



PROTECT Discretionary Grant Program Notice Of Funding Opportunity Questions & Answers

Updated December 17, 2024

The Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Formula and Discretionary Grant Programs were established under section 11405 of the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. No. 117-58, November 15, 2021), also known as the “Bipartisan Infrastructure Law” (BIL), codified at 23 U.S.C. 176. The following Questions and Answers (Q&As) focus on the [PROTECT Discretionary Grant Program](#) and the Notices of Funding Opportunity (NOFO) for Fiscal Years (FY) 2022-2023 (posted April 11, 2023) and FY 2024-2026 (posted October 25, 2024). Unless otherwise noted, references to “PROTECT Program” or “PROTECT grants” in this document refer to the PROTECT Discretionary Grant Program.

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the States or the public in any way. This document is intended only to provide information regarding existing requirements under the law or agency policies.

Eligible Applicants

- 1. Does the list of eligible applicants include regional councils, water and sewer authorities that manage pump stations to remove water from roadways, or a public authority that installs and operates electric vehicle chargers?**

Answer: Entities eligible to apply for a PROTECT Discretionary Grant are statutorily defined under 23 U.S.C. 176 and include a unit of local government and a special purpose district or public authority with a transportation function. When applying for a PROTECT Discretionary Grant, regional councils, water and sewer authorities, public authorities and other special purpose districts must demonstrate that they meet the eligibility criteria as a unit of local government or a special purpose district or public authority with a transportation function under 23 U.S.C. 176.

- 2. Are there conditions under which a grant recipient can subaward the project and its management?**

Answer: An eligible entity selected to receive a PROTECT grant is the direct recipient of the grant funds. An eligible entity that receives a grant may choose to work with another entity using a contract or subaward to deliver the PROTECT project. The PROTECT grant recipient retains the responsibility for ensuring completion of the grant activities and for compliance with the terms and conditions of the grant award and Federal

requirements (2 CFR 200.332). Applicants should describe their proposed approach for implementing the project in their application.

3. Which Federal Land Management Agencies (FLMAs) can apply jointly with a State? And what State Agencies are acceptable lead applicants?

Answer: The Federal Land Management Agencies (FLMAs) include: the Bureau of Indian Affairs, U.S. Forest Service, National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, and the Department of Defense, including the U.S. Army Corps of Engineers and Military Surface Deployment and Distribution Command (SDDC). For programs such as the PROTECT Discretionary Grant Program administered under Title 23 of the United States Code, the term “State” means a State Department of Transportation (DOT). If an FLMA submits a joint application with an entity other than a State DOT, then the application would be ineligible for consideration for a PROTECT Discretionary Grant. (23 U.S.C. 176(d)(2)(F)).

4. Are entities that are otherwise eligible under the PROTECT Discretionary Grant Program and located in a U.S. Territory eligible to apply for a grant?

Answer: Yes, otherwise eligible entities located in U.S. Territories are eligible to apply for Planning Grants, Resilience Improvement Grants, Community Resilience and Evacuation Routes Grants, and At-Risk Coastal Infrastructure Grants (23 U.S.C. 176(d)(2)). However, U.S. Territories are only eligible to apply for At-Risk Coastal Infrastructure Grants (23 U.S.C. 176(d)(4)(C)).

5. Are transit agencies eligible to apply directly for PROTECT grant funding?

Answer: Yes, entities eligible to apply for a PROTECT grant include a public authority with a transportation function. A transit agency is an eligible entity if it is an operator of a public transportation facility or service eligible under Chapter 53 of Title 49, which means a facility or service that provides regular, continuing shared-ride surface transportation service that is open to the general public or open to a segment of the general public defined by age, disability, or low income. See 49 U.S.C. 5302(15).

6. Please explain the correct meaning of a special purpose district or public authority with a transportation function.

Answer: A “public authority” means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities. (23 U.S.C. 101(a)(22)). If a special purpose district applies for a PROTECT grant it should include appropriate documentation that it was established in accordance with applicable State law.

