

WILDLIFE INFRASTRUCTURE AT-A-GLANCE

RURAL SURFACE TRANSPORTATION GRANT PROGRAM (23 USC § 173) and NATIONALLY SIGNIFICANT MULTIMODAL HIGHWAY AND FREIGHT PROJECTS (23 USC § 117)

Next Steps: The <u>FY25-26 Notice</u> for applying to the <u>Multimodal Project Discretionary Grant Program</u>, which included up to \$2.7 billion in funding for Nationally Significant Multimodal Highway and Freight (INFRA) projects and up to \$780 million for Rural Surface Transportation Grant Program (Rural) projects is now closed. *Grant selections will be announced later this year.*

Key features of the Rural and INFRA grant programs are described below, including:

- ❖ The total amount of funding authorized (FY22-26) and currently available (FY25-26)
- ❖ A summary of eligible applicants and wildlife-related projects
- ❖ An overview of the competitive grant process for accessing these funding sources
- ❖ The amount of the project that can be paid for using MPDG grant funds
- ❖ Other program details of potential interest
- **♦** *Additional resources:*
 - > FY25-26 Notice of Funding Opportunity
 - ➤ MPDG NOFO Announces \$5.1 Billion in Funding for the 2025-2026 Mega, INFRA, and Rural Programs
 - ➤ How to Apply
 - > Frequently Asked Ouestions

1. RURAL SURFACE TRANSPORTATION GRANT PROGRAM (RURAL)

Amount: \$2B total in FY22-26; up to \$780 in FY25-26 (Notice p. 2)

Eligible wildlife-related activities (23 USC § 173(e)): Wildlife-related activities located in Rural Areas that are otherwise eligible under the following programs (Notice p. 8):

- Highway, bridge, or tunnel projects eligible under the Surface Transportation Block Grant Program (23 USC § 133(b)). Eligible wildlife-related projects under Section 133 include
 - (1) "construction of . . . wildlife crossing structures" (23 USC § 133(b)(1)(G)),
 - (2) "projects and strategies designed to reduce the number of wildlife-vehicle collisions, including project-related planning, design, construction, monitoring, and preventative maintenance" (23 USC § 133(b)(14)), and
 - (3) projects eligible for the Transportation Alternatives set-aside including environmental mitigation activities to "reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats."¹
- Projects eligible under the Tribal Transportation Program, including projects for "environmental mitigation in or adjacent to tribal land— (I) to improve public safety and

¹ https://www.fhwa.dot.gov/fastact/factsheets/transportationalternativesfs.pdf; MAP-21 § 1103(a)(13); 23 U.S.C. § 101(a)(29) (2012).

reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and (II) to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate" (23 U.S.C. § 202(a)(1)(A)(vi)).

• Projects eligible under the Highway Safety Improvement Program, including projects that entail the "addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife" (23 U.S.C. § 148(a)(4)(B)(xvii)).

Eligible applicants (Notice p. 7):

- States
- Regional transportation planning organizations
- Local governments
- Tribal governments or a consortium of Tribal governments
- Combinations of the above entities

Process: Competitive grant. In addition to cost-benefit, project readiness, and merit criteria, a project must satisfy the following statutory requirements: (1) it is cost-effective; (2) it will produce "regional economic, mobility, or safety benefits;" (3) it will aid in meeting one or more national performance goals (including but not limited to safety and environmental sustainability); (4) it is based on preliminary engineering; and (5) it is expected to begin construction within 18 months after funds are obligated (Notice p. 15-16).

Federal-share payable: In general, Federal funds may be used to pay for up to 80% of project costs, except for certain projects on the Appalachian Development Highway System (ADHS) and the Denali Access System Program (DASP), which may apply for up to 100% Federal funding. Federal funds from other sources may be used to satisfy the required non-Rural match (Notice p. 12).

Additional details of potential interest:

- **Definition of Rural Area:** The term "rural area" is defined as "an area that is outside an Urbanized Area with a population of over 200,000" (Notice p. 16).
- Grant Selection Criteria: Grant selection merit criteria include (Notice p. 22):
 - o Criterion #1: Safety
 - o Criterion #2: State of Good Repair
 - o Criterion #3: Economic Impacts, Freight Movement & Job Creation
 - o Criterion #4: Climate Change, Resilience, and the Environment
 - o Criterion #5: Equity, Multimodal Options & Quality of Life
 - o Criterion #6: Innovation Area: Technology, Project Delivery & Financing
- *Eligible Project Costs:* Eligible project costs include development and planning activities (*e.g.*, "feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities") plus "construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements" (Notice pp. 10-11).

• Grant Size:

o *Minimum Grant Size:* Except for Small Projects, the minimum grant is \$25M (Notice pp. 12, 30).

