

## 2.0 Programming

### 2.1 Federal Funding

This section 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 STBG. 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.

Please refer to FHWA’s “[A Guide To Federal-Aid Programs And Projects](#)” for more information about all of the federal-aid programs.

STBG 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.

#### 2.1.1 Federal Fund Exchange (FFE)

The Federal Fund Exchange program is a voluntary program that allows an 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. See the Bureau of Local Projects website (<http://www.ksdot.org/bureaus/burlocalproj/default.asp>) for more information regarding the Federal Fund Exchange program and procedures.

#### 2.1.2 Surface Transportation Block Grant Program (STBG)

STBG funds are made available for the federal fiscal year, October 1 through September 30. Any LPA project funded in whole or in part by STBG funds shall be developed following established procedures outlined in [Section 5.0 Plan Development](#) in this Manual.

STBG 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 can 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 STBG 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.

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

#### **2.1.2.1 STBG Small Urban**

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

#### **2.1.2.2 STBG County**

STBG 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.

#### **2.1.2.3 Transportation Management Area (TMA)**

The STBG 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).

#### **2.1.2.4 Off-System Bridge Program**

Federal law and regulations require that not less than 15 percent of a state's apportionment of STBG 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 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.

After the announcement of the selected projects, the LPA must submit a completed [Project Programming Request \(KDOT Form 1302\)](#) to BLP. The PM will coordinate with the LPA in determining an appropriate letting date and project schedule.

#### **2.1.2.5 Transportation Alternatives**

The FAST Act eliminated the MAP-21 Transportation Alternatives Program (TAP) and replaced it with a set-aside of Surface Transportation Block Grant (STBG) program funding for transportation alternatives (TA). These set-aside funds include a variety of smaller-scale transportation projects such as pedestrian and bicycle facilities, recreational trails, safe routes to school projects, community improvements such as historic preservation and vegetation management, and environmental mitigation related to stormwater and habitat connectivity.

More information about the TA program may be found at the following websites:

FHWA: <https://www.fhwa.dot.gov/fastact/factsheets/transportationalternativesfs.cfm>

KDOT: <http://www.ksdot.org/bureaus/burtransplan/TransAlt.asp>

#### **2.1.3 Congestion Mitigation and Air Quality Improvement (CMAQ) Program**

The Congestion Mitigation and Air Quality Improvement (CMAQ) 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.](#)

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 2018, the funds must be obligated between October 1, 2017 and September 30, 2018. 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](#)

#### **2.1.3.1 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 Highway Safety Improvement Program (HSIP)**

SAFETEA-LU established the Highway Safety Improvement Program (HSIP) as a 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 several reporting requirements. These requirements were continued in Section 1113 of FAST-ACT.

##### **2.1.4.1 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 in the Bureau of Design.

##### **2.1.4.2 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.

For more information about HRRR, please refer to [Section 14.0 Safety Programs](#) in this Manual.

#### **2.1.4.3 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 Safety Programs](#) in this Manual.

#### **2.1.5 Emergency Relief (ER) Program**

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 15.0 Emergency Relief](#) in this Manual.

#### **2.1.6 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 for 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 may be found at the following website: <https://flh.fhwa.dot.gov/programs/flap/>

##### **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.

### **2.1.7 National Highway Performance Program (NHPP)**

The FAST Act continues the National Highway Performance Program, which was established under MAP-21. The NHPP provides support for the condition and performance of the National Highway System (NHS), for the construction of new facilities on the NHS, and to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in a State's asset management plan for the NHS.

### **2.1.8 Better Utilizing Investments to Leverage Development (BUILD)**

This program provides a unique opportunity for the United States DOT to invest in road, rail, transit and port projects that promise to achieve national objectives. Congress has dedicated nearly \$7.1 billion for ten rounds of National Infrastructure Investments to fund projects that have a significant local or regional impact.

More information about the BUILD program may be found at the following website:

<https://www.transportation.gov/BUILDgrants>

## **2.2 State Funding**

CCLIP projects are state-funded transportation projects administered by BLP.

### **2.2.1 City Connecting Link Improvement Program (CCLIP) Projects**

The City Connecting Link Improvement Program (CCLIP) is a federal and state-funded program that provides funds to cities to address deficiencies or improve a City Connecting Link on the State Highway System. A City Connecting Link is defined as any routing of the State Highway System that is located within the corporate limits of a City. All City Connecting Links are eligible under this program except those on the Interstate System and fully controlled access sections on the Freeway System.

The City Connecting Link Improvement Program consists of three program categories that each

target specific types of improvements:

#### **2.2.1.1 Surface Preservation (SP)**

This fund category is intended to address deficiencies in or extend the life of the driving surface. Project scopes may consist of overlay, mill and overlay, pavement patching, joint repair, seals, or similar surface maintenance work. Parking lanes may be included. Construction of ADA curb ramps, as required by Federal Regulation and Department of Justice guidance, will be included. Bridge improvements, curb and gutter repair or replacement, drainage improvements, construction or improvement of sidewalks beyond the ADA ramps, or geometric improvements may be included in a project but shall not be eligible for program funding.

Additional information regarding this program can be found in [Section 13.0 CCLIP](#) in this Manual.

#### **2.2.1.2 Pavement Restoration (PR)**

This fund category is intended to address deficiencies in the road surface that are too extensive or expensive to be addressed by the measures under the SP category. Actions under this category could include full-depth pavement replacement of the entire driving surface or extensive pavement rehabilitation. Other related improvements, such as curb and gutter repair/replacement, storm sewer, parking lanes, or sidewalk construction may be included in the scope of projects and are eligible for the funding. Typically, PR projects will not include any modification of the roadway geometrics other than restoring appropriate cross section.

Additional information regarding this program can be found in [Section 13.0 CCLIP](#) in this Manual.

#### **2.2.1.3 Geometric Improvement (GI)**

This category is intended to address a safety, capacity, or operational need that can be addressed by changing the roadway geometrics. Examples of projects under this category include, but are not limited to, intersection reconstruction to reduce encroachments over the curb from off-tracking of turning trucks; addition or extension of turn lanes; widening of the roadway to accommodate larger vehicles; or sight distance improvements.

Additional information regarding this program can be found in [Section 13.0 CCLIP](#) in this Manual.

### **2.3 Public Involvement**

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"](#) provide 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 Projects**

The Local Public Authority (LPA) is required to submit a Project Request to BLP to program a Federal or State funded project. The project request form must be completed in its entirety, including required attachments and/or supporting information, and submitted to BLP.

BLP will review the request and verify that 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 completed and approved, the project will be assigned a KDOT Project Number and a preliminary project schedule will be established. The project agreement process will also be initiated.

Once the project has been programmed, the project will be administered by BLP in accordance with this Manual.

### **2.4.1 Construction Project**

For infrastructure construction projects, the LPA is required to submit a completed [Project Programming Request \(KDOT Form 1302\)](#) to BLP.

### **2.4.2 Non-Infrastructure (Procurement) Project**

For non-infrastructure or procurement projects, the LPA is required to submit a [Non-Infrastructure Project Request \(KDOT Form 1312\)](#) to BLP.



## **2.5 Agreements**

For local projects administered by KDOT and/or funded by Federal or State funds, an agreement is executed between KDOT and the LPA. Agreements will specify conformity with State and Federal regulations as well as requirements for certain language to be included in consultant contracts.

### **2.5.1 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 80% federal, 20% 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 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 approximately one year before the project letting. 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.

### **2.5.3 Supplemental Agreements**

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 or scope. Supplemental agreements will be initiated by KDOT and will follow the same process as project agreements.