

2.0 Programming

2.1 Federal Funding

2.1.1 Introduction

This chapter describes the funding programs, processes, documents, and approvals necessary for obtaining federal funds through KDOT, including discretionary or demonstration funds, otherwise known as earmarks. Federal funds are made available to the LPAs each federal fiscal year, October 1 through September 30. A portion of the federal-aid transportation dollars that are made available to the State of Kansas are shared with LPAs. The “pass-through” of federal funds is comprised of the STP. The funds under this program are distributed to cities and counties based on federal law, state statute, or the policy of KDOT and comprise the “obligation authority” or “allocation” that is distributed to each LPA.

STP funds are allocated to each of the counties in the state in accordance with [KSA 68-402\(b\)](#), which provides for the distribution to be in the same proportion as the Special City and County Highway Fund and the County Equalization and Adjustment Fund.

LPAs may also apply to KDOT for federal-aid funding from competitive programs. These funding programs will be discussed in detail later in this section.

2.1.2 Federal Fund Exchange

The Federal Fund Exchange Program is a voluntary program that allows a LPA to trade all or a portion of its federal fund allocations in a specific federal fiscal year with KDOT in exchange for state transportation dollars or with another LPA in exchange for their local funds. This funding program will be discussed in detail in [Section 18.0 Federal Fund Exchange](#) of this Manual.

2.1.3 Surface Transportation Program (STP)

2.1.3.1 Introduction

This section describes the funding programs, processes, documents, and approvals necessary for an LPA to obtain STP funds through KDOT. STP funds are made available for the federal fiscal year, October 1 through September 30. Any LPA project funded in whole or in part by STP funds shall be developed following established procedures outlined in [Section 5.0 Plan Development](#) in this Manual.

STP provides flexible funding that may be used by State and localities for projects to preserve and improve the conditions and performance on any Federal-aid highway, bridge and tunnel projects on any public road, pedestrian and bicycle infrastructure, and transit capital projects, including intercity bus terminals.

These funds are allowed to be used on eligible project expenses related to preliminary engineering, environmental, right-of-way, non-betterment utility relocation/rehabilitation, construction, and construction engineering. However, BLP policy is for STP funds to be used toward construction and CE expenses only and for typical improvements such as upgrading an existing road, roadway reconstruction, resurfacing, ADA/sidewalk/multi-use path improvements, and bridge projects.

Currently STP funds are available to finance up to 80% of eligible project costs with a minimum 20% match from the LPA.

2.1.3.2 STP Small Urban

Pursuant to 23 USC 133(d)(3), after required program deductions all STP small urban funds must be divided between urbanized areas of 200,000 or more in population and the remaining 1st class cities (population over 5,000 less than 200,000) in the State.

2.1.3.3 STP County

STP funds are allocated to each of the counties in the state in accordance with [KSA 68-402\(b\)](#), which provides for the distribution to be in the same proportion as the Special City and County Highway Fund and the County Equalization and Adjustment Fund.

2.1.3.4 Transportation Management Area (TMA)

The STP funding available within a TMA is set by Federal law and those funds may only be used within the planning area of the TMA. In Kansas the TMA's are Mid America Regional Council (MARC) and Wichita Area Metropolitan Planning Organization (WAMPO).

2.1.3.5 Off-System Bridge Program

Federal law and regulations require that not less than 15 percent of a state's apportionment of STP funds will be used for replacement or rehabilitation of eligible bridges located on a public road that is not on the federal-aid system. To comply with this requirement, KDOT has established an Off-System Bridge Program. The federal funds for this program are set aside prior to distribution of the remaining federal apportionment to eligible LPAs. The program is competitive and local agencies are required to apply for the funds. Projects will be selected for the program from the applications received during the annual application period. Projects approved for the program that fail to meet the fiscal year bid letting must re-apply for funding in a future fiscal year.

To be eligible for the program, the following apply:

- The bridge must have a current NBI inspection report.
- The bridge is only eligible if it is located on a road/street functionally classified as a rural minor collector, rural local road, or urban local street.

