, as well as explain how the contributions meet the requirements in 2 CFR 200.306.

Additionally, applicants should identify and describe Lifecycle Stage(s) and/or project component(s) that could be candidates for subsequent FSP funding if such funding becomes

¹² If there is a discrepancy between materials, FRA will use the funding amounts shown in the applicant's SF 424 as the amount requested for funding.

available. PFA disbursements are not required to align with project components with independent utility or operational independence, since the project as a whole achieves independent utility and operational independence. However, applicants are encouraged to identify meaningful milestones by which FRA can measure project progress for each forecasted funding request.

Example Project Funding Tables: Applicants may use the following tables to describe project funding, and may use additional rows and columns, or additional project funding tables, as appropriate.

Table 1 – Project Funding, Overview

Task #	Task Name/Project Component and Lifecycle Stage	Cost	Percentage of Total Cost	Source of Funds and Citation, as applicable
1				
2				
Total Project Cost				
Federal FSP funding requested in this application				
Non-Federal funding		Cash: In-Kind:		
Non-Federal Funding (State)		Cash: In-Kind:		
Non-Federal Funding (Private Sector)		Cash: In-Kind:		
Non-Federal Federal Funding (Local)		Cash: In-Kind:		

Other Federal funding committed and pending (e.g., Federal Transit Administration, congressionally directed/earmark, other FRA grant program funds—including previous FSP grants, etc.)	Committed Amount:		
	Pending Amount:		
Note: If there are multiple sources of other Federal funding, please break funding down by each source. ¹³			
Other non-Federal funding			

Add additional FYs under Table 2, as appropriate.

Table 2 – Project Funding, Phased Funding Agreement:

Lifecycle Stage	Initial Obligation Request (FY 2024)	FY 2025 Obligation Request	FY 2026 Obligation Request	Total FSP Request
Final Design	\$	\$	\$	\$
Construction	\$	\$	\$	\$
Total FSP Request	\$	\$	\$	\$

iv. Applicant Eligibility Criteria: Explain how the applicant meets the eligibility criteria outlined in Section C(1) of this notice. Where applicable, the applicant should include citations to applicable enabling legislation in support of the applicant’s eligibility to receive federal funds. For public agencies and publicly chartered authorities established by one or more States, the applicant must provide relevant legislative language and citations to the applicable enabling

¹³ For other federal funds that will be used for the project, the applicant should identify the federal program and FY of the funding request(s), as well as highlight new or revised information in the application responsive to this NOFO that differs from the application(s) to other financial assistance programs.

legislation. If the applicant intends to submit a combined application, the application must identify a lead applicant, the other eligible applicant(s), and include a signed statement from an authorized representative of each entity that affirms the entity joins the application.¹⁴

For applications involving Amtrak and one or more States, Amtrak and the State(s) must provide a cooperative agreement for the project signed by authorized representatives of Amtrak and each State. Such cooperative agreements must include a description of the roles and responsibilities of each party, including budget and subrecipient information showing how the parties will share project costs.

v. *Project Eligibility Criteria*: Explain how the proposed project meets the project eligibility criteria in Section C(3)(a) of this notice.

vi. *Corridor Identification Program Coordination (if applicable)*: Applicants who are CID Sponsors must explain the status of the sponsor's corridor within the CID Program (e.g., completed Step 1, beginning Step 2) in their project narrative. CID Sponsors should explain how the proposed FSP-National project is consistent with the corridor sponsor's planning efforts under CID and will not preclude any outcomes from planning activities explored under CID. The explanation provided shall demonstrate how the Corridor Sponsor has the support of participant stakeholders (as identified in the Service Development Plan), governance structure and institutional capacity to implement and maintain on-going service, funding identified for implementation and on-going operations support, and a clearly defined benefit for the Corridor. For applicants who are not Corridor Sponsors, a letter of support from the Corridor Sponsor is encouraged. See D(2)(b)(v) for more information.

¹⁴ See 49 U.S.C. 24911(a)(1)(H).

vii. *Detailed Project Description*: The applicant must include a detailed project description that expands upon the brief project summary. The applicant should provide, at a minimum: a description of the scope of the requested project, for which funding is being requested in this NOFO; a project schedule showing completed and expected start and end dates for project activities that corresponds to each Lifecycle Stage; additional background on the transportation challenges the project aims to address; a summary of current and proposed railroad operations in the project area, including service frequency and identification of all railroad owners and operators including types of passenger or freight service; the expected users and beneficiaries of the project; and any other information the applicant deems necessary to justify the proposed project. Additionally, the applicant should summarize the public involvement activities completed as part of the Project Planning and Project Development Lifecycle Stages for projects requesting Final Design/Construction funding, or the planned public involvement activities for projects requesting Project Planning and Project Development funding. Applicants can organize responses to the requested project outcomes data consistent with Table 3. Define the project area used for the data in the narrative. Indicate if the project area changes based on the data table. For example, ridership data may be tracked between passenger stations on either side of the project area, while delays may be tracked according to railroad interlockings on either side of the project area. Applicants are encouraged to provide the requested data to the maximum extent practicable. Appropriate rounding or best estimates are acceptable in instances where precise data is unavailable or to account for possible uncertainty. Where data is not available, applicants may provide a qualitative explanation of the anticipated impact of the project.

Table 3 – Project Outcomes:

Ridership in the Project Area						
	No Build Scenario		Build Scenario			
Total Annual Ridership						
Annual Intercity Passenger Rail (IPR) Ridership						
Annual Commuter Passenger Rail (CR) Ridership (if applicable)						
Train Counts in the Project Area						
	No Build Scenario		Build Scenario			
Total Weekly Trains						
Weekly Intercity Passenger Rail (IPR) Trains						
Weekly Commuter Rail (CR) Trains (if applicable)						
Weekly Freight Trains (if applicable)						
Operating Speeds in the Length of Track Improvement Area						
	No Build, IPR	Build, IPR	No Build, CR	Build, CR	No Build, Freight	Build, Freight
Average Operating Speed (mph)						
Highest Maximum Authorized Speed (mph)						
Lowest Maximum Authorized Speed (mph)						
Average Scheduled Travel Time (Time/Trip)						

For all projects, applicants must provide information about proposed performance measures, as described in Article 7: Performance Measurement Information. Section F(3)(d) and required in 2 CFR 200.301.

viii. *Project Location*: Applicants must include geospatial data for the project, as well as a map of the project’s location. Geospatial data must be expressed in decimal degrees for latitude

and longitude with at least five decimal places of precision.¹⁵ If the project includes a length of track or corridor development, the start and end coordinates for each corridor or segment must be provided. All Congressional districts in which the project will take place should be provided. Milepost, railroad, and subdivision identifiers can also be provided but must be accompanied by corresponding latitudes and longitudes. For projects with multiple locations, the corresponding geospatial data must be included for each location, with individual columns for latitude and longitude, in table form as an attachment to the application. For projects that include grade crossings improvements or separations, applicants must cite specific USDOT National Grade Crossing Inventory information for each grade crossing to be addressed in the proposed application, including the USDOT grade crossing inventory number. Include latitude and longitude coordinates for each grade crossing location, the railroad that owns the infrastructure (or the crossing owner, if different from the railroad), the primary railroad operator, and the roadway at the crossing. To find USDOT grade crossing inventory number(s) and location(s), please visit: <https://railroads.dot.gov/safety-data/fra-safety-data-reporting/crossing-inventory-data-search>.

ix. *Evaluation and Selection Criteria:* The applicant must include a thorough discussion of how the proposed project meets the evaluation and selection criteria. As described in Section E, FRA will evaluate applications based on project readiness, technical merit, and project outcomes, and will consider how the applicant's project aligns with the Administration's priorities. If an application does not sufficiently address the evaluation criteria and the selection criteria, it is unlikely to be a competitive application. Applicants are expected to follow the

¹⁵ For example, if a project was proposed to take place at the Department of Transportation Headquarters in Washington, DC, then the reported latitude should be 38.87589 and the longitude should be reported as -77.00337.

directions and format requested in this NOFO, and adherence to these directions will be considered in evaluations.

