

PROTECT Discretionary Grant Program - How to Apply

US Department of Transportation

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Key Takeaways

- There are four grant types that communities can apply to:
 - Resilience Planning
 - Resilience Grants (encompasses 3 grant types)
 - Resilience Improvements
 - Community Resilience and Evacuation Routes
 - At-Risk Coastal Infrastructure
- PROTECT grant funds can only be used for activities that are primarily for the purpose of resilience. If there are other elements of a project that are not resilience-related, these elements must have other funding sources.
- Matching requirements for Resilience Grants may be reduced if a State DOT or MPO has an eligible Resilience Improvement Plan.

PROTECT Discretionary Grant Program Overview

- **Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Program** (Bipartisan Infrastructure Law Section 11405; 23 U.S.C. 176(d))
- **Program purpose:** 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 through competitive discretionary grants.
- Total available in FY 2022 and FY 2023: **\$848 million** (April 21, 2023 Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Program Discretionary Grant Notice of Funding Opportunity (April 2023 NOFO))

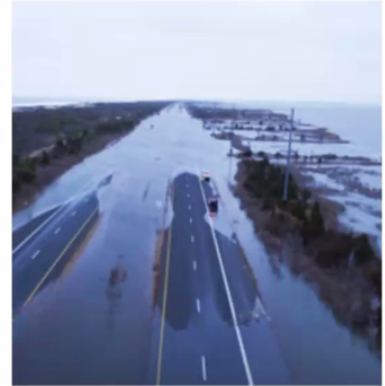


Photo credit: Delaware DOT

Grant Types

- 1. Resilience Planning** – Development of Resilience Improvement Plans, resilience planning activities, capacity building, and evacuation planning and preparation.
- 2. Resilience Improvements** – Projects to make existing surface transportation infrastructure more resilient, such as improving drainage, upgrades to meet or exceed design standards, relocating roadways, or elevating bridges.
- 3. Community Resilience and Evacuation Routes** – Improvements to make evacuation routes more resilient or add capacity and redundant evacuation routes.
- 4. At-Risk Coastal Infrastructure** – Protecting, strengthening, or relocating coastal highway and non-rail infrastructure.

Program Funding and Award Sizes

Grant Types	FY 22 – 23 Funding Available	Min. Award	Max. Award
Planning Grants	\$45M	\$100K	N/A
Resilience Improvement Grants	\$638M	\$500K	N/A
Community Resilience and Evacuation Routes	\$45M	\$500K	N/A
At-Risk Coastal Infrastructure	\$120M	\$500K	N/A
Total	\$848M		

- The April 2023 NOFO includes both FY22 and FY23 funding
- If an applicant seeks an award amount that is less than the minimum award sizes, the application should include a justification for the requested amount.
- The FHWA anticipates awarding between 30 to 40 Resilience Improvement, Community Resilience and Evacuation Routes, and At-Risk Coast Infrastructure grants in total.

Eligibility

Eligible Facilities for All Grant Types



Highway projects eligible for assistance under Title 23, U.S.C.



A public transportation facility or service eligible for assistance under 49 U.S.C. 53;



A facility or service for intercity rail passenger transportation as defined in 49 U.S.C. 24102; or



Port facilities, including facilities that connect ports with other modes of transportation, improve the efficiency of evacuations and disaster relief, or aid transportation

(23 U.S.C. 176(d)(5)(C)(i)-(iv))

Eligible Applicants

Planning, Resilience Improvement, and Community Resilience and Evacuation Route Grants

- A **State*** or **political subdivision of a State**
- A **metropolitan planning organization (MPO)**
- A **unit of local government**
- A **special purpose district or public authority** with a transportation function, including a port authority
- An **Indian Tribe** (as defined in 23 U.S.C. 207(m)(1))
- A **Federal land management agency that applies jointly** with a State or group of States
- A **multi-jurisdictional group of entities** consisting of any eligible applicants listed above

(23 U.S.C. 176(d)(2))

** Includes District of Columbia and Puerto Rico*

At-Risk Coastal Infrastructure Grants

1. A **State** (including the **U.S. Territories** Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) **in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes.**
2. A **political subdivision of a State** described in (1.) above.
3. An **MPO** in a State described in (1.) above.
4. A **unit of local government** in a State described in (1.) above.
5. A **special purpose district or public authority** with a transportation function, including a port authority, in a State described in (1.) above.
6. An **Indian Tribe** in a State described in (1.) above.
7. A **Federal land management agency that applies jointly** with a State or group of States described in (1.) above.
8. A **multi-State or multijurisdictional group of entities** described in (1.) through (7.).

23 U.S.C. § 176(d)(4)(C)(i)(I-VIII)

Set-Asides

- **Rural Set-Aside:**
 - At least 25% for grants to projects located in areas that are outside an urban area with a population over 200,000 (23 U.S.C. § 176(d)(5)(H)(ii)).
- **Tribal Set-Aside:**
 - At least 2% for grants to Indian Tribes (23 U.S.C. § 176(d)(5)(H)(iii)).

Cost Sharing/Matching

Grant Type	Funding Share
Planning Grants	Federal share 100%
Resilience Improvement, Community Resilience and Evacuation Route, and At-Risk Coastal Grants	Maximum 80% Federal share*; 20% non-Federal Other Federal funds can be used for the non-Federal share. If the applicant is an Indian tribe, the federal share may be up to 100%.

*Resilience Improvement Plan may increase federal share

Note: Other Federal funds may still require a non-Federal match.

Example: 20% non-Federal PROTECT match = 16% STBG + 4% State funds

Resilience Improvement Plan Overview

- **Voluntary** State DOT or MPO plan.
- To be applicable, shall include several required elements, including but not limited to*:
 - Address immediate and long-range planning activities and investments related to resilience
 - Demonstrate a systemic approach to resilience, consistent with hazard mitigation plan
 - Include risk-based assessment of vulnerabilities to current and future weather events and natural disasters.
- Resilience Improvement Plan development is an eligible PROTECT Planning Grant project.
 - By having an existing plan that meets all of the requirements for a Resilience Improvement Plan, you can reduce the matching requirements for Resilience Grants

Match Discount with a Resilience Improvement Plan

- The non-Federal share may be reduced by:
 - 7% if the applicant is a State or metropolitan planning organization or is located within one that has developed a Resilience Improvement Plan and that plan prioritizes the project, and
 - 3% if the Resilience Improvement Plan is incorporated into the metropolitan transportation plan or the statewide long-range transportation plan
- A reduction in non-Federal share shall not exceed 10% or reduce the non-Federal share of the costs to an amount that is less than zero.

Incremental Costs / Combining Funding Sources

- PROTECT grant funds can only be used for activities that are primarily for the purpose of resilience or inherently resilience related.
- The focus should be on the incremental cost of making transportation assets more resilient. However, 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).
- The budget should detail the incremental cost of making transportation assets more resilient.
- Other funds should be used for the aspects of a project that are not focused on resilience.
 - Project activities must be focused on resilience. Project elements that are not resilience-related must have other funding sources.

Eligible Activities

Planning Grants: Eligible Activities

- Developing **Resilience Improvement Plans** in accordance with 23 U.S.C 176(e)(2) for States and Metropolitan Planning Organizations (MPOs)
- **Resilience planning, predesign, design, or the development of data tools** to simulate transportation disruption scenarios, including vulnerability assessments
- **Technical capacity building** to facilitate the ability of the eligible entity to assess the vulnerabilities of its surface transportation assets and community response strategies under current conditions and a range of potential future conditions
- **Evacuation planning and preparation**

Resilience Improvement Grants: Eligible Activities

- Improve the ability of an existing surface transportation asset to withstand one or more elements of a weather event or natural disaster
- Or, to increase the resilience of surface transportation infrastructure from the impacts of changing conditions, such as sea level rise, flooding, wildfires, extreme weather events, and other natural disasters
- See April 2023 NOFO for a full list of eligible activities

Example: Resilience Improvement Project



Photo credit: Delaware DOT

Highway Flood Mitigation

- Improvements to a highway that floods frequently and is the only access road to a community
 - Highway will be designed utilizing climate projection data and raising the road by two feet.
 - Elevating the highway would add \$5 million to the current cost of \$15 million.
 - PROTECT funds could support the \$5 million roadway elevating portion of the project.
- Climate projection data is used to model future precipitation and flooding risks.

Example: Resilience Improvement Project



Source: FHWA.