This is a federal program and the participation will be maximum 80 percent federal and minimum 20 percent local funding for Construction and CE.

Interested officials may submit an application to the BLP for consideration for the Off-System Bridge Program. To be considered for an Off-System Bridge Project, the following documents will be required at the time of application:

- The completed [Local Off-System Bridge Program \(KDOT Form 1332\)](#) application form.
- A scale map of the bridge location.
- A detailed cost estimate.
- A current signed [Request for Construction Project \(KDOT Form 1302\)](#).

After the announcement of the selected projects, the PM will coordinate with the LPA in determining an appropriate project schedule.

2.1.4 Congestion Mitigation and Air Quality (CMAQ) Improvement Program

2.1.4.1 Introduction

The Congestion Mitigation and Air Quality (CMAQ) Improvement Program is a federal program that funds transportation projects or programs which contribute to improved air quality and to relieve congestion. CMAQ projects must follow federal laws and regulations. Although funded by FHWA, if the LPA is an urbanized transit agency the CMAQ project can be administered by the Federal Transit Administration (FTA) by transferring the funds from FHWA to Federal Transit Administration (FTA).

Eligibility for CMAQ funds requires a project to be included in an MPO's current Long Range Transportation Plan and TIP. In nonattainment and maintenance areas, the project must meet the conformity provisions contained in [Section 176\(c\) of the Clean Air Act](#) and the transportation conformity rule contained in [40 CFR Parts 51 and 93](#). In addition, all CMAQ projects need to follow the NEPA requirements (explained in further detail in *Section 4.0 Environmental* in this Manual) and meet basic eligibility requirements for funding under [Title 23, U.S.C.](#) and [Title 49, U.S.C.](#)

CMAQ is a reimbursement program. For LPA-Administered projects, KDOT will reimburse the LPA based on eligible expenses as incurred. In most cases, CMAQ projects require a 20% minimum local match. For KDOT-Administered projects, project payments are made directly to the Contractor following established payment procedures.

The funds for CMAQ projects programmed for a designated fiscal year must be obligated within that year. For example, if a project is programmed to let in FFY 2015, the funds must be obligated between October 1,

2014 and September 30, 2015. Any portion of the funding not obligated by this date may no longer be available.

Guidance for CMAQ funded projects can be found at: [FHWA CMAQ Guidance](#)

2.1.4.2 CMAQ – Non-Construction Project

Examples of typical CMAQ funded purchase type projects are alternative fuel vehicles, Intelligent Transportation Systems (ITS), and other Special Federal Funding. Contact the PM for procedures related to CMAQ Non-Construction Projects.

2.1.4.3 Highway Safety Improvement Program (HSIP)

SAFETEA-LU established the Highway Safety Improvement Program (HSIP) as a Federal-aid program. The Moving Ahead for Progress in the 21st Century Act (MAP-21) went into effect on October 1, 2012. It continues the Highway Safety Improvement Program (HSIP) as a core Federal-aid program. The overall purpose of this program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads through the implementation of infrastructure-related highway safety improvements.

The specific provisions pertaining to the HSIP, are defined in [Section 1112 of MAP-21](#), which amended [Section 148 of Title 23 United States Code](#) to incorporate these provisions. These requirements include the development of **Strategic Highway Safety Plans (SHSPs)**, in consultation with other key State and local highway safety stakeholders, and a number of reporting requirements.

2.1.4.3.1 Railway-Highway Crossings Program

As part of the HSIP, funds are set aside each fiscal year for the [Railway-Highway Crossings Program \(Section 130 of Title 23 U.S.C.\)](#). These funds provide for the elimination of hazards and the installation of protective devices at public railway-highway crossings. For more information regarding this program contact KDOT Coordinating Section of the Bureau of Design.

2.1.4.4 High Risk Rural Roads (HRRR)

The High Risk Rural Roads (HRRR) program is intended to improve safety where crashes have been a problem or have a potential to increase in the future. Projects funded through this competitive program receive 90% matching federal funds with maximum dollar amounts decided by committee. Periodically, BLP will request applications for HRRR projects. Projects can fit into three categories: site-specific, road safety assessment (RSA), or systemic corridor improvement.

