

December 12, 2007



The Honorable Mary Peters
Secretary, U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Dear Secretary Peters:

On behalf of the Owner-Operator Independent Drivers Association, American Highway Users Alliance, NATSO - representing America's truckstops and travel centers, and the American Trucking Associations, we are writing to express our concerns with the Pennsylvania Turnpike Commission's request for authority to impose and collect tolls on Interstate 80 through the Commonwealth of Pennsylvania.

In a response to Pennsylvania's request dated September 26, 2007, Jeffery Paniati, Associate Administrