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**U.S. Department of Transportation**

September 27, 2022

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

Subject: FHWA/FTA Approval of the  
FY 2023-2026 Kansas STIP

Dear Mr. Morey:

As requested by your September 26, 2022 letter, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have reviewed the FY 2023-2026 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 2023-2026 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) 273-2636 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 26, 2022

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) 2023-2026  
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 FFY 2023-2026 concluded on September 16, 2022.

Many factors play a role in the selection and development of the projects listed in the STIP including the guidance received at both the State and Federal legislative levels, the goals and objectives provided in the Long Range Transportation Plan (LRTP), the Priority Formula that functions to rank and prioritize projects, and the Transportation Asset Management Plan (TAMP) that assesses current infrastructure and projects the funding effort needed to attain performance levels designated for that infrastructure. Together these factors influenced and guided KDOT management decisions in the selection and development of the projects programmed in this STIP. The STIP is divided into two sections: the appendices and the narratives. The project index, 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; 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>. In addition to the STIP document, all future amendments to the STIP will be available for review online using this link and will be 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 2023-2026 Estimated Apportionments & Obligations”. KDOT’s cash flow information 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 2023-2026 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.

In the “Federal Fiscal Years 2023-2026 Estimated Apportionments & Obligations” table, total apportionments reflect the funding outlined in the recently approved federal transportation program, “Bipartisan Infrastructure Law” (BIL), also known as the “Infrastructure Investment and Jobs Act”, enacted on November 15, 2021. For each year of the four-years of the STIP, 2023-2026, apportionment is estimated at the level identified in BIL for that year. Estimated total obligation in the table reflects the projects currently programmed and listed in Appendix A, which are expected to have at least one phase obligate in the four-year period of this STIP. Also, included in 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. For each year, the total expected obligation is either less than or equal to the total expected federal appropriation for that year (including carry-over apportionment) with the exception of the “Other” category, which is only composed of allocated and special funding. If expected obligation for a year is less than the federal apportionment 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, which is abbreviated as IKE, project selection is on a rolling two-year basis that results in the first two years of the STIP being more fully programmed and the latter years of the STIP being partially selected. While FFY 2023 and FFY 2024 were largely programmed at the time the STIP was prepared, some apportionment groupings remained to be programmed. Groupings selected annually like the Railway apportionment grouping and many of the new program groupings established under BIL have yet to be programmed. The FFY 2023 projects selected on an annual basis will be selected in late summer to early fall of calendar year 2022 and as developed will be amended to the STIP through the processes in place. For the newly established programs, KDOT intends to develop and program projects to the level practical given the reduced timeframe for achievement of these activities in FFY 2023 and will utilize the required approvals and guidelines once they have been made available to the State. Additionally, KDOT is in the process of updating the State freight plan and after receiving approval of the plan, which

Messrs. Ahmad and Backlund  
September 26, 2022  
Page 3

is anticipated in winter FFY 2023, KDOT will begin programming projects in the freight grouping. As new projects are developed and programmed throughout the federal fiscal year, they will be amended using the process in place to the FFY 2023-2026 STIP or will appear in the FFY 2024-2027 STIP as timing dictates.

Enclosed are print copies of the FFY 2023-2026 STIP document with the current, signed Kansas State Self-Certification inserted. By this letter, the State of Kansas requests approval of our FFY 2023-2026 STIP from the Federal Highway Administration and the Federal Transit Administration.

Please direct questions or comments concerning this letter or the STIP to Linda Fritton, at (785) 296-3254 or Gene Ingwerson, at (785) 296-0136, in the Division of Program and Project Management.

Sincerely,

A handwritten signature in blue ink, appearing to read "Burt Morey", with a long horizontal flourish extending to the right.

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

Enclosure: State of Kansas FFY 2023-2026 STIP Document



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Laura Kelly, Governor

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

### 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 Appendix A, 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 11101(e) of the BIL Act (P.L. 117-58) 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.

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

09/19/2022

Date