For more information about HRRR, please refer to [Section 19.0 HRRR](#) in this Manual.

2.1.4.5 Emergency Relief Program (ER)

The Emergency Relief (ER) program is intended to provide funding to help with repairs on federal aid routes due to a state and nationally recognized natural disaster. Additional information regarding this program can be found in [Section 13.0 Emergency Relief](#) in this Manual.

2.1.4.6 Transportation Engineering Assistance Program (TEAP)

The Traffic Engineering Assistance Program (TEAP) is a federally funded program that allows local units of government to have traffic safety studies performed at no cost to the LPA. For additional information about this program, please refer to [Section 14.0 TEAP](#) in this Manual.

2.1.4.7 Innovative Bridge Research and Deployment Program (IBRD)

The Innovative Bridge Research and Deployment Program (IBRD) provides funding for the promotion, demonstration, evaluation, and documentation of the application of innovative designs, materials, and construction methods in the construction, repair, and rehabilitation of bridges and other highway structures. Funds may be used for costs of preliminary engineering, repair, rehabilitation, or construction of bridges or other highway structures, and costs of project performance evaluation and performance monitoring of the structure following construction.

2.1.4.8 National Scenic Byways Program (NSBP)

The National Scenic Byways Program (NSBP) is a collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States. The laws guiding implementation of the program can be found in [Section 162 of Title 23 U.S.C.](#) The NSBP recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities. NSBP funding supports projects that manage and protect these intrinsic qualities, interpret these qualities for visitors, and improve visitor facilities along byways. The grants are made available to States and Indian Tribes to implement projects on highways designated as National Scenic Byways or All-American Roads, or as State or Indian tribe scenic byways. Projects submitted for consideration should benefit the byway's travel experience, whether it will help manage the intrinsic qualities that support the byway's designation, shape the byway's story, interpret the story for visitors, or improve visitor facilities along the byway.

2.1.4.9 Federal Lands Access Program (FLAP)**Definition**

Federal lands access transportation facility— A public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title or maintenance responsibility is vested in a State, county, town, township, tribal, municipal, or local government.

The Federal Lands Access Program was established in [Section 204 of Title 23 U.S.C.](#) to improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands. Project selection is determined by a Program Decision Committee (PDC). The committee is composed of a representative of the Central Federal Lands Highway Division (CFLHD), a representative of KDOT, and a representative of the Kansas Association of Counties (KAC). This committee will make programming decisions for the funds.

There is no specified regular date or time of year when a call of projects is issued. This is determined based on fund availability. The CFLHD issues the call when the funds are available and after notification from the PDC to do so.

The application along with other pertinent information about the program, please visit the following website: <http://www.cflhd.gov/programs/flap/ks/>

Eligible activities

- Transportation planning, research, engineering, preventive maintenance, rehabilitation, restoration, construction, and reconstruction of Federal lands access transportation facilities located on or adjacent to, or that provide access to, Federal land, and—
 - adjacent vehicular parking areas;
 - acquisition of necessary scenic easements and scenic or historic sites;
 - provisions for pedestrians and bicycles;
 - environmental mitigation in or adjacent to Federal land to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;
 - construction and reconstruction of roadside rest areas, including sanitary and water facilities; and
 - other appropriate public road facilities, as determined by the Secretary
- Operation and maintenance of transit facilities.
- Any transportation project eligible for assistance under title 23 of the United States Code that is within or adjacent to, or that provides access to, Federal land.

2.1.4.10 Transportation, Community, and System Preservation Program (TCSP)

The Transportation, Community, and System Preservation (TCSP) Program provides funding for a comprehensive initiative including planning grants, implementation grants, and research to investigate and address the relationships among transportation, community, and system preservation plans and practices and identify private sector-based initiatives to improve those relationships.

2.1.4.11 Truck Parking Facilities Discretionary Program

The Truck Parking Facilities Discretionary Program authorizes a wide range of eligible projects and activities, ranging from construction of commercial motor vehicle (CMV) spaces and other capital improvements that facilitate CMV parking including the use of intelligent transportation systems (ITS) technology to increase

information on the availability of both public and private CMV parking spaces. For purposes of this program, long-term parking is defined as parking available for 10 or more consecutive hours.