7. Can joint applications be submitted?

Answer: Yes. However, if an application has joint applicants each applicant must be an eligible applicant. Only one entity can be the recipient. The application should identify the eligible lead applicant who will be the recipient of the grant funds if the project is selected for an award. The lead applicant will be responsible for financial administration of the project and will be the recipient of the PROTECT Discretionary Grant Program award. For example, non-profit organizations are not eligible applicants and therefore cannot be a lead or joint applicant but can be identified in an application as having a role in the delivery of the project. Joint applications should include a description of the roles and responsibilities of each joint applicant and should be signed by, or include a letter of support from, each applicant. In addition, the application should describe in detail all of the other public and private parties who are involved in delivering the project, including a specific description of the role of each entity in delivering the project.

Eligible Facility

8. Are Federally owned and maintained roads, parking lots and lands eligible for funding under this NOFO?

Answer: Federally owned facilities may be eligible for funding under this NOFO if the application is submitted by an eligible applicant and the proposed project meets the eligibility requirements of one of the funding categories under Section C of the NOFO. FHWA will review project specific information provided in an application to make an eligibility determination.

9. Would shared-use paths be eligible for a Resilience Grant?

Answer: A shared-use path) may be eligible if the proposed PROTECT Discretionary Grant project is eligible for assistance under Title 23 of the United States Code and primarily serves a transportation (rather than a recreation) purpose. FHWA will review project specific information provided in an application to make an eligibility determination.

10. In identifying eligible highway projects, the law refers to “highway projects eligible for assistance under Title 23, U.S.C.” What type of highway projects does this include?

Answer: PROTECT funds can be used on public roads for eligible highway projects identified in 23 U.S.C. 176. An eligible highway facility can be determined by looking at the definition of “highway” in 23 U.S.C. 101(a)(11). Under this definition, a highway project is (A) located on a road, street, or parkway, (B) includes right-of-way, a bridge, a railroad-highway crossing, a tunnel, a drainage structure including public roads on dams, a sign, a guardrail, and a protective structure, in connection with a highway, or (C) a portion of any interstate or international bridge or tunnel and the approaches thereto, the

cost of which is assumed by a State transportation department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel. Upon determining the facility is eligible for funding, then PROTECT-eligible activities may be identified for that facility. If Title 23 funds could be spent (or have been spent) for an eligible project on the highway, then the highway is eligible for PROTECT funds for eligible activities under that program.

PROTECT grant funds may be used for an eligible purpose on a public road that is (1) a Federal-aid highway (as defined in 23 U.S.C. 101(a)(6)), or (2) other than a Federal-aid highway (including highways functionally classified as local roads or rural minor collectors). A “public road” means any road or street under the jurisdiction of and maintained by a public authority and open to public travel (23 U.S.C. 101(a)(23)).

11. Is a public road that is not a public highway, located within a State-owned and managed forest, an eligible facility?

Answer: Yes. PROTECT Discretionary Grant funds may be used for an eligible PROTECT project located on a public road that is (1) a Federal-aid highway (as defined in 23 U.S.C. 101(a)(6)), or (2) other than a Federal-aid highway (including highways functionally classified as local roads or rural minor collectors). A “public road” means any road or street under the jurisdiction of and maintained by a public authority and open to public travel (23 U.S.C. 101(a)(23)).

12. Would an airport runway or an airport Automated People Mover electric train system be eligible for a PROTECT grant?

Answer: Neither an airport runway nor an airport automated people mover electric train system would be an eligible project under the PROTECT Discretionary Grant Program. The purpose of this grant program is to plan for and strengthen surface transportation to be more resilient to natural hazards, including climate change, sea level rise, flooding, extreme weather events, and other natural disasters. Generally, activities located within the boundary of an airport facility are not considered surface transportation. However, this does not preclude an eligible applicant from submitting an application for an eligible activity on an eligible facility located adjacent to an airport facility.

13. If the application includes a planning or resilience improvement project on a State-owned and maintained road, would a letter of support be required when submitting the grant application?

Answer: If an eligible applicant submits an application for an eligible activity on an eligible facility that it does not own or have jurisdiction over, documentation of consultation with the State DOT including the State DOT’s concurrence to carry out the proposed project on its facility must be submitted with the application. If the project selected to receive a PROTECT grant is a construction project, the applicant must ensure

that all Federal and State required approvals are met before FHWA will obligate funds to the project.

14. Do pedestrian walkways and bike lanes need to be connected to or adjoin a highway, or are pedestrian walkways, bike lines, and shared-use paths along railway eligible on their own?

Answer: A shared use path may be eligible if the proposed project is eligible for assistance under Title 23 of the United States Code and must primarily serve a transportation (rather than a recreation) purpose. FHWA will review project specific information provided in an application to make an eligibility determination.

Applications

15. Can PROTECT grant funds be used to replace gas or diesel emission vehicles with electric bikes, scooters, and vehicles?

Answer: No. Replacing gas or diesel emission vehicles with electric bikes, scooters, and vehicles is not consistent with the purpose of the PROTECT Discretionary Grant Program which is to plan for and strengthen surface transportation to be more resilient to natural hazards, including climate change, sea level rise, flooding, extreme weather events, and other natural disasters.

16. Can an eligible entity submit one application for a project that has more than one component with independent utility?

Answer: Yes. FHWA strongly encourages applicants to identify in their applications the project components that have independent utility and detail costs and requested PROTECT grant funding for those components separately. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses the selection criteria in Section E of the NOFO in addition to describing how the full proposal, of which the independent component is a part, addresses selection criteria. Each component must meet the FHWA National Environmental Policy Act (NEPA) requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of FHWA funds even if no other improvements are made in the area and will be ready for intended use upon completion of that component's construction. All project components that are presented together in a single application should demonstrate a relationship or connection between them.

17. Can project development planning be included with an application for a Resilience Improvement Grant?

Answer: Yes. PROTECT Resilience Improvement Grants may be used for development phase and construction phase activities of the same project. However, no more than 10%

of a Resilience Improvement Grant may be used for project development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities. Applicants requesting a grant for pre-construction and construction activities for the same project should submit one application for the entire project.

18. Can an eligible entity submit more than one application for different projects?

Answer: Yes. Eligible entities may submit multiple applications, but only one application may be submitted per project.

19. Can an eligible entity submit a project for multiple grant funding categories?

Answer: Yes. Applicants may use one application to submit the same project for multiple grant categories if the project meets the eligibility criteria for multiple categories. For example, a project to improve resilience of a coastal evacuation route could be eligible under all three Resilience Grant categories. Applicants would need to be sure to submit all the information needed for each category under which they are applying and are encouraged to use the appropriate application template for each category. Applicants should indicate which grant category or categories they are applying. However, FHWA reserves the discretion to determine which funding category from which to make an award for a project, including a category for which the applicant did not apply. The technical merit criteria remain the same across the three Resilience Grant categories, but the funding amounts vary. FHWA may award a project under a different Resilience Grant category to meet funding requirements.

Resilience Improvement Plans

Please see the Resilience Improvement Plan Questions and Answers, available at <https://www.fhwa.dot.gov/environment/protect/rip/>

Federal Share and Match Requirements

20. In general, for Resilience Improvement Grants, there is an 80% Federal and 20% non-Federal match requirement. There is also a 10% limitation on the amount of PROTECT grant funds that may be used for eligible project development (pre-construction) activities associated with a resilience improvement project. Does the 20% match requirement apply to the overall total project (pre-construction plus construction) cost or is a 20% match required for pre-construction costs and then another 20% match for construction costs?