FRA expects applicants to include quantifiable railroad data, such as information on typical daily, weekly, or annual train movement by operator; ridership data for passenger operations; failure or safety incidents; service delays; and primary expected project outcomes such as increased ridership, increased trains, increased speed, reduced delays, improved rail network asset condition and performance, or similar outcomes and benefits. Applicants may also include qualitative data on accessibility improvements to either new or existing assets. To the extent feasible, such railroad metrics should be provided and analyzed discretely for Intercity Rail Passenger Transportation and, if applicable, Commuter Rail Passenger Transportation and freight rail transportation services involved in the proposed project.¹⁶ Applicants must organize responses to the requested project outcomes data consistent with Table 3.

x. Project Implementation and Management: Applicants must describe proposed project implementation and project management arrangements. Applicants should provide descriptions of the expected arrangements for project contracting (Construction, maintenance and operation), contract oversight and control, change-order management, risk management, and conformance to Federal requirements for project progress reporting (see FRA Reports, available at: <https://www.fra.dot.gov/Page/P0274>).

In addition, all applicants must provide their plan for taking affirmative steps to employ small businesses consistent with 2 CFR 200.321. Applicants should describe experience in managing and overseeing similar projects; the technical qualifications and demonstrated experience of key personnel proposed to lead and perform the technical efforts; and the

¹⁶ For more information on performance metrics see FRA's Metrics and Minimum Standards for Intercity Passenger Rail Service, available at: <https://railroads.dot.gov/elibrary/metrics-and-standards-final-rule-november-16-2020>.

qualifications of the primary and supporting organizations to execute the proposed project fully and successfully within the proposed timeframe and budget, including a discussion of the factors in 2 CFR 200.206(b) and the proposed approach to assessing and mitigating project risk.

Applicants should also explain how they will fulfil responsibilities that continue after closeout of the award such as use, maintenance and disposition of property acquired or improved under the award, consistent with 2 CFR 200.345 and the FRA grant agreement.

(b) Additional Application Elements

Applicants must submit the following documents and forms. Note, the Standard OMB Forms needed for the electronic application process are available at: www.grants.gov.

(1) A statement of work (SOW), estimated project schedule, project budget, and performance measures (using Articles 4-7 of Attachment 2: Project Specific Terms and Conditions of FRA’s grant template) for the proposed project if it were selected for award. The applicant should include sufficient detail in the SOW so FRA can understand the expected outcomes of the proposed work to be performed and monitor progress toward completing project tasks and deliverables during a prospective period of performance. Applicants are required to include all four of the Articles (4-7) in their application. Applications that do not follow this format may be considered incomplete and may not be reviewed.¹⁷

If an applicant requests funding for Major Capital Projects under Track 3 (FD/Construction), the applicant must attach (or link) the following supplemental material:

¹⁷ The FRA grant agreement consists of three parts: Attachment 1: Standard Terms and Conditions, Attachment 2: Project-Specific Terms and Conditions, and Terms and Conditions Exhibits. Articles 4-7 of Attachment 2 are available at: <https://railroads.dot.gov/grants-loans/fra-discretionary-grant-agreements>.

(i) A. Schedule in .pdf and either .mpp or .xer, reflecting:

(A) The activities needed to accomplish the project work along with the duration of each activity, including completion of prerequisite activities (such as design, NEPA, funding, right-of-way acquisition, agreements, public involvement, permits/approvals) needed to begin delivery of the project defined by the application and indicating the project critical path;

(B) Logical sequence of the activities and major milestones, including project phasing and seasonal and/or third-party restrictions on Construction periods;

(C) Relationships between the activities;

(1) Narrative description of schedule and basis and assumptions in the schedule; along with a summary of schedule risks; Project completion (month and year), including dates of substantial completion, final completion, and revenue service, along with the date when the Project Sponsor anticipates accepting the work; and Level of detail commensurate with project size.

(ii) Cost estimate in .pdf and .xlsx formats, reflecting:

(A) All costs and value of resources needed or incurred for the Project Development, Final Design and Construction, including design costs, right-of-way/right-of-way procurement, environmental mitigation, public outreach, Construction, overall project management, appropriate contingency for unknowns, costs/resources paid to third parties for work related to the project such as utility relocations;

(B) Correlation with the preliminary project design to estimate specific quantities for each work element and unit costs used and alignment with the project scope and project schedule;

(C) A midpoint of Construction or annual escalation to year-of expenditure to account for cost escalation; Documentation of assumptions, methodologies, sources, and exclusions; Financing costs, itemized and shown separately; and Narrative description describing and explaining the logic, methods, assumptions, and calculations used the estimate.

(iii) Risk Assessment in .pdf and .xlsx formats, reflecting:

(A) An objective list of risks and explanation of each risk's potential impacts on the project, organized by risk category (e.g., market, design, right-of-way, utilities, permits, environmental, Construction, etc.);

(B) A scoring of each risk showing an objective judgment of relative severity of risk to project cost and to project schedule;

(C) Planned mitigations for each risk; and

(D) Number of identified risks, commensurate with project size.

(iv) A Project Management Plan describing how the Major Capital Project will be implemented, monitored, and controlled to help the Applicant effectively, efficiently, and safely deliver the project on-time, within-budget, and at the highest appropriate quality and as defined in FRA's Capital Lifecycle Guidance.

(2) A Benefit-Cost Analysis (BCA) consistent with 49 U.S.C. 24911(d)(2)(B)(i), as an appendix to the Project Narrative for each project submitted by an applicant. The BCA should demonstrate in economic terms the merit of investing in the proposed project. The BCA should

include anticipated private and public benefits relative to the costs of the proposed project, including the project's anticipated:

- i. effects on system and service performance, including as measured by applicable metrics set forth in 49 CFR part 273 (or successor regulations);
- ii. effects on safety, competitiveness, reliability, trip or transit time, greenhouse gas emissions, and resilience;
- iii. effects of anticipated positive economic and employment impacts, including development in areas near passenger stations, historic districts, or other opportunity zones;
- iv. efficiencies from improved connections with other modes;
- v. ability to meet existing or anticipated demand; and
- vi. whether the project services historically unconnected or under-connected communities.

The BCA should be systematic, data driven, and examine the trade-offs between reasonably expected project costs and benefits. The BCA for Project Development projects should be for the underlying project, not the just the systems planning or PE/NEPA work itself. For Final Design/Construction projects applicants are required to document project benefits and costs. Estimates of benefits should be presented in monetary terms whenever possible; if a monetary estimate is not possible, the applicant should provide a quantitative estimate (in physical, non-monetary terms, such as crash or employee casualty rates, ridership estimates, emissions levels, energy efficiency improvements, etc.). Applicants must follow the BCA Guidance for Discretionary Grant Programs when preparing a BCA. The guidance is available at <https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis->

guidance. In addition, please also refer to the BCA Webinar on FRA's website (<https://railroads.dot.gov/webinars>) for some rail-specific examples of how to apply the BCA Guidance for Discretionary Grant Programs to FSP Program applications. All benefits claimed for the project must be clearly tied to the expected outcomes of the project. The complexity and level of detail in the BCA prepared for this FSP-National NOFO should reflect the scope, scale, and the appropriate Capital Project Lifecycle stage of the proposed project.

(3) Environmental compliance documentation, as applicable, if a website link is not cited in the project narrative. Applicants should explain what federal (and, if appropriate, State, Tribal, and local) environmental compliance and permitting requirements have been completed. Such requirements include NEPA and may include other Federal, Tribal, local, and State permitting requirements. The applicant should describe the permits, approvals and authorizations required for the project, their current status and the expected timeline for completion. If the NEPA process is complete (i.e., FRA has approved an environmental document for the project), the applicant should indicate the date of completion, and provide the FRA-approved environmental document (e.g., a signed Categorical Exclusion worksheet, a Finding of No Significant Impact, or a Record of Decision). If another federal agency has approved an environmental document for the project, the applicant should provide the applicable documentation and explain whether the applicant is proposing changes to the project in any manner than described in the final environmental decision document. If the NEPA process is not yet underway, the applicant should state this. If the NEPA process is underway, but not complete, the applicant should detail the type of NEPA review underway, where the project is in the NEPA process, and indicate the anticipated date of completion of all NEPA and other

permits, approvals and authorizations. Additional information regarding FRA's environmental processes and requirements are located at <https://fra.dot.gov/environment>.

(4) Draft or finalized agreement(s) required under 49 U.S.C. 22905(c)(1), if applicable, or documentation on the status of other necessary agreements. Applicants must provide information about the status of agreements with infrastructure owners. FRA strongly encourages early cooperation between applicants and any relevant infrastructure owners. Under 49 U.S.C. 22905(c)(1), a recipient must have a written agreement with a railroad that owns rights-of-way to be used by the project (referred to as the 22905 Agreement) before FRA will obligate funds under the grant agreement. If the applicant has executed the applicable agreement(s), the applicant should indicate the agreement's effective date, and provide a website link or attach the agreement as part of the application. The written agreement between the recipient and the railroad should describe use and ownership, including any compensation for such use; assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; an assurance by the railroad that collective bargaining agreements with the railroad's employees, including terms regulating the contracting of work, will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and an assurance that the grantee complies with liability requirements consistent with 49 U.S.C. 28103. For additional guidance, see the FRA Answers to Frequently Asked Questions about Rail Improvement Grant Conditions under 49 U.S.C. 22905(c)(1): <https://railroads.dot.gov/elibrary/frequently-asked-questions-about-rail-improvement-grant-conditions-under-49-usc-ss-22905c1>.

(5) Corridor ID Documentation: For applicants who are not Corridor Sponsors, a letter of support from the Corridor Sponsor is encouraged. The letter provided shall demonstrate how

the applicant has the support of the Corridor Sponsor and a clearly defined benefit for the Corridor. The letter can be submitted as an appendix.

(6) SF 424 – Application for Federal Assistance.

(7) SF 424A – Budget Information for Non-Construction or SF 424C – Budget Information for Construction.

(8) SF 424B – Assurances for Non-Construction or SF 424D – Assurances for Construction.

(9) FRA F30 – Certification Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying, located at <https://railroads.dot.gov/elibrary/fra-f-30-certifications-regarding-debarment-suspension-and-other-responsibility-matters>.

(10) FRA F251 – Applicant Financial Capability Questionnaire, located at <https://railroads.dot.gov/elibrary/fra-f-251>.

(11) SF LLL – Disclosure of Lobbying Activities.

(c) Post-Selection Requirements

See Section (f)(2) of this notice for post-selection requirements.

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

To apply for funding through Grants.gov, applicants must be properly registered in SAM before submitting an application, provide a valid unique entity identifier in its application, and continue to maintain an active SAM registration all as described in detail below. Complete instructions on how to register and submit an application can be found at www.Grants.gov. Registering with Grants.gov is a one-time process; however, it can take up to several weeks for first-time registrants to receive confirmation and a user password. FRA recommends that

applicants start the registration process as early as possible to prevent delays that may preclude submitting an application package by the application deadline. Applications will not be accepted after the due date.

FRA may not make a grant award to an applicant until the applicant has complied with all applicable SAM requirements, and 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. Late applications, including those that are the result of a failure to register or comply with Grants.gov applicant requirements in a timely manner, will not be considered. If an applicant has not fully complied with the requirements by the submission deadline, the application will not be considered. To submit an application through Grants.gov, applicants must follow the directions in Section D(3)(c).

(a) Register with the SAM at www.SAM.gov

All applicants for federal financial assistance must maintain current registrations in the SAM database. An applicant must be registered in SAM to successfully register in Grants.gov. The SAM database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with SAM, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their SAM registration at least once per year to maintain an active status. Therefore, it is critical to check registration status well in advance of the application deadline. If an applicant is selected for an award, the applicant must maintain an active SAM registration with current information

throughout the period of the award, including information on a recipient's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a federal contract or grant within the last three years, if applicable. Information about SAM registration procedures is available at www.SAM.gov.

(b) Obtain a Unique Entity Identifier

On April 4, 2022, the Federal Government discontinued using DUNS numbers. The DUNS Number was replaced by a new, non-proprietary identifier that is provided by the System for Award Management (SAM.gov). This new identifier is called the Unique Entity Identifier (UEI), or the Entity ID. To find or request a Unique Entity Identifier, please visit www.SAM.gov.

(c) Create a Grants.gov Username and Password

Applicants must complete an Authorized Organization Representative (AOR) profile on www.Grants.gov and create a username and password. Applicants must use the organization's UEI to complete this step. Additional information about the registration process is available at: <https://www.grants.gov/applicants/applicant-registration>.

(d) Acquire Authorization for Your AOR From the E-Business Point of Contact

The E-Biz POC at the applicant's organization must respond to the registration email from *Grants.gov* and login at www.Grants.gov to authorize the applicant as the AOR. Please note there can be more than one AOR for an organization.

(e) Submit an Application Addressing All Requirements Outlined in This NOFO

If an applicant has trouble at any point during this process, please call the *Grants.gov* Customer Center Hotline at 1-800-518-4726, 24 hours a day, 7 days a week (closed on federal holidays).

For information and instructions on each of these processes, please see instructions at:
<https://www.grants.gov/support>.

(4) Submission Dates and Times

Applicants must submit complete applications to www.Grants.gov no later than 11:59 p.m. Eastern Time, December 16, 2024. Applicants will receive a system-generated acknowledgement of receipt. FRA reviews *Grants.gov* information on dates/times of applications submitted to determine timeliness of submissions. Late applications will be neither reviewed nor considered, no exceptions. To apply for funding under this announcement, all applicants are required to be registered as an organization with *Grants.gov*. Applicants are strongly encouraged to apply early to ensure all materials are received before this deadline.

To ensure a fair competition of limited discretionary funds, no late submissions will be reviewed for any reason, including: (1) failure to complete the *Grants.gov* registration process before the deadline; (2) failure to follow *Grants.gov* instructions on how to register and apply as posted on its website; (3) failure to follow all the instructions in this NOFO; and (4) technical issues experienced with the applicant's computer or information technology environment.

(5) Intergovernmental Review

Intergovernmental Review is required for this program. Applicants must contact their State's Single Point of Contact (SPOC) to find out about and comply with their State's process under Executive Order 12372. The names and addresses of the SPOCs are listed in the Office of Management and Budget's website.

(6) Funding Restrictions

Consistent with 2 CFR 200.458, as applicable, FRA will only approve pre-award costs if such costs are incurred pursuant to the negotiation and in anticipation of the grant agreement

and if such costs are necessary for efficient and timely performance of the scope of work.¹⁸ Under 2 CFR 200.458, grant recipients must seek written approval from FRA for pre-award activities to be eligible for reimbursement under the grant. Activities initiated prior to the execution of a grant or without FRA's written approval may be ineligible for reimbursement or matching contribution. Cost sharing or matching may be used only for authorized Federal award purposes.

FRA may consider interest and other financing costs of efficiently carrying out a part of the project within a reasonable time as eligible if the applicant demonstrates reasonable diligence in seeking the most favorable financing terms and provides a certification to that effect as required in 49 U.S.C. 24911(g)(2)(C)(iii). Interest and financing costs must meet the requirements specified in 2 CFR part 200, including section 2 CFR 200.449 to be considered eligible.

Applicants should be aware that, for a partially funded project, depending upon applicable federal law and the relationship among FSP-funded and non-FSP funded project portions, the FSP award may cause non-FSP funded portions to be subject to federal requirements as described in Section F(2). For example, the NEPA review for the FSP-funded project component may need to include evaluation of all project components as connected, similar, or cumulative actions.

(7) Other Submission Requirements

Please use generally accepted formats such as .pdf, .doc, .docx, .xls, .xlsx, and .ppt, when uploading attachments. While applicants may embed picture files, such as .jpg, .gif, and

¹⁸ For more information on pre-award costs under this program, see FRA Answers to Frequently Asked Questions about Pre-Award Authority, available at: https://railroads.dot.gov/sites/fra.dot.gov/files/2023-09/Pre-Award%20Authority%20FAQs%20-%209.22.23_PDFa.pdf.

.bmp in document files, applicants should not submit attachments in these formats. Additionally, the following formats will not be accepted: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip.

E. Application Review Information

(1) Criteria

(i) Completeness and Eligibility Criteria

FRA will first screen each application for applicant and project eligibility (eligibility requirements are outlined in Section C of this notice), completeness (application documentation and submission requirements are outlined in Section D of this notice), and 20 percent minimum non-federal match. Applications that do not meet these criteria will not be reviewed in the Evaluation Review Phase.

(ii) Evaluation Criteria

FRA will evaluate all eligible and complete applications using the evaluation criteria outlined in this section to determine project readiness, technical merit, and project benefits.

(A) Project Readiness

In evaluating project readiness, FRA will evaluate project and applicant risk based on the applicant's preparedness and capacity to implement the proposed project, including whether the applicant is reasonably equipped to begin the capital or planning project in a timely manner to meet its proposed schedule. FRA will evaluate whether the applicant is able to meet project milestones and use federal funds efficiently to deliver the proposed project.¹⁹

FRA will evaluate the application for the degree to which –

¹⁹ Additional information on USDOT's Project Readiness checklist can be found here: <https://www.transportation.gov/grants/dot-navigator/project-readiness-checklist-dot-discretionary-grant-applicants>.

- (1) The application demonstrates strong project readiness, evidenced by status of required NEPA and environmental permitting readiness (if applicable);
- (2) The application identifies the appropriate Lifecycle Stage(s) for the proposed project, demonstrates that the project has completed or will complete any preceding Lifecycle Stage(s), and the project is able to complete all requirements of the identified Lifecycle Stage(s); and
- (3) Project partner coordination and commitments and Corridor ID coordination, as described in Section 2(B)(iv), including letters of support, agreements, and funding, are secured or able to be secured without undue delay.
- (4) The status and timeline of agreements, including the agreement required under 49 U.S.C. 22905(c)(1), and other agreements necessary for the legal, financial, and technical capacity to complete the project, are sufficiently developed for the proposed project Lifecycle Stage;
- (5) The applicant demonstrates financial readiness, including commitment of funds for proposed non-federal matching sources in the form of cost sharing agreements or signed financial commitment letters.

(B) Technical Merit

In evaluating Technical Merit, FRA will evaluate the degree to which the application, statement of work, estimated project schedule and project budget are reasonable and appropriate to achieve the expected outcomes, commit the necessary resources and workforce to deliver the project, and the proposed project elements that are appropriate for the project funding request. FRA will also consider applicant risk, including the applicant's past performance in developing and delivering similar projects.

FRA will evaluate application information for the degree to which –

- (1) The tasks and subtasks outlined in the statement of work (SOW), estimated project schedule, project budget (using Articles 4-6 templates) are appropriate to achieve the expected outcomes of the proposed project;
- (2) The technical qualifications and experience of key personnel the applicant proposes to lead and perform the technical efforts, including the qualifications of the primary and supporting organizations, demonstrates the ability to fully and successfully execute the proposed project within the proposed time frame and budget;
- (3) The proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project;
- (4) The applicant has, or will have, the legal, financial, and technical capacity to carry out the proposed project; satisfactory continuing control over the use of the equipment or facilities; and the capability and willingness to maintain the equipment or facilities;
- (5) The degree to which the applicant and project deploy innovative technology, encourage innovative approaches to project delivery, and incentivize the use of innovative financing; and
- (6) If applicable, the consistency of the project with planning guidance, and documents set forth by USDOT or otherwise required by law.

(C) Project Benefits

FRA will evaluate the Benefit-Cost Analysis and as well as the project benefits of the proposed project for the anticipated private and public benefits relative to the costs of the proposed project and the summary of benefits provided in the narrative including:

- (1) Effects on system and service performance, including as measured by applicable metrics set forth in in part 273 of title 49, Code of Federal Regulations (or successor regulations). If the project is anticipated to result in improved intercity passenger rail train performance, applicants have the option of including the current performance metrics for the applicable Amtrak routes and stations;
- (2) Effects on safety, competitiveness, reliability, greenhouse gas emissions, trip or transit time, and resilience;
- (3) Effects of anticipated positive economic and employment impacts, including development in areas near passenger stations, historic districts, or other opportunity zones;
- (4) Efficiencies from improved integration with other modes;
- (5) Ability to meet existing or anticipated demand; and
- (6) Whether the proposed project serves historically unconnected or under connected communities.

For each of the merit criteria, FRA will use rubric ratings with applied criteria to evaluate whether the applications meet the defined thresholds:

Merit Criteria Ratings – Project Readiness			
For the project readiness criteria described in Section E(1)(ii)(A), FRA will evaluate the application’s responsiveness to the criteria, including an assessment of supporting justifications, and assign a cumulative Project Readiness risk rating.			
Unacceptable	High risk	Medium risk	Low risk

Application provides limited or no information necessary to assess the project readiness criteria; application does not demonstrate support, progress, or completion of required Lifecycle Stage(s) pre-requisites; or application contains one or more significant barriers that would prevent project delivery.	Application provides insufficient information to assess the project readiness criteria; application does not demonstrate sufficient support, progress, or completion of required Lifecycle Stage(s) pre-requisites but indicates risk to advancing the project without foreseeable delays; or application contains a barrier that would likely prevent project delivery in any of these areas.	Application provides sufficient information to assess the project readiness criteria; demonstrates support, progress, or completion on one or more required Lifecycle Stage(s) prerequisites, but indicates some risk to advancing the project in a timely manner; and the application does not contain a barrier that would likely prevent project delivery in any of these areas.	Application provides thorough and complete information and evidence to assess the project readiness criteria, and demonstrates strong support, progress, or completion on required Lifecycle Stage(s) pre-requisites, and indicates minimal risk to advancing the project in a timely manner; and application does not contain a barrier that would likely prevent project delivery in any of these areas.
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Merit Criteria Ratings – Technical Merit

For the technical merit criteria described in Section E(1)(ii)(B), FRA will evaluate the application’s responsiveness to the criteria and the merit of the response, including an assessment of supporting justifications, and assign a cumulative Technical Merit rating.

Unacceptable	Acceptable	Responsive	Highly Responsive
Application provides limited or no information necessary to assess the project against the technical merit criteria, or application demonstrates one or more significant technical challenges that would prevent the applicant from delivering the project.	Application contains insufficient information to assess the project against one or more of the technical merit criteria, or application demonstrates technical challenges that could affect project delivery but not prevent the	Application provides sufficient information and evidence to assess the project against the technical merit criteria and demonstrates that the applicant can deliver the project with minimal technical challenges.	Application provides thorough and complete information and evidence to assess the project against the technical merit criteria and sufficiently demonstrates that the project can be successfully delivered by the applicant.

	applicant from delivering the project.		
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Merit Criteria Ratings – Project Benefits			
For the project outcomes criteria described in section E(1)(ii)(C), FRA will evaluate the application’s responsiveness to the criteria including an assessment of supporting justifications, and assign a cumulative Project Benefits rating.			
Unacceptable	Acceptable	Responsive	Highly Responsive
Application provides insufficient information necessary to assess the project benefits criteria, and does not demonstrate that the project will achieve its intended benefits.	The application contains limited information to assess the project benefits criteria; or the project is not likely to achieve all of its intended benefits.	Application provides sufficient information to assess the project benefits criteria, and adequately demonstrates that the project will likely achieve its intended benefits.	Application provides thorough and complete information and evidence to assess the project benefits criteria, and sufficiently demonstrates that the project will achieve its intended benefits.

In addition to the ratings described above, FRA will also apply the selection preferences described in section E(1)(iii)(A) and consider the Administrative Priorities described in section E(1)(iii)(B).

(iii) Review and Selection Process

After completing the merit review, FRA will apply the selection criteria and consider the Administration priorities described in this section.

(A) Program Preferences

FRA will give preference to eligible projects:

- (1) For which Amtrak is not the sole applicant;
- (2) That improve the financial performance, reliability, service frequency, or address the state of good repair of an Amtrak route; and

(3) That are identified in, and consistent with, a corridor inventory prepared under the Corridor Identification and Development Program pursuant to 49 U.S.C. 25101.

- Note: FRA announced the first round of CID selections on December 8, 2023, with the vast majority of recipients undergoing activities under Step 1 and a limited number under Steps 2 and 3. The completion of Step 3 is a necessary pre-requisite to receiving this statutory preference under FSP-National; therefore, it is not expected that this statutory preference will apply to any applicants under this NOFO, but may apply in future funding rounds. See section D.B.iv for additional information for current CID sponsors.

FRA is interested in supporting projects that are seeking funding for Final Design and/or Construction, as defined in A.2, that directly improves passenger service frequency, reliability, and financial performance. These projects should develop a foundation for future expansion of intercity passenger rail by reducing the State of Good Repair backlog and/or improvements along shared private, public-private, and publicly owned infrastructure. Examples include replacement or rehabilitation of rolling stock, expansion or rehabilitation of existing intercity passenger rail stations, improvements to track along existing routes such as replacement of existing track or the addition of track to increase capacity, replacement or rehabilitation of bridges, power equipment and substations, maintenance facilities and equipment, signals and communications.

(B) Administration Priorities

FRA will consider projects that address the following key Administration priorities:

Safety: FRA will assess the project’s ability to foster a safe transportation system for the movement of goods and people, consistent with the Department’s strategic goal to reduce transportation-related fatalities and serious injuries across the transportation system. Such considerations will include, but are not limited to, the extent to which the project improves and upgrades infrastructure to achieve a higher level of safety, reduces incidences of rail-related trespassing, upgrades infrastructure to achieve a higher level of safety, and uses an appropriately trained workforce. Overall, FRA expects that projects will provide positive safety benefits for all users and not negatively impact safety for any users.

Climate Change and Sustainability: FRA will assess the project’s ability to reduce the harmful effects of climate change and anticipate necessary improvements to prepare for extreme weather events. Applications that rate highly on this criterion will be those that use data-driven and evidence-based methods to demonstrate that the project will:

1. Significantly reduce greenhouse gas (GHG) emissions in the transportation sector; and
2. Incorporate evidence-based climate resilience measures or features.

Applicants are encouraged to use the DOT Navigator Climate checklist²⁰ in responding to this criterion. More details on the two aspects of the criterion are provided below.

3. Significantly reduce greenhouse gas (GHG) emissions in the transportation sector.

Applicants will rate more highly on this aspect of the criterion if they can demonstrate that:

- i. the project will reduce transportation GHG emissions, as shown through analysis with the USDOT tools²¹ or similar (for locomotive replacement projects use the FRA Locomotive Emissions Comparison Tool²²);

²⁰ <https://www.transportation.gov/grants/dot-navigator/checklist-strong-climate-change-mitigation-adaptation-and-resilience-grant>.

²¹ <https://www.transportation.gov/priorities/climate-and-sustainability/greenhouse-gas-analysis-resources-and-tools>.

²² <https://railroads.dot.gov/elibrary/fra-locomotive-emissions-comparison-tool>.

- ii. applicants are making progress towards state, local, or regional transportation GHG reduction targets;
- iii. the project is part of a State Carbon Reduction Strategy or other State, local, or tribal GHG reduction plan;
- iv. the applicant has a plan to monitor the impact of the project on GHG emissions; and
- v. the project aligns with the U.S. National Blueprint for Transportation Decarbonization²³ by reducing GHG emissions through one or more of the following strategies:
 - vi. including plans for compact, mixed-use development around rail stations and connections to local public transportation;
 - vii. facilitating mode shift from driving to rail;
 - viii. reducing energy use by improving locomotive efficiency or operational efficiencies;
 - ix. using clean locomotives and fuels, including electric catenary, battery electric locomotives, hybrid locomotives, or hydrogen locomotives;
 - x. using project materials and construction methods that have lower embodied GHG emissions (especially if emissions benefits are documented in Environmental Product Declarations); and
 - xi. incorporating carbon-reducing uses of the rights-of-way, such as solar arrays, transmission of electricity from renewables, or vegetation management.

²³ <https://www.transportation.gov/priorities/climate-and-sustainability/us-national-blueprint-transportation-decarbonization>.

4. Incorporate evidence-based climate resilience and adaptation measures or features.

Applicants will rate more highly on this aspect of the criterion if they can demonstrate that the project:

- i. uses best-available climate data sets, information resources, and decision-support tools (including USDOT and other Federal resources²⁴) to assess the risks of climate change to the project, such as damage or disruption from increasingly frequent and severe flooding and heat waves;
- ii. develops and deploys solutions that reduce climate change risks;
- iii. advances objectives in the National Climate Resilience Framework²⁵.
- iv. incorporates nature-based solutions²⁶ / natural infrastructure²⁷, including use of native plants, and, as applicable, avoids fragmenting lands with high conservation value, avoids barriers to fish and wildlife migration, and incorporate mitigation measures to address unavoidable impacts;
- v. is included in a Resilience Improvement Plan²⁸ or similar plan;
- vi. benefits communities most vulnerable to climate change impacts, such as FEMA-designated Community Disaster Resilience Zones²⁹; Community Disaster Resilience Zones³⁰;
- vii. follows the Federal Flood Risk Management Standard, consistent with current law; and

²⁴ <https://www.transportation.gov/priorities/climate-and-sustainability/climate-adaptation-resources-and-tools>.

²⁵ <https://www.whitehouse.gov/wp-content/uploads/2023/09/National-Climate-Resilience-Framework-FINAL.pdf>.

²⁶ https://www.fhwa.dot.gov/environment/sustainability/resilience/ongoing_and_current_research/green_infrastructur
e/.

²⁷ <https://www.transportation.gov/priorities/climate-and-sustainability/definitions>.

²⁸ <https://www.fhwa.dot.gov/environment/protect/#rip/>.

²⁹ <https://www.fema.gov/partnerships/community-disaster-resilience-zones>.

³⁰ <https://www.fema.gov/partnerships/community-disaster-resilience-zones>.

viii. includes plans to monitor performance of climate resilience and adaptation measures.

Equity and Justice40: FRA will assess elements including how the project will create positive outcomes that will reduce, mitigate, or reverse how a community is experiencing disadvantage through increasing affordable transportation options, improving health or safety, reducing pollution, connecting Americans to good-paying jobs, fighting climate change, and/or improving access to nature, resources, transportation or mobility, and quality of life. FRA will consider the benefits and potential burdens a project may create, who would experience them and how the benefits and potential burdens will impact disadvantaged communities.

Applicants should use the Climate and Economic Justice Screening Tool (CEJST) as the primary tool to identify disadvantaged communities (Justice40 communities).³¹ Applicants are strongly encouraged to use the USDOT Equitable Transportation Community (ETC) Explorer to understand how their community or project area is experiencing disadvantage related to lack of transportation investments or opportunities. Through understanding how a community or project area is experiencing transportation-related disadvantage, applicants are able to address how the benefits of a project will reverse or mitigate the burdens of disadvantage and demonstrate how the project will address challenges and accrue benefits.

Applicants are strongly encouraged to use the FRA's Justice40 Rail Explorer Tool, (<https://usdot.maps.arcgis.com/apps/webappviewer/index.html?id=fd9810f673b64d228ae072>)

³¹ Established by Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad*, the Justice40 Initiative sets a goal that 40 percent of the overall benefits of certain federal investments in climate, clean energy, and other areas flow to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution. Pursuant to M-21-28 and M-23-09, issued by the White House Office of Management and Budget, White House Council on Environmental Quality, and White House Office of Domestic Climate Policy, USDOT recognizes disadvantaged communities as the census tracts that are identified as disadvantaged by the CEJST, as well as all Federally Recognized Tribes and Tribal entities.

bead46f703) to identify the rail infrastructure in their project and features of the surrounding community as the basis of their assessment. The FRA Justice40 Rail Explorer Tool is a rail-specific complement to the USDOT ETC Explorer and leverages the same methodology and metrics. The FRA Justice40 Rail Explorer Tool provides GIS information on existing rail infrastructure, communities, and pollution levels based on the proposed project’s location, and applicants can thus use this tool to note how their project location scores across several different measures. Transportation disadvantaged communities experience burden, as a result of underinvestment in transportation, in the following five components: Transportation Insecurity, Climate and Disaster Risk Burden, Environmental Burden, Health Vulnerability, and Social Vulnerability.

Workforce Development, Job Quality, and Wealth Creation: FRA will assess how the project will create good-paying, safe jobs with free and fair choice to join a union including through the use of a project labor agreement, promote investments in high-quality workforce development programs, adopt local and economic hiring preferences for the project workforce, and promote local inclusive economic and entrepreneurship programs.

For Administration priorities, FRA will consider the application’s responsiveness to the criteria and will provide a rating of “Non-responsive,” “Acceptable,” “Responsive,” or “Highly Responsive” as described in the rubric below. Applicants do not need to respond to an Administration Priority if it is not applicable to their proposed project.

Administration Priorities

For the Administration Priorities criteria described in Section E(1)(iii)(B), FRA will consider the application’s responsiveness to the criteria, including an assessment of supporting justifications.

Non-Responsive	Acceptable	Responsive	Highly Responsive
Application contains insufficient information to assess any of the Administration Priorities, or project is inconsistent with one or more of the Administration Priorities.	Application contains limited information that is supported by some evidence, but primarily described qualitatively, that the project is consistent with at least one of the Administration Priorities.	Application contains sufficient information, that is adequately supported by both quantitative and qualitative evidence, that the project has clear and direct benefits in at least one of the Administration priority areas.	Application contains thorough and complete information, that is strongly supported by both quantitative and qualitative evidence, that the project has clear, direct, and significant benefits in one or more of the Administration Priorities, and is not inconsistent with any of the Administration Priorities.

(C) Funding Considerations

Upon completion of all reviews, FRA will finalize an Overall Rating for each application. This rating will be a combination of the results of the three Merit Criteria reviews, specifically, Project Readiness, Technical Merit, and Project Benefits criteria ratings as described in Sections E(1)(ii)(A)-(C), the Benefit-Cost Analysis as identified in Section A(2)(a) and further described in Section D(2)(b)(ii), and the Administration Priorities as described in Section E(1)(iii)(B). Provided in the Overall Rating Rubric below, each rating has defined parameters to which each application will be assessed.

Overall Rating			
Not Recommended	Acceptable	Recommended	Highly Recommended
The application received an overall score of not recommended based	The application received an overall score of acceptable based on Project	The application received an overall score of recommended based on Project	The application received an overall score of highly recommended based

on Project Readiness, Technical Merit, and Project Benefits ratings, confidence in the application’s BCA, and consideration of Administration Priorities.	Readiness, Technical Merit, and Project Benefits ratings, confidence in the benefit-cost analysis, and consideration of Administration Priorities.	Readiness, Technical Merit, and Project Benefits ratings, confidence in the benefit-cost analysis, and has clear and direct benefits in one of the Administration Priorities.	on Project Readiness, Technical Merit, and Project Benefits ratings, confidence in the benefit-cost analysis, and has clear, direct, and significant benefits in one or more of the Administration Priorities.
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The evaluation process may draw upon subject matter experts within FRA Division offices whose expertise is relevant to understanding the application’s responsiveness to the program criteria, such as assessing the applicant’s capacity to successfully deliver the project in compliance with applicable federal requirements based on factors including, but not limited to, the recipient’s experience working with Federal agencies, previous experience with USDOT discretionary grant awards and/or the technical experience and resources dedicated to the project. Finally, in determining the allocation of program funds, FRA may also consider geographic diversity, diversity in the size of the systems receiving funding, and the applicant’s receipt of other discretionary awards.