Bridge Reconstruction:

- Bridge replacement project incorporates future climate data.
 - Estimates that future discharge will exceed the current design elevation over the service life of the replacement bridge.
 - Bridge design incorporates measures to accommodate the projected future flows.
 - The bridge replacement is \$20 million and would cost an additional \$5 million to raise approaches and structure.
 - PROTECT Program funds should support this \$5 million incremental cost difference.
- This example illustrates how the PROTECT Program can cover the incremental costs of resilience measures only. PROTECT funds cannot be used for other infrastructure costs, even though they are related to the same project

Community Resilience & Evacuation Grants: Eligible Activities

One or more projects that strengthen and protect evacuation routes that are essential for **providing and supporting evacuations** caused by emergency events, including a project that:

1. Is a **Resilience Improvement Project** under 23 U.S.C. § 176(d)(4)(A)(ii), if that eligible activity will improve an evacuation route;
2. Ensures the ability of the evacuation route to **provide safe passage during an evacuation** and **reduces the risk of damage to evacuation routes** as a result of future emergency events;
3. If the eligible entity notifies the Secretary that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources, **expands the capacity of evacuation routes** to swiftly and safely accommodate evacuations;
4. Is for the **construction of new or redundant evacuation routes**, if the eligible entity notifies the Secretary that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources;
5. Is for the acquisition of evacuation route or **traffic incident management equipment or signage**; or
6. Will ensure **access or service to critical destinations**, including hospitals and other medical or emergency service facilities, major employers, critical manufacturing centers, ports and intermodal facilities, utilities, and Federal facilities.

Example: Community Resilience & Evacuation Project



Photo credits: Colorado DOT

Wildfire Evacuation Route Improvements:

- Highway serves as evacuation route for a community prone to wildfires
- Highway is in poor condition and requires resilience improvements to strengthen and protect the evacuation route
- Project will include vegetation management for wildfire protection and a retention wall to protect highway from mudslides
- Resilience improvements will ensure safe passage during evacuations

At-Risk Coastal Infrastructure Grants: Eligible Activities

Strengthening, stabilizing, hardening, elevating, relocating, or otherwise enhancing the resilience of highway and non-rail infrastructure that are subject to, or face increased long-term future risks of, a weather event, a natural disaster, or changing conditions

- Infrastructure includes bridges, roads, pedestrian walkways, and bicycle lanes, and associated infrastructure, such as culverts and tide gates to protect highways
- In order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

Example: At-Risk Coastal Infrastructure Project



Photo credit: Bret Webb

Nature-based Solutions – Marsh Restoration:

- Reduces impacts of flooding while protecting infrastructure
- Demonstrates innovative collaborative approaches
- Promotes access to nature
- Utilizes partnerships with technical expertise and best-practices in cost sharing

Eligible Project Costs

Planning Grants:

- Development phase activities including:
 - Planning
 - Feasibility analysis,
 - Revenue forecasting,
 - Environmental review,
 - Preliminary engineering and design work, and
 - Other preconstruction activities
- Other activities consistent with carrying out an eligible PROTECT Discretionary Grant Program Planning project
(23 U.S.C. § 176(d)(5)(F)(ii))

Resilience Grants:

- Development phase activities
- Construction
- Reconstruction
- Rehabilitation
- Acquisition of real property
- Environmental mitigation
- Construction contingencies
- Acquisition of equipment directly related to improving system performance
- Operational improvements
(23 U.S.C. § 176(d)(5)(F)(i))

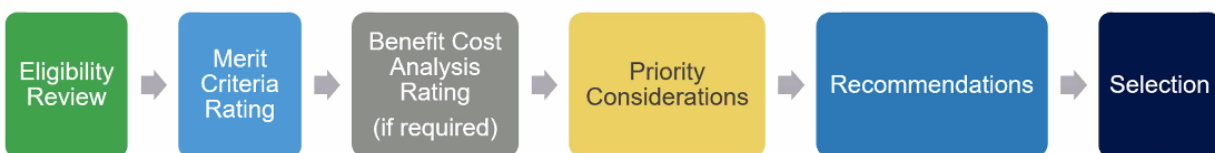
Limitations

For Resilience Grants:

- **New Construction.** No more than 40% of a PROTECT Resilience Grant may fund construction of new capacity
- **Planning Activities.** No more than 10% of a PROTECT Resilience Grant may fund eligible development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities

Application Process and Review

Elements of Application Review



- Eligibility Review: Initial screening based on statutory eligibility criteria
- Benefit Cost Analysis Rating: Will assign a rating of high, medium-high, medium, medium-low, or low

Merit Criteria Rating

Rating Scale	High	Medium	Low	Non-Responsive
Description	The application is substantively and comprehensively responsive to the criterion. It makes a strong case, including sufficient detail and evidence, that it will advance all of the areas described in the criterion descriptions.	The application is moderately responsive to the criterion. It makes a moderate case, including some detail and evidence, that it will advance all or some of the areas described in the criterion descriptions.	The application is minimally responsive to the criterion. It makes a weak case, including insufficient detail or evidence, about advancing the areas described in the criterion descriptions.	The narrative indicates the proposal is counter to the criterion or does not contain sufficient information. It does not advance or may negatively impact criterion goals.