- o *Small Projects:* Applicants seeking less than \$25M may submit a "streamlined application" addressing only three of the six outcome areas including (1) safety; (2) climate change, resilience, and the environment; and (3) equity, multimodal options, and quality of life (Notice p. 33).
- **Set-Asides** (Notice p. 30 & n.9):
 - o Grant size of \geq \$25M: At least 90% annually shall go to projects of at least \$25M.
 - o Grant size of <\$25M: Up to 10% annually may go to projects of less than \$25M.
 - o ADHS: 25% of annual funding is reserved for eligible projects on the ADHS.
 - o Above-average Rural Roadway Departments: 15% of annual funding is reserved for eligible projects in states with higher than average fatalities as a result of rural roadway lane departures, including Alabama; Alaska; Arkansas; Idaho; Iowa; Kansas; Kentucky; Louisiana; Maine; Mississippi; Missouri; Montana; Nebraska; New Mexico; North Carolina; North Dakota; Oklahoma; Oregon; South Carolina; South Dakota; Tennessee; Vermont; Virginia; West Virginia; Wyoming.
- About the Rural Surface Transportation Grant Program
- Additional Guidance
- Rural Areas Defined
- Areas of Persistent Poverty and Historically Disadvantaged Communities

2. NATIONALLY SIGNIFICANT MULTIMODAL FREIGHT AND HIGHWAY PROGRAM (INFRA)

Amount: \$8B total in FY22-26; up to \$2.7B in FY25-26

Eligible wildlife-related projects: The new infrastructure law revised the list of projects eligible under INFRA to include wildlife crossing projects (23 USC \S 117(d)(1)(A)(v); Notice p. 8).

Eligible applicants (Notice p. 7):

- One or more states
- Metropolitan planning organizations
- One or more local government units
- Political subdivisions of a State or local government
- Special purpose districts or public transportation authorities, including port authorities
- Federal land management agencies applying jointly with one or more States
- Multistate corridor organizations
- Tribal governments or a consortium of tribal governments
- Combinations of the entities described above

Process: Competitive grant. In addition to cost-benefit, project readiness, and merit criteria, a project must satisfy the following statutory requirements: (1) it is cost-effective; (2) it will produce "regional economic, mobility, or safety benefits;" (3) it will aid in meeting one or more national performance goals (including but not limited to safety and environmental sustainability); (4) it is based on preliminary engineering; (5) it has a stable and dependable source of non-Federal funding and financing including contingency amounts; (6) but for Federal funding, the project cannot be easily or efficiently completed; and (7) it is expected to begin construction within 18 months after funds are obligated (Notice p. 15). Small Project: For a Small Project, USDOT will consider (1) cost-effectiveness, (2) the effect of the proposed project on state and regional mobility, and (3) the effect of the project "on safety on freight corridors with significant

hazards, such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades" (Notice p. 15).

Federal-share payable: In general, up to 60% of the costs of a project receiving an INFRA grant may be paid for using Federal funds, except for a Small Project, which may use Federal funding to pay for up to 80% of total project costs (Notice p. 12). *In certain cases, other sources of Federal funding may be used to satisfy the required non-INFRA share*, including (1) for projects involving Federal land management agencies, and (2) for projects in States with a population density equal to or less than 80 people per square mile of land area, including Alaska, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, and Wyoming (Notice p. 13).

Additional details of potential interest:

- *Definition of Rural Area:* The term "rural area" is defined as "an area that is outside an Urbanized Area with a population of over 200,000" (Notice p. 16).
- *Grant Selection Criteria*: Grant selection merit criteria include (Notice p. 22):
 - o Criterion #1: Safety
 - o Criterion #2: State of Good Repair
 - o Criterion #3: Economic Impacts, Freight Movement & Job Creation
 - o Criterion #4: Climate Change, Resilience, and the Environment
 - o Criterion #5: Equity, Multimodal Options & Quality of Life
 - o Criterion #6: Innovation Area: Technology, Project Delivery & Financing
- Eligible Project Costs: Eligible INFRA project costs include pre-construction development activities, "including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities" and "construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation (including a project to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance" (Notice pp. 10-11).
- *Minimum Overall Project Size Requirement:* INFRA projects must also meet one of the following minimum project size requirements (including all future eligible costs plus previously-incurred eligible project costs expended as part of the proposed project):
 - o Large Projects: The minimum project size for Large Projects is "the lesser of (1) \$100 million; (2) 30% of a State's most recent Federal-aid apportionment if the project is located in one State." The only states with a large project threshold below \$100 million are: Delaware (\$70M); DC (\$66M); Hawaii (\$70M); Maine (\$76M); New Hampshire (\$68M); Rhode Island (\$91M); and Vermont (\$84M) (Notice p. 12).
 - o *Small Projects:* A Small Project is an eligible INFRA project that does not meet the minimum project size requirement for Large Projects (Notice p. 12).
- *Grant Size* (Notice p. 12):
 - o *Large Projects*: The minimum grant size for Large Projects is ≥\$25M.
 - o Small Projects: The minimum grant size for Small Projects is ≥\$5M and <\$25M.
- Set-Asides:
 - o Large Projects: Up to 85% annually is reserved for Large Projects (Notice p. 11).
 - o Small Projects: At least 15% annually is reserved for Small Projects (Notice p. 11).

- o *Rural Projects:* At least 25% of annual funds for Large Projects, and 30% of annual funds for Small Projects, respectively, must be for INFRA projects located in rural areas (Notice p. 30).
- About INFRA
- Additional Guidance
- Prior Awards
- Grant Implementation
- Rural and Urban Areas Defined
- Areas of Persistent Poverty and Historically Disadvantaged Communities

Information provided in this At-A-Glance summary is based on USDOT's FY25-26 Multimodal Project Discretionary Grant Notice of Funding Opportunity.