(2) Review and Selection Process

FRA will conduct a five-part application review process, as follows:

- (A) Intake and Eligibility Phase:** Screen applications for applicant and project eligibility, completeness, and the minimum non-federal match (phase completed by the Evaluation Management and Oversight Team (EMOT), comprised of FRA program review directors who manage the pre-award process).

(B) Evaluation Review Phase: Evaluate remaining applications against the statutory technical merit criteria, project benefits criteria, and project readiness criteria, evaluate the results of the benefit cost analysis and environmental review, and alignment with Administration Priorities (completed by technical merit review panels consisting of FRA and Department of Transportation (USDOT) staff). The EMOT will compile the results of the Evaluation Review Phase consistent with the FSP Program set-asides and selection preferences. After considering all FRA reviews under the statutory criteria, applications will be assigned an overall rating of “Highly Recommended,” “Recommended,” “Acceptable,” or “Not Recommended.”

(C) Steering Committee Phase: The Steering Committee is comprised of Senior Directors with the Office of Railroad Development, which may also include senior leadership from the Railroad Office of Safety and other relevant departments. The EMOT briefs the Steering Committee on all rated applications, and the Steering Committee may request more information from FRA offices whose expertise may be relevant. The Steering Committee provides strategic direction, in line with program goals outlined in this NOFO, on the development of funding scenario materials, including LOI and PFA recommendations for Highly Rated projects, and approach for the Senior Review Team (SRT) briefing.

(D) Senior Review Phase: The SRT will review, apply selection criteria, and recommend initial selection of projects and LOI/PFAs for the FRA Administrator’s review (completed by the SRT, which may include senior leadership from the Office of the Secretary and FRA); and

(E) Selection and Award Phase: Select recommended awards for the Secretary’s or his designee’s review and approval (completed by the FRA Administrator).

(3) Reporting Matters Related to Integrity and Performance

Before making a federal award with a total amount of federal share greater than the simplified acquisition threshold of \$250,000 (see 2 CFR 200.88 Simplified Acquisition Threshold), FRA will review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). 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.

FRA will consider any comments by the applicant, in addition to the other information, 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 2 CFR 200.205.

F. Federal Award Administration Information

(1) Federal Award Notice

FRA will announce applications selected for funding in a press release and on FRA’s website after the application review period. This announcement is FRA’s notification to successful and unsuccessful applicants alike. Following this announcement, FRA will contact the

point of contact listed in the SF 424 to initiate development of a project-specific agreement. This notification is not an authorization to begin proposed project activities. FRA requires satisfaction of applicable requirements by the applicant and a formal agreement signed by both the recipient and the FRA, including FRA's Standard Terms and Conditions and an approved scope, schedule, and budget, before obligating the grant.

(2) Administrative and National Policy Requirements

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

Examples of administrative and national policy requirements include: procurement standards at 2 CFR part 200 subpart D, 2 CFR 1201.317, and 2 CFR 200.401; compliance with federal civil rights laws and regulations; disadvantaged business enterprises requirements; debarment and suspension requirements; drug-free workplace requirements; FRA's and OMB's Assurances and Certifications; ADA requirements; safety requirements; and NEPA, including

consideration of impacts to communities with environmental justice concerns. Unless otherwise stated in statutory or legislative authority, or appropriations language, all financial assistance awards follow the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards at 2 CFR part 200 and 2 CFR part 1201.

In 2024, the Office of Management and Budget revised the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR part 200. The 2024 revisions to 2 CFR part 200 take effect on October 1, 2024, and are effective for all grant agreements entered into on or after October 1, 2024, including awards under this NOFO.

Assistance under this NOFO is subject to the grant conditions in 49 U.S.C. 22905, including protective arrangements that are equivalent to the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants subject to 49 U.S.C. 22905, the provision deeming operators rail carriers and employers for certain purposes, and recipient agreements with railroad right-of-way owners for projects using railroad rights-of-way (see Section D(2)(a)).³²

Projects must sufficiently consider climate change and environmental justice in their planning, as determined by FRA and consistent with core policy goals of assessing these potential impacts. For example, see Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619) and Executive Order 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All* (88 FR 25251). In the grant agreement, recipients will be expected to describe activities they have taken or will take prior to obligation of Construction funds that address climate change and environmental justice. Activities that address climate change include,

³² More information on labor protections can be found here: <https://railroads.dot.gov/elibrary/equivalent-labor-protections>.

but are not limited to, demonstrating the project will result in significant GHG emissions reductions; the project supports GHG emissions reductions goals in a Local/Regional/State plan; the project improves disaster preparedness and resilience; the project incorporates resilience in its design; and the project primarily focuses on funding for state of good repair and clean transportation options, including public transportation, walking, biking, and micro-mobility. Activities that address environmental justice may include, but are not limited to: basing project design on consideration of community impacts; information gained from screening tools such as CEJST, EPA's EJ Screen, or another appropriate environmental and community impact tool developed by a State agency; conducting enhanced, targeted outreach to potentially affected communities, including disadvantaged communities; considering environmental justice in alternatives analysis and final project design; and supporting a modal shift in freight or passenger movement to reduce GHG emissions or reduce induced travel demand.

Projects must consider and address equity and barriers to opportunity in their planning, as determined by FRA and consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). The grant agreement should include the recipients' description of activities they have taken or will take prior to obligation of Construction funds that address equity and barriers to opportunity. These activities may include, but are not limited to, completing an equity impact analysis for the project; completing a community needs assessment; adopting an equity and inclusion program/plan; conducting meaningful public engagement to ensure underserved communities are provided an opportunity to be involved in the planning process; including investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities; hiring from local communities; improving access to or providing

economic growth and wealth building opportunities for underserved, overburdened, or rural communities; or addressing historic or current inequitable air pollution or other environmental, health, or economic burdens and impacts.

Projects must sufficiently consider job quality and labor rights in their planning, as determined by the Department of Labor, consistent with Executive Order 14025, *Worker Organizing and Empowerment* (86 FR 22829), and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335). Specifically, the Project Planning activities and project delivery actions must support: (a) strong labor standards and the free and fair choice to join a union, including project labor agreements, local hire agreements, distribution of workplace rights notices, and use of an appropriately trained workforce; (b) support of high-quality workforce development programs, including registered apprenticeship, labor-management training programs, and supportive services to help train, place, and retain people in good-paying jobs and apprenticeships; and (c) comprehensive planning and policies to promote hiring and inclusion for all groups of workers, including through the use of local and economic hiring preferences, linkage agreements with workforce programs that serve underrepresented groups, and proactive plans to prevent harassment. (See Article 11 of FRA’s Attachment 2: Project-Specific Terms and Conditions for a list of project activities that address efforts to support good-paying jobs and strong labor standards, available at:

https://railroads.dot.gov/sites/fra.dot.gov/files/2024-02/Attachment_2_Project_Specific_Terms_12.11.23_PDFa.pdf.)

(i) Federal Contract Compliance

As a condition of grant award and consistent with Executive Order 11246, *Equal Employment Opportunity* (30 FR 12319, and as amended), all federally assisted contractors

are required to make good faith efforts to meet the goals of 6.9 percent of Construction project hours being performed by women, in addition to goals that vary based on geography for Construction work hours and for work being performed by people of color. Under Section 503 of the Rehabilitation Act of 1973 and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, Section 503 of the Rehabilitation Act, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. OFCCP has a Mega Construction Project Program through which it engages with Project Sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of Federally assisted projects over which OFCCP has jurisdiction and that have a project cost above \$35 million. USDOT will require Project Sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their USDOT award.

(ii) Critical Infrastructure Security Cybersecurity and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including physical and cyber risks, consistent with the National Security Memorandum (NSM-22) - Critical Infrastructure Security and Resilience³³.

³³ <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/04/30/national-security-memorandum-on-critical-infrastructure-security-and-resilience/>

Each applicant selected for federal funding must demonstrate, prior to signing of the grant agreement, efforts 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 funds.

(iii) Domestic Preference Requirements

As expressed in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to the domestic preference requirement in 49 U.S.C. 22905(a) (FRA Buy America) and the Build America, Buy America Act, Pub. L. No. 117-58, 70901-52. The Department expects all applicants to comply with the applicable domestic preference requirements. However, Major Capital Project applicants should include a domestic sourcing plan that provides details on the extent to which the materials covered by the plan are to be imported and the extent to which such materials can be sourced domestically. Applicants should also provide an explanation in the plan of the number of domestic jobs, temporary and permanent, that will be generated by the project and outline a plan to transition any foreign labor responsibilities to domestic jobs. Major Capital Project applicants may also request a waiver from certain Buy America requirements along with the domestic sourcing plan.

(iv) Civil Rights and Title VI

As a condition of a grant award, grant recipients must demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR part 21), the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. USDOT's and FRA's Offices of Civil Rights will work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

(3) Reporting

(i) Progress Reporting on Grant Activity

Each applicant selected for a grant will be required to comply with all standard FRA reporting requirements, including quarterly progress reports, quarterly federal financial reports, and interim and final performance reports, as well as all applicable auditing, monitoring and close out requirements. Reports may be submitted electronically. Pursuant to 2 CFR 170.210, non-federal entities applying under this NOFO must have the necessary processes and systems in place to comply with the reporting requirements should they receive federal funding.

(ii) Additional Reporting

Applicants selected for funding are required to comply with all reporting requirements in the standard terms and conditions for FRA grant awards including 2 CFR 180.335 and 2 CFR 180.350. If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000

for any period of time during the period of performance of this federal award, then the applicant must maintain the information reported to SAM and ensure that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in award term and conditions of Article 3. This is a statutory requirement under Section 872 of Pub. L. 110–417, as amended (41 U.S.C. 2313). As required by Section 3010 of Public Law 111–212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for federal procurement contracts, will be publicly available.

(iii) Performance and Program Evaluation

Recipients and sub-recipients are also encouraged to incorporate program evaluation, including associated data collection activities, from the outset of their program design and implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115–435 (2019) urges federal awarding agencies and federal assistance recipients and sub-recipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency” (codified at 5 U.S.C. 311). Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

For grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR part 200).

(iv) Performance Reporting

If selected, recipients will be required to collect information and report on the project’s performance using measures mutually agreed upon by FRA and the recipient to assess progress in achieving strategic goals and objectives. Projects that include funding for rolling stock will be required to integrate at least one equipment/rolling stock performance measure, consistent with the recipients’ application materials and program goals. As stated in Section D.2, applicants must include draft performance measures in the application using Article 7 of FRA’s Project-Specific Terms and Conditions. Examples of some rail performance measures are listed in the table below. The applicable measure(s) will depend upon the type of project.

Rail Measures	Unit Measure	Measurement period	Measurement frequency	Primary Administration Priority	Secondary Administration Priority	Description
Slow Order Miles	Miles		Quarterly	Workforce Development, Job Quality, and Wealth Creation	Safety	The number of miles per quarter within the project area that have temporary speed restrictions (“slow orders”) imposed due to track condition. This is an indicator of the overall condition of track. This measure can be used for projects to rehabilitate sections of a rail line since the rehabilitation should eliminate, or at least reduce the slow orders

						upon project completion.
Gross Tonnage	Gross Tons		Quarterly	Workforce Development, Job Quality, and Wealth Creation		The annual gross tonnage of freight shipped in the project area. Gross tons include freight cargo minus tare weight of the rail cars. This measures the volume of freight a railroad ships in a year. This measure can be useful for projects that are anticipated to increase freight shipments.
Rail Track Grade Separation	Count		Quarterly	Workforce Development, Job Quality, and Wealth Creation	Safety	The number of automobile crossings that are eliminated at an at-grade crossing as a result of a new grade separation.
Equity in Contracting	Count of small businesses contracted	Duration of the Project Performance Period	Annual	Equity		Contracting with socially disadvantaged business enterprises, and labor surplus area firms (each a “Small Business”) for the Project.
Justice40	Health, environmental and other benefits	Duration of the Project Performance Period and/or Beyond	Annual	Environmental Justice	Public Health	Any benefits the project is expected to deliver to improve the health, safety, environment and/or well-being of disadvantaged communities
Fuel Savings/Emissions	Gallons		Annual	Climate Change and Sustainability		The total gallons of fuel saved as a result of rehabilitating, remanufacturing, procuring, or

						overhauling locomotives.
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(v) USDOT Program Evaluation

As a condition of grant award, recipients may be required to participate in an evaluation undertaken by USDOT, 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 recipient, or a benefit/cost analysis or assessment of return on investment. The Department may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, recipient must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or USDOT staff. For grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR 200).

(iv) Project Signage and Public Acknowledgements

As a condition of grant award, for construction and non-construction projects, recipients may be required to post project signage and to include public acknowledgments in published and other collateral materials (e.g., press releases, marketing materials, website, etc.) satisfactory in form and substance to USDOT, that identifies the nature of the project and indicates that “the project is funded by the Bipartisan Infrastructure Law.” In addition,

recipients employing project signage are required to use the official Investing in America emblem in accordance with the Official Investing in America Emblem Style Guide. Costs associated with signage and public acknowledgments must be reasonable and limited. Signs or public acknowledgments should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or recipient burden. Recipients are encouraged to use recycled or recovered materials when procuring signs.

(v) Federal Awarding Agency Contacts

For further information concerning this notice, please contact the FRA NOFO Support program staff via email at FRA-NOFO-Support@dot.gov. If additional assistance is needed, you may contact Sergio Coronado, 617-571-1213, Sergio.Coronado@dot.gov; Caitlyn Mitchell, 202-579-3867, Caitlyn.Mitchell@dot.gov; or Marc Dixon, 202-493-0614, Marc.Dixon@dot.gov.

(vi) Other 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 the applicant considers 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.

The USDOT regulations implementing the Freedom of Information Act (FOIA) are found at 49 CFR part 7 subpart C – Availability of Reasonably Described Records under the Freedom of Information Act, which sets forth rules for FRA to make requested materials, information, and records publicly available under the FOIA. Unless prohibited by law and to the

extent permitted under the FOIA, contents of application and proposals submitted by successful applicants may be released in response to FOIA requests. The Department may also make application narratives publicly available or share application information within USDOT or with other Federal agencies if FRA determines that sharing is relevant to the respective program's objectives.

Issued in Washington, D.C.

Allison Ishihara Fultz,
Chief Counsel.