Merit Criteria for Planning Grants*

Program Alignment

Alignment of the proposed activity with the purpose of the specific planning grant category:

- Resilience Improvement Plan
- Resilience Planning, Redesign, Design, or Data Tools
- Technical Capacity
- Evacuation Planning & Preparation

Schedule & Budget

- Total project cost and for each activity
- Milestones & Deliverables
- Start & End dates for activities
- Evaluate feasibility of schedule
- Other funding (if applicable)

Public Engagement, Partnerships & Collaboration

- Meaningful
- Inclusive of disadvantaged populations or communities that have or will likely experience a disproportionate impact from a natural disaster or catastrophic event
- Diverse input
- Considered in planning process

Innovation

- Partnerships, technologies and techniques to analyze risk and reduction strategies
- Uses nature-based solutions and/or builds technical capacity
- Partnerships to demonstrate potential best practices in cost-sharing and use of technical expertise

*These are high level summaries of the Planning Grant Merit Criteria and are not intended to add to or replace the Merit Criteria in the NOFO.

Overall Application Rating: Planning Grants

Highly Recommended

- 'High' ratings on at least three [3] of four [4] criteria
- 'High' or 'Medium' rating on Equity and Justice⁴⁰ (Indian Tribes are assumed "High" for Equity and
- Zero 'Non-Responsive' ratings.

Recommended

- At least three [3] 'Medium' or 'High' ratings
- Zero 'Non-Responsive' ratings.

Not Recommended

- One or more 'Non-Responsive' ratings.
 - Detailed rating criteria can be found on page 38 of the NOFO

Priority Considerations: Planning Grants

1. Exceptional Benefits under Public Engagement, Partnerships & Collaboration (Merit Criteria #3) or
2. Strong need for funding

Merit Criteria for Resilience Grants

Vulnerability & Risk

The degree to which the application demonstrates that the proposed project will effectively improve resilience to current and future weather events, natural disasters and changing conditions. Demonstrates there is high risk to the transportation asset or system.

Criticality to Community

The importance of the project in supporting the continued operations or rapid recovery of crucial local, regional, or national surface transportation assets and facilities served by those assets in the community.

Design Elements

- Proposed project design elements specifically address relevant current or future weather events, natural disasters, or changing conditions over the over the anticipated service life.
- Project will use or consider a nature-based solution.
- Project will improve safety for all users.
- Includes maintenance plan.

Public Engagement, Partnerships & Collaborations

The extent to which the application demonstrates a commitment to public engagement, and partnerships and collaboration with community stakeholders, other agencies, and relevant sectors in the development (especially pre-construction activities such as planning and design) and delivery of a project.

*These are high level summaries of the Resilience Grants Merit Criteria and are not intended to add to or replace the Merit Criteria in the NOFO.

Equity & Justice40

- Includes an equity assessment
- Meaningful public involvement inclusive of disadvantaged populations.
- At least 40% of benefits towards low-income and disadvantaged communities.

Climate Change & Sustainability

- How a proposed project will consider climate change and sustainability in the planning stage and in project delivery.
- The extent to which the project incorporates natural or nature-based climate resilience measures.

Schedule & Budget

- Total project cost and for each activity
- Milestones & Deliverables
- Start & End dates for activities
- Evaluate feasibility of schedule
- Other funding (if applicable)

Innovation

- Partnerships, technologies or techniques to mitigate risk of structural failure and/or increase reliability
- Partnerships to demonstrate potential best practices in cost-sharing and use of technical expertise
- Uses nature-based solutions to improve resilience

*These are high level summaries of the Resilience Grants Merit Criteria and are not intended to add to or replace the Merit Criteria in the NOFO.

Overall Application Rating: Resilience Grants

Highly Recommended

- 'High' ratings on at least six [6] of eight [8] criteria; and
- 'High' or 'Medium' rating on Equity and Justice40 (Indian tribes are assumed 'High' for Equity and Justice40).
- Zero 'Non-Responsive' ratings

Recommended

- At least five [5] 'Medium' or 'High' ratings, and
- Zero 'Non-Responsive' ratings.

Not Recommended

- Fewer than five [5] 'Medium' or 'High' ratings or
- One or more 'Non-Responsive' ratings

Priority Considerations: Resilience Grants

1. Equity & Justice40 (Merit Criteria #5)
2. Workforce Development,
Job Quality & Wealth Creation
3. Construction Readiness
4. Funding Needs

* The Justice40 Initiative is the Administration's whole-of-government approach to advancing environmental justice through recommendations on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits of investments flow to disadvantaged communities.