Answer: The 20% non-Federal match requirement applies to the total project cost. A grant recipient may use up to 10% of PROTECT grant funds to fully fund eligible pre-construction activities as long as the recipient satisfies the non-Federal match requirement applicable to the total project cost prior to project close out.

21. Is in-kind matching allowable for the non-Federal match?

Answer: Yes. In-kind matching may be used toward the non-Federal match requirement, as long as the requirements of 2 CFR 200.306 and 2 CFR 200.434 are met. The USDOT's Understanding Non-Federal Match Requirements webpage also provides information related to non-Federal match: <https://www.transportation.gov/grants/dot-navigator/understanding-non-federal-match-requirements>.

22. Can an Indian Tribe request 100 percent Federal share for a project?

Answer: Yes. An Indian Tribe (as defined in 23 U.S.C. 207(m)(1)) applying for a Resilience Improvement Grant, Community Resilience and Evacuation Route Grant, or At-Risk Coastal Infrastructure Grant, can request up to 100 percent Federal share. (23 U.S.C. 176(d)(5)(E)(ii)(II)). Applications from Indian Tribes must specify what Federal share they are requesting for the project.

23. If an Indian Tribe is a joint applicant on an application where another entity is the lead, would the project qualify for 100% Federal share?

Answer: No. For consideration whether the Federal share of an eligible Resilience Improvement project, Community Resilience and Evacuation Route project, or At-Risk Coastal Infrastructure project may be up to 100%, an Indian Tribe (as defined under 23 U.S.C. 207(m)(1)) must be the lead applicant *and* must also be the recipient of the PROTECT grant funds.

24. What is the Federal share for projects carried out in the U.S. Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?

Answer: In accordance with 23 U.S.C. 120(g), the Federal share for a PROTECT project carried out in the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, the Federal share is 100% of the total cost of the project. (23 U.S.C. 120(g)).

Benefit Cost Analysis (BCA)

25. What resources are available to assist with the BCA?

Answer: The FHWA PROTECT Resources page provides a list of resources on BCA at <https://www.fhwa.dot.gov/environment/protect/resources/> under "Benefit-Cost Analysis Resources". This page also provides webinars and presentation slides related to preparing a BCA.

26. When does a project need to be included in a Resilience Improvement Plan to receive priority consideration without submittal of a BCA?

Answer: The project should be on the applicable Resilience Improvement Plan prior to the NOFO application deadline in order to waive the need for a BCA to receive priority for Resilience Improvement Grants. FHWA considers proposed grant projects to be "on the applicable Resilience Improvement Plan" if the project is on a list within the Resilience Improvement Plan or the project is identified in a vulnerable area on a map (and the project is clearly labeled and identified). The Resilience Improvement Plan should convey basic project details. The applicant would need to submit the applicable State DOT or MPO Resilience Improvement Plan with their application to receive the priority consideration.

27. What are appropriate support data sources for Indian Tribes in place of the BCA?

Answer: Information on the data necessary for a benefit cost analysis are available in the USDOT Benefit-Cost Analysis Guidance for Discretionary Grant Programs at <https://www.transportation.gov/mission/office-secretary/office-policy/transportation-policy/benefit-cost-analysis-guidance>. BCA support data sources could include data sources on Average Annual Daily Traffic (available through the Highway Performance Monitoring System at <https://www.fhwa.dot.gov/policyinformation/hpms/shapefiles.cfm>), Crash Modification Factors (available through the Crash modification Factors Clearinghouse at <https://www.cmfclearinghouse.org/>), Fatal Crash Data by Roadway (available through the Fatality Analysis Reporting System at <https://cdan.dot.gov/query>), Bridge Condition (available through InfoBridge at <https://infobridge.fhwa.dot.gov/Data>), and Population Changes (available through the Census at <https://www.census.gov/quickfacts/fact/table/US/PST045222>).

28. Are the additional co-benefits of nature-based components (e.g., habitat, recreational and educational opportunities) allowed to be included in the BCA?