2.2 State Funding

2.2.1 Introduction

State-funded transportation projects administered by BLP include Geometric Improvements (GI) program projects, KLINK resurfacing program projects, and Economic Development (ED) Program projects. In some cases State funds may be used for a transportation project outside of the programs listed above.

2.2.2 GI Projects

The GI Program is a highway constructing program that is intended to improve geometric deficiencies on City Connecting Links. BLP will solicit applications for GI projects for each year in which funding is available.

2.2.2.1 Definitions

City Connecting Link - A City Connecting Link means a routing inside the city limits of a city which:

1. connects a state highway through a city;
2. connects a state highway to a City Connecting Link of another state highway;
3. is a state highway which terminates within such city;
4. connects a state highway with a road or highway under the jurisdiction of the Kansas Turnpike Authority; or
5. begins and ends within a city's limits and is designated as part of the national system of Interstate and Defense Highways

2.2.2.2 Procedural Guidelines

Eligibility - All cities with City Connecting Links within their city limits are eligible for Geometric Improvements of City Connecting Links. All City Connecting Links on the State Highway System are eligible except those on the Interstate System and fully controlled access sections on the Freeway System. The applicant must have an accounting system capable of documenting costs for all phases of a project.

Project Limitations - Projects are limited to geometric improvements to the driving lanes on the connecting links. Accordingly, KDOT will **not** participate in funding of the following:

- storm sewer costs resulting from drainage more than one block away from the proposed improvements;
- construction costs beyond the curb returns or touchdown point where grade changes are not a result of the project;

- extra lanes for parking;
- other similar betterments, such as sidewalks and street lighting

Project Identification - Upon receipt of the call for projects from BLP, city officials may present a proposal to BLP for consideration of funding under the Geometric Improvement Program.

Proposals must include:

- **LOCATION** - The project location must be described on the application form and illustrated on an attached map.
- **SCOPE** - The type of work anticipated for the proposed improvement must be described on the application form in as much detail as possible.
- **PROJECT COSTS** - Proposed project scopes and cost estimates must meet current State design standards for the type of improvement requested and be included on the application form. A copy of the estimate computations must be submitted along with the application.

Applications - Before an application is submitted, cities are encouraged to review the proposed projects with the KDOT District or Area Engineer.

Governmental bodies within urbanized area (populations greater than 50,000) should also submit copies of their applications to their Metropolitan Planning Organization (MPO).

After submission of the application, BLP will review the proposed project's scope and estimated cost. All projects will be reviewed onsite by a multidisciplinary team of KDOT staff. During these reviews, City officials will have the opportunity to share project-related information with the team.

The projects will then be rated considering factors, such as traffic impacts, system preservation impacts, safety, and local contribution. The KDOT team will recommend a set of projects to the Secretary of Transportation for funding.

Participation - KDOT will participate in funding for those projects selected as City Connecting Link Geometric Improvement Projects. The maximum amount KDOT will contribute toward recipients is dependent upon the population of the city. The table below identifies the rate for all cities.

City Population Group	Participation Ration		Maximum State Participation For Each City Per Year
	Minimum City %	Maximum State %	
0 - 2,499	0	100	\$700,000
2,500 - 4,999	5	95	\$750,000
5,000 - 24,999	10	90	\$800,000
25,000 - 49,999	15	85	\$850,000
50,000 - 99,999	20	80	\$900,000
100,000 – greater	25	75	\$950,000

GI project administration will adhere to the same BLP project review process that other state-funded, KDOT-let projects follow. For more details regarding project development, see [Section 5.0 Plan Development](#) of this Manual.

2.2.3 KLINK Projects

The KLINK Resurfacing Program is a portion of the KDOT's Local Partnership Program which is intended to improve the roadway surfacing of City Connecting Links of the State Highway System. BLP will solicit applications for KLINK resurfacing projects for each year in which funding is available.

Each city will be notified to apply for projects via an email which will include information regarding funding details and an application. It is important for the city to submit their application complete within the specified deadline.

If requested funds exceed available funds, projects will be prioritized on the basis of pavement survey conditions.

For more details regarding the KLINK Resurfacing Program, see [Section 16.0 KLINK Guidelines](#) in this Manual.

2.2.4 Economic Development Projects

The ED Program is administered by the Bureau of Program and Project Management. ED projects that are on the State System will be administered by BLP or KDOT Road Design. Other ED projects may be administered by KDOT Corridor Management.

2.2.4.1 Procedural Guidelines

ED projects for which project development will be administered by BLP shall adhere to the same BLP project review process that other State-funded KDOT-let projects follow. For more details regarding project development, see [Section 5.0 Plan Development](#) in this Manual.

2.3 Public Information Requirements

The LPA is responsible for public involvement in the selection/prioritization process, which is commensurate with the scope and complexity of the proposed project. At a minimum, public involvement should include a public notice indicating when a governing body will be making a decision on reviewing needs, selecting projects and setting priorities for federal aid projects.

In later stages of project development more public involvement may be warranted. The public involvement in the project development process will be in accordance with KDOT's publication ["Sharing the Future: Public Involvement in the Kansas Transportation System"](#).

More complex projects, or those that have a high potential for environmental impact, may require early and extensive public involvement and extensive documentation in accordance with [Code of Federal Regulations, Title 23 CFR, Part 771](#). Documentation in these cases may be in the form of either an EIS (Class I) or an EA (Class III). The public involvement process flow charts included in KDOT's ["Sharing the Future: Public Involvement in the Kansas Transportation System"](#) provides the process used to categorize projects along with the sequence of events that need to be completed for each classification.

See KDOT's Design Manual, Volume I, Part A, Section 5.9 and the KDOT publication ["Sharing the Future: Public Involvement in the Kansas Transportation System"](#) for additional information.

2.4 Request for Construction Project

The Local Public Authority (LPA) is required to submit a [Request for Construction Project \(KDOT Form 1302\)](#) to BLP in order to program a Federal or State funded project. Form 1302 must be completed in its entirety, including required attachments, and sent to BLP to the attention of the Programming Section.

BLP will review the request and verify the project is eligible for funding. The project must meet certain Federal and/or State Guidelines to be eligible for funding. The LPA will be contacted if clarification or more information is required to complete the review. After the review is complete, the project will be assigned a KDOT Project Number and a preliminary schedule for submitting plan checks and documentation. The project agreement process will also be initiated.

When the project has been programmed, plan review will be administered by BLP in accordance with this manual.

2.5 Project Agreements

2.5.1 Introduction

For local projects administered by KDOT and/or funded by Federal or State funds a project agreement is generally executed between KDOT and the LPA. Project agreements are initiated by KDOT and sent electronically to the LPAs approximately a year before project letting.

2.5.2 LPA Agreements

2.5.2.1 County Umbrella Agreements

KDOT and counties have executed umbrella agreements in the past pursuant to KSA 68-402b which allow for the Secretary to administer and let federal-aid projects for the county. These agreements cover all situations where the county requests a federal-aid project on their system and the project is funded with federal-aid at an eighty percent federal, twenty percent local ratio and there is no maximum on the federal funds obligated for the project. For any project in a county that does not fall under the current umbrella agreement with KDOT, a project agreement will be drafted and sent electronically to the LPA.

2.5.2.2 Project Agreements

Project agreements will be executed for all local projects administered by KDOT and/or funded by Federal or State funds, unless they are covered by a County Umbrella Agreement. Project agreements are initiated by KDOT and will be sent to the LPA electronically. The LPA will be asked to execute two copies of the project agreement and mail both back to KDOT for execution. The LPA will receive a copy once the agreement is fully executed.

2.5.2.3 Supplemental

Supplemental agreements will be prepared when necessary to change or correct the terms of the original project agreement. The most common reason to supplement a project agreement is a change in funding. Supplemental agreements will also be initiated by KDOT and will follow the same process as project agreements.

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