Benefit Cost Analysis (BCA) Requirements

PROTECT Discretionary Grant Program Funding Category	Economic Analysis Requirement – See BCA webinar for additional information.
Planning Grant 23 U.S.C. § 176(d)(3)	Not required.
Resilience Improvement Grant 23 U.S.C. § 176(d)(4)(A)(iii)	Benefit Cost Analysis required for project prioritization, unless the project is in an applicable Resilience Improvement Plan.
Community Resilience and Evacuation Route Grant 23 U.S.C. § 176(d)(4)(B)(iii)	Benefit Cost Analysis required for project prioritization.
At-Risk Coastal Infrastructure Grant 23 U.S.C. § 176(d)(4)(C)(iv)	Benefit Cost Analysis NOT required; however, must demonstrate that the project would reduce long-term infrastructure costs by avoiding larger future maintenance or rebuilding costs. More information can be found in BCA webinar.

Application Process

- See April 2023 NOFO for full outline of application requirements. Funding opportunity #: 693JJ323NF00013.
- All applications for the PROTECT Program must be submitted electronically through Grants.gov by 11:59 PM (Eastern Time) on Friday, August 18, 2023.
- You need a registered Grants.gov account. Obtaining an account can involve multiple steps and may take several days. Please see the NOFO and the Grants.gov website for detailed instructions, training videos, an online user guide, and a help desk.
- The SAM.gov website requires the registrant to provide a UEI number to complete the registration. These processes can take several weeks to complete so should be started well before application deadline.
- Applications must include the following (submitted as individual PDFs).
 - Standard Form 424
 - Non-Construction - Standard Form 424A/424B
 - Construction Projects – Standard Form 424C/424D
 - Grants.gov Lobbying Form
 - Standard Form LLL
 - A Project Narrative
- Forms are available at <https://www.grants.gov/web/grants/forms/sf-424-mandatory-family.html>

Available Resources

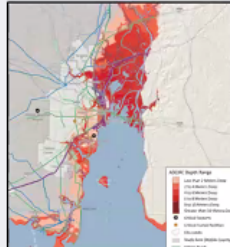



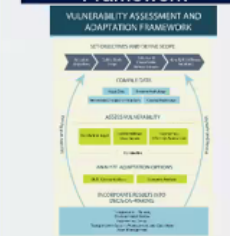
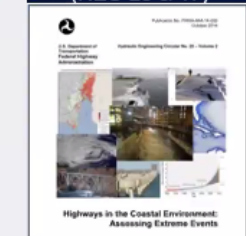


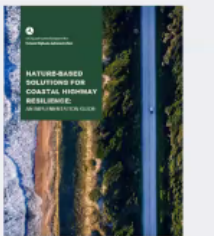
- [FHWA PROTECT Program Fact Sheet](#)
- [Notice of Funding Opportunity \(April 2023 NOFO\)](#)

- Grant Application Checklists: Available at the [NOFO link](#) under the “Related Documents” tab
- [FHWA PROTECT Resource List](#):
 - FHWA Resources
 - Climate and Hazard Data Resources
 - BCA Resources
 - Other Grant Resources

All resources are also available through:

<https://www.fhwa.dot.gov/environment/protect/discretionary/>

FHWA Sustainability and Resilience Resources

<p>Gulf Coast 2 Study</p> 	<p>Resilience Pilots with State DOTs & MPOs</p> 	<p>Hurricane Sandy Project</p>  <p>Credit: NYC DOT</p>	<p>Engineering Assessments</p>  <p>Credit: Brian Beucler</p>	
<p>https://www.fhwa.dot.gov/environment/sustainability/resilience/</p>				
<p>Vulnerability & Adaptation Framework</p> 	<p>Engineering Guidance (HEC-25 & 17)</p> 	<p>Project Development</p> 	<p>Operations & Maintenance</p> 	<p>Nature-Based Solutions</p> 

- There is over 15 years of FHWA resilience work available on the [FHWA website](#). These resources can help you as you prepare your application materials.

Contact Information

- PROTECT website: <https://www.fhwa.dot.gov/environment/protect/>
- PROTECT Discretionary Grant website: <https://www.fhwa.dot.gov/environment/protect/discretionary/>
 - Awards will be posted here and on grants.gov
- Email Notifications: [Sign up at Grants.gov](#)
- PROTECT email address: PROTECTdiscretionary@dot.gov