Answer: The USDOT BCA guidance does not provide a general methodology for calculating non-transportation benefits of nature-based transportation solutions, but it does provide some information regarding wildlife impacts and stormwater runoff reduction, which some nature-based solutions may provide. In cases where a nature-based solutions may provide additional benefits for which there is not a standard methodology outlined in the USDOT BCA guidance, applicants should provide a detailed qualitative description of the baseline conditions and the impacts due to the project. Nonmarket benefits will be considered, but the impacts should be tied directly to the project itself. In addition, the applicant should provide a qualitative description of the baseline and the impact due to the project. A quantitative analysis may be considered, but the methodology should be justified using a published methodology or approach.

Eligible Activities

29. Would a project to realign a road and add height to bring it out of the floodplain be eligible for a PROTECT grant?

Answer: Yes. The relocation of a road in a base floodplain to higher ground above projected flood elevation levels is an eligible Resilience Improvement activity. The application should include the best available scientific understanding of climate change risks, impacts, and vulnerabilities pertaining to the location of the current road and the proposed area of realignment. Any project that encroaches a floodplain must comply with 23 CFR 650.111. Note that if any of part of the project is proposed to be carried out, in whole or in part, within a base floodplain, under 23 U.S.C. 176(d)(5)(B)(ii) the application must include the following:

1. Identification of the floodplain in which the project is to be located and disclosure of that information to the USDOT Secretary in the application; and
2. Indication, whether, if selected, the eligible entity will implement one or more components of the risk mitigation plan under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5165) with respect to the area.

See “Statutory Requirements for Resilience Projects in Floodplains” section below for more information.

30. Is the expansion or construction of a roadway to improve traffic during an emergency evacuation an eligible activity?

Answer: Yes, if the following two conditions are met:

- (1) The evacuation route must be designated by the eligible entity to apply for a PROTECT Discretionary Grant with jurisdiction over the area in which the route is located. For purposes of the PROTECT Discretionary Grant Program, “evacuation route” means a transportation route or system that is owned, operated, or maintained by a Federal, State, Tribal, or local government used to transport the public away from emergency events or to transport emergency responders and recovery resources, and is designated by the eligible entity with jurisdiction over the area (23 U.S.C. 176(a)(2)); *and*
- (2) In the application for a Community Resilience and Evacuation Route Grant, the eligible entity must notify the USDOT Secretary that the existing evacuation route is not sufficient to adequately facilitate evacuations including the transportation of emergency responders and recovery resources. The notification should be data driven and evidence based, supporting the need for additional evacuation facilities, and aligning with the purpose and definition of evacuation routes. (23 U.S.C. 176(d)(4)(B)(ii)(II)). For additional information, see “Criteria” section below.

31. Would purchase of Intelligent Transportation Systems focused on freight mobility to reduce congestion be eligible for a PROTECT Grant?

Answer: No, if the sole purpose of a project is to reduce congestion and freight delays, it would not be an eligible activity under the PROTECT Discretionary Grant Program. The purpose of the PROTECT Program is to plan for and strengthen surface transportation to be more resilient to natural hazards, including climate change, sea level rise, flooding, extreme weather events, and other natural disasters. Each of the four PROTECT Discretionary Grant funding categories have specific project eligibilities to achieve this purpose. If an application is submitted for a PROTECT Discretionary Grant, the applicant would have to demonstrate how use of the PROTECT Discretionary Grant funds for an Intelligent Transportation System focused on freight mobility to reduce congestion is eligible under one of the four grant funding categories and meets the purpose of the PROTECT Discretionary Grant Program.

32. Would a project to purchase and install a flood warning system with automated gates to close a roadway or underpass that is subject to flooding be eligible for PROTECT Grant funds?

