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U.S. Department of Transportation

October 5, 2021

Burt Morey, P.E.
Deputy Secretary of Transportation
Kansas Department of Transportation
Topeka, KS 66603

Subject: FHWA/FTA Approval of the
FY 2022-2025 Kansas STIP

Dear Mr. Morey:

As requested by your September 29, 2021 letter, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have reviewed the FY 2022-2025 Kansas Statewide Transportation Improvement Program (STIP).

Based on our review, we find that the STIP is based on a statewide transportation planning process that substantially meets the requirements of 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304, and 23 CFR 450. We also find that the referenced metropolitan Transportation Improvement Programs (TIPs) are consistent with the metropolitan transportation plans produced by the continuing, cooperative, and comprehensive transportation process carried out by the Metropolitan Planning Organizations, the Kansas Department of Transportation (KDOT), and the public transportation operators in accordance with 23 U.S.C. 134 and 49 U.S.C. 5303. This finding is based on MPO and KDOT self-certifications, our regular involvement in the State and MPO transportation planning processes, formal certification reviews, as well as other activities.

The FY 2022-2025 STIP is hereby approved. This approval shall expire four years from the date of this letter.

If you have any questions or need additional information, please contact Cecelie Cochran of FHWA at (785) 273-2643 or Eva Steinman of FTA at (816) 329-3931.

Sincerely yours,

Mokhtee Ahmad
Regional Administrator
Federal Transit Administration

Richard E. Backlund, AICP
Division Administrator
Federal Highway Administration

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Julie L. Lorenz, Secretary
Burt Morey, P.E., Deputy Secretary and
State Transportation Engineer



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Laura Kelly, Governor

September 29, 2021

Mr. Mokhtee Ahmad
Federal Transit Administration
901 Locust St., Room 404
Kansas City, MO 64106

Mr. Richard Backlund
Federal Highway Administration
6111 SW 29th St., Suite 100
Topeka, KS 66614-4271

Dear Messrs. Ahmad and Backlund,

Subject: Approval Request for the Federal Fiscal Years (FFY) 2022-2025
Statewide Transportation Improvement Program (STIP)

Federal law requires states to prepare a Statewide Transportation Improvement Program (STIP) and the law further requires that a draft STIP be available for public comment for a thirty-day period. The comment period for the State of Kansas draft STIP for FFYs 2022-2025 concluded on September 10, 2021.

Many factors play a role in the selection and development of the projects listed in the STIP from the guidance received at both the State and Federal legislative levels, from the Long Range Transportation Plan (LRTP) with its broad high-level goals, from the Priority Formula that functions to rank and prioritize projects and from the Transportation Asset Management Plan (TAMP) that provides assessment of current infrastructure and outlines the work and funding effort needed to maintain said infrastructure. Together these factors influence and guide KDOT management decisions in the selection and development of the projects programmed in this STIP. The STIP is divided into two sections: the appendixes and the narratives. The project list, appendix A, provides a list of projects, in counties and cities as well as those on the State Highway System, regardless of funding source, that are administered by the Kansas Department of Transportation (KDOT) and that are anticipated to have funds obligated within the next four federal fiscal years. Projects in the Metropolitan Planning Organization (MPO) areas are listed in the STIP by reference only with the exception of appendix C. The advanced construction appendix, appendix C, lists all projects, including those in MPO areas, that are being advanced constructed and provides the estimated conversion date(s) and the estimated conversion amount(s) for each. The inclusion of projects in MPO areas in appendix C facilitates the illustration of fiscal constraint. The narrative section briefly describes KDOT's public involvement process, project selection criteria, program financing including the fiscal constraint for the years of the STIP and public transportation program criteria.

Additionally, within the STIP narrative are brief descriptions of programs administered by entities other than KDOT. These programs are the Federal Lands & Tribal Transportation programs administered by the Office of Federal Lands Highway and the Bureau of Indian Affairs; Recreational Trails program

administered by the Kansas Department of Wildlife, Parks & Tourism; and the Transportation Improvement Programs (TIPs) administered by each of the Metropolitan Planning Organizations (MPO) for the six urbanized areas of Kansas. As well as the printed document, the STIP is available for review online at <https://www.ksdot.org/bureaus/burProgProjMgmt/stip/stip.asp>. For project changes or developments that occur after the STIP is prepared, KDOT will use the STIP amendment process. All amendments to the STIP are, also, available for review online and are located on the current STIP page.