Answer: It depends. Flood warning systems with automated gates may be eligible activities under the Community Resilience and Evacuation Route Grants. PROTECT Discretionary Grants support the cost of making surface transportation assets more resilient to natural hazards, including climate change, sea level rise, flooding, extreme weather events, and other natural disasters. A flood warning system with automated gates could be eligible to the extent the system makes the asset more resilient. To the extent that the primary purpose of a project is to address resilience, it could be eligible to be fully funded (up to the applicable Federal share) (see “Resilience Costs” section below). However, other project components that are not inherently resilience-focused should generally be funded from other sources, including other Title 23 programs. FHWA will review project specific information provided in an application to make an eligibility determination. Please see Community Resilience and Evacuation Route Grants Section C for eligible activities.

33. Is the construction of microgrids for resilience purposes eligible under the Resilience Improvement Grant or Community Resilience and Evacuation Route Grant categories?

Answer: It depends. The purpose of the PROTECT Discretionary Grant Program is to plan for and strengthen surface transportation to be more resilient to natural hazards, including climate change, sea level rise, flooding, extreme weather events, and other natural disasters. Each of the four PROTECT Discretionary Grant funding categories have specific project eligibilities to achieve this purpose. If an application is submitted for a PROTECT Discretionary Grant, the applicant would have to demonstrate (1) the transit microgrids are eligible as a public transportation facility or service eligible for assistance under Chapter 53 of Title 49, U.S.C., and (2) the proposed project is eligible under one of the funding categories described in Section C of the NOFO.

34. What is considered to be “new capacity” subject to the 40% limitation? Would PROTECT Grant funding only support 40% of a project’s construction cost?

Answer: An eligible entity that receives a Resilience Grant may not use more than 40% of the amount of the grant for the construction of new capacity. (23 U.S.C. 176(d)(5)(G)(i)(I)). For purposes of the PROTECT Discretionary Grant Program, “capacity” generally refers to the ability of a road to accommodate traffic volume. “New capacity” means constructing additional travel lanes (such as general purpose lanes or managed lanes or high occupancy vehicle lanes). The limitation, however, does not apply to adding hydraulic capacity to culverts or other drainage facilities. The balance of the grant funds could be used for other eligible activities under the applicable grant for a Resilience Improvement, Community Resilience and Evacuation Route, or At-Risk Coastal Infrastructure project.

35. What is considered an existing evacuation route under the PROTECT Discretionary Grant Program? Would a roadway have to be designated as an Evacuation Route to be eligible?

Answer: An existing evacuation route means a route that is in operation and open to public travel. To be eligible to receive a PROTECT Community Resilience and Evacuation Route Grant, the route must have been designated as an evacuation route by the eligible entity with jurisdiction over the area in which the route is located.

36. For At-Risk Coastal Infrastructure Grants, would projects along the Intracoastal Waterway be eligible?

Answer: Yes, the Intracoastal Waterway is a tidal area connected to the Atlantic Ocean and projects along the waterway may be eligible for At-Risk Coastal Infrastructure grants. (23 U.S.C. 176(d)(4)(C)(i)(I)). FHWA will review project specific information provided in an application to make an eligibility determination.

37. Can you apply for design and engineering funding for a specific roadway project within the Planning Grant category?

Answer: Yes, project planning activities are eligible under the PROTECT Planning Grants. This may include the costs of eligible project development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, other preconstruction activities, and other activities consistent with the purpose of a planning grant under 23 U.S.C. 176(d)(3). (23 U.S.C. 176(d)(5)(F)(ii)). Planning Grants are not subject to the 10 percent limitation on development phase activities.

38. Could a project be selected for an award if it is not within 10 months of construction or does not meet any of the priority selection considerations?

Answer: It depends. As described in Section E.2 of the NOFO, FHWA will apply the priority considerations to select among projects with similar merit. An application may be determined eligible to proceed to the technical review and may be rated highly recommended or recommended; however, if the proposed project does not meet one or more of the priority considerations it will not be as competitive as other applications that are more responsive to the priority selection considerations.

Rural Set-Aside

39. PROTECT Discretionary Grants have a 25% rural set-aside, a project will be designated as rural if it is located outside of an urban area with a population greater than 200,000. Does the PROTECT Program use the Census urban and rural boundaries or does this program use the FHWA adjusted urban boundaries to make that determination?

Answer: FHWA is using the Census-defined urban areas. To determine whether a project is within a rural area, an eligible entity may use the U.S. Census Bureau population data or FHWA's urban boundaries maps available at <https://hepgis-usdot.hub.arcgis.com/pages/036f196d89d94e899ed27b0cb40f34de>, which were developed to correlate with the definition of urbanized area under Title 23 of the United States Code.

Resilience Costs

40. Can PROTECT funding be used for the entire Federal share of an eligible project?

Answer: Yes, if the eligible purpose of the project is primarily for resilience. This means the scope of the entire project is eligible for a PROTECT Discretionary Grant. The amount of the Federal share is calculated based on the total project cost of the entire eligible project.

A PROTECT project can be found to have a primary purpose for resilience if it better anticipates, prepares for, and adapts to changing conditions and withstands and responds to disruptions; and is better able to continue to serve the primary function of the project during and after weather events and natural disasters for the expected life of the project; or it reduces the magnitude and duration of impacts of current and future weather events and natural disasters to a project; or it has the absorptive capacity, adaptive capacity, and recoverability to decrease project vulnerability to current and future weather events or natural disasters. (23 U.S.C. 176(a)(4))

Only costs that are necessary, reasonable, and allocable to the eligible project would be eligible to be fully funded up to the applicable Federal share.

41. What factors can be considered when determining whether an eligible project is primarily for the purpose of resilience?

Answer: Factors that could demonstrate that the primary purpose of an eligible project as a whole is resilience include, but are not limited to:

- Design that accommodates sea level rise.
- Design that accommodates increased flood levels.
- Upgrades that are intended to meet or exceed design standards adopted by FHWA (or promulgated in law) that address natural hazard resilience.
- Seismic retrofitting.
- Purpose of the project as defined in project development (such as the Purpose and Need) or planning documents.
- Project contained in a Resilience Improvement Plan, or similar.
- Project addresses natural hazard risks identified in an asset management plan.

Criteria

42. How should an applicant notify the USDOT Secretary of insufficient evacuation routes?

Answer: In an application for a Community Resilience and Evacuation Route Grant, the applicant should clearly state that, through the application, they are notifying the Secretary that the existing evacuation route is not sufficient to adequately facilitate evacuations including the transportation of emergency responders and recovery resources. Data-driven and scientifically based evidence should be included with the application to explain why the existing route is not sufficiently adequate and how capacity expansion of the evacuation route will swiftly and safely accommodate evacuations.

Funding

43. Is there a projected timeline for award of funds or maximum allowable timeframe for expenditure of grant funds?

Answer: Projects selected to receive a FY 2022-2023 PROTECT Discretionary Grant were announced on April 11, 2024 (https://www.fhwa.dot.gov/environment/protect/discretionary/grant_recipients/). The announcement of projects selected to receive an FY 2024-2025 PROTECT Discretionary Grant is anticipated to be made in fall of 2025. The announcement of projects selected to receive an FY 2026 PROTECT Discretionary Grant is anticipated to be made in fall of 2026. Notification that a project has been selected to receive a PROTECT grant does not mean an award has been made. PROTECT funds will be awarded upon the execution of a project agreement.

Each fiscal year of funding has a required funding obligation date as noted in the table below. Obligation for a PROTECT Discretionary Grant Program grant occurs when a

selected applicant enters a project agreement with FHWA, and FHWA authorizes the project to proceed.

Fiscal Year Funding	Funding Obligation Date
2022	September 30, 2025
2023	September 30, 2026
2024	September 30, 2027
2025	September 30, 2028
2026	September 30, 2029

The deadline for expenditure of grant funds will be documented in the grant agreement depending on the fund source.