To demonstrate fiscal constraint, the STIP provides two documents: the “KDOT Cash Flow” document and the table of “Federal Fiscal Years 2022-2025 Estimated Apportionments & Obligations”. The KDOT Cash Flow is prepared on a state fiscal year basis while the table of federal funding is provided on a federal fiscal year basis. The “KDOT Cash Flow” document demonstrates fiscal constraint by considering all anticipated revenue sources (state, federal, and local) and all anticipated expenditures (fixed and variable costs) forecasting how the funding and expenditure are anticipated to be received and incurred over the four-year period of the STIP. The “Federal Fiscal Years 2022-2025 Estimated Apportionments & Obligations” table demonstrates fiscal constraint at the federal fund level only and estimates, by fund category, the federal funds that Kansas anticipates being apportioned and obligated in the next four federal fiscal years.

Since a new transportation program is not yet in place at the federal level, apportionments are estimated on the funding levels outlined in the federal transportation act “Fixing America’s Surface Transportation (FAST Act)” passed in December 2015 and concluding September 2020. All years of this STIP document, 2022-2025, are estimated at the same level as the actual funding received in the last year, FFY 2020, of the FAST Act. Applying this funding level in the STIP assures programming based upon reasonably expected funds and ensures that the State of Kansas does not over program. Included in the estimated obligations are the conversions for projects authorized with advance construction that are expected to convert during the four federal fiscal years of the STIP. Each year of total expected obligation is either less than or equal to the total expected federal appropriation for that year with the exception of the “Other” category which is composed of allocated and special funding. If expected obligation for a year is less than the federal appropriation for that year, KDOT intends to convert projects authorized with advance construction to equal the difference. The conversion of advance construction will assure that expected obligation and expected appropriation are balanced.

Under the current state transportation program, the Eisenhower Legacy Transportation Program (ELTP), project selection is on a rolling two-year basis that results in the latter years of the STIP being partially selected. While FFY 2022 is largely programmed, a few annually selected projects may have remained to be programmed at the time the STIP was prepared. These projects along with the occasional new project that may be developed throughout the year will be added to the STIP using the amendment process. FFY 2023 like FFY 2022 is substantially programmed with predominantly only projects chosen on annual selection cycle remaining to be programmed. The FFY 2023 projects selected on an annual basis will not be selected until the spring and summer of 2022. As these annual projects are programmed, they will either be amended to the FFY 2022-2025 STIP or will appear in the FFY 2023-2026 STIP as timing dictates.

Messrs. Ahmad and Backlund

September 29, 2021

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Enclosed are print copies of the FFYs 2022-2025 STIP document with the current, signed Kansas State Self-Certification inserted. By this letter, the State of Kansas requests approval of our FFYs 2022-2025 STIP from the Federal Highway Administration and the Federal Transit Administration.

Please forward questions or comments concerning this letter or the STIP to Linda Fritton, at (785) 296-3254 or Melinda Desch, at (785) 296-3476, in the Division of Program and Project Management.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Morey', with a stylized flourish at the end.

Burt Morey, P.E.
Deputy Secretary and
State Transportation Engineer

Enclosure: State of Kansas FFY 2022-2025 STIP Document

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Julie L. Lorenz, Secretary
Burt Morey, P.E., Deputy Secretary and
State Transportation Engineer



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Laura Kelly, Governor

State Self-Certification

The Kansas Department of Transportation certifies that the statewide transportation planning process is being implemented in accordance with all applicable requirements including:

1. 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304, and 23 CFR Part 450;
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR Part 21;
3. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
4. Section 1101(b) of the FAST Act (P.L. 114-357) and 49 CFR Part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
5. 23 CFR Part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
6. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101, *et seq.*) and 49 CFR Parts 27, 37, and 38;
7. In States containing non-attainment and maintenance areas, Sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d) and 40 CFR Part 93;
8. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
9. Section 324 of Title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
10. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR Part 27 regarding discrimination against individuals with disabilities.

09/14/2021

Burt Morey, P.E.
Deputy Secretary and
State Transportation Engineer

Date