Other

44. Are letters of support needed from entities or stakeholders that do not have a substantive role in the project?

Answer: No, letters of support for a project are not required from entities and stakeholders that do not have a substantive role in the delivery of the project. However, applicants should describe in detail all the other public and private parties who are involved in delivering the project, including a specific description of the role of each entity in delivering the project.

If an applicant provides letters of support or other supporting documentation, it must be submitted as part of the application package through Grants.gov. FHWA will not review supplemental materials other than those submitted through Grants.gov. All application materials, including letters of support, must be submitted to Grants.gov by the application deadline.

FY 2022-2023 NOFO

45. Where can I find information about awards under the FY 2022-2023 PROTECT Discretionary Grant awards?

Answer: Information on awards for the FY 2022-2023 PROTECT Discretionary Grant Program are available at:
https://www.fhwa.dot.gov/environment/protect/discretionary/grant_recipients/.

46. How is the FY 2024-2026 NOFO different from the FY 2022-2023 NOFO?

Answer: This is the second NOFO for the PROTECT Discretionary Grant Program. The FY 2024–2026 PROTECT Discretionary Grant Program NOFO is similar to the FY 2022-2023 PROTECT Discretionary Grant Program NOFO. Changes have been made to the application period timeframes in Sections A and D, merit criteria in Section E, and

rating criteria in Section E. Applicants should read the NOFO in its entirety when applying for this funding opportunity.

Resubmission of Applications

47. Can previously submitted PROTECT grant applications that were not selected to receive an award be resubmitted?

Answer: Yes, applicants who are planning to re-apply using materials prepared for prior competitions should ensure that their application fully addresses the criteria and considerations described in the FY 2024 – FY 2026 NOFO and that all relevant information is up to date.

Applicants must resubmit the application. FHWA will not carry over applications from the FY 2022-2023 PROTECT Discretionary NOFO into the FY 2024-2025 application period. Similarly, FHWA will not carry over applications from the FY 2024-2025 application period to the FY 2026 application period.

48. Can recipients of PROTECT grants apply for funding to support additional phases of a project previously awarded funds under the PROTECT Discretionary Grant Program?

Answer: Yes. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has met estimated project schedules and budget. A previous PROTECT award, or application, does not affect competitiveness under the FY 2024 – 2026 NOFO competition.

Statutory Requirements for Resilience Projects in Floodplains

49. What type of information is required to be included in an application if a project is located in a floodplain?

Answer: The PROTECT Discretionary Grant Program requires applicants to provide two pieces of information in an application for a project located (in whole or in part) in a base floodplain.

- 1) As part of the application, applicants must identify the floodplain in which the project is located and disclose that information to the USDOT Secretary in the application (23 U.S.C. 176(d)(5)(B)(ii)(I)). The base floodplain includes the area subject to flooding by the base flood, which is a flood or tide having a 1-percent chance of being exceeded in any given year (23 CFR 650.105(b-c)). Any project that encroaches a floodplain must comply with 23 CFR 650.111. Base floodplain information may be available through various sources, including the Federal Emergency Management (FEMA) National Flood Hazard Layer Viewer (<https://www.fema.gov/flood-maps/national-flood-hazard-layer>) or Flood Map Service Center (<https://msc.fema.gov/portal/home>), or information developed by the highway agency, if National Flood Insurance Program (NFIP) maps are not available.

- 2) Indicate in the application, whether, if selected, the eligible entity will implement one or more components of the risk mitigation plan under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5165) with respect to the area. (23 U.S.C. 176(d)(5)(B)(ii)(II)). For example, this can include a description of how applicable State or local hazard mitigation plans address flooding risks to the area in which the project is located. More information on State and local hazard mitigation plans can be found at <https://www.fema.gov/emergency-managers/risk-management/hazard-mitigation-planning>.

To assist FHWA's application intake and eligibility review to determine compliance with 23 U.S.C. 176(d)(5)(B)(ii), FHWA encourages all applicants to indicate whether or not a project is located in whole or in part in a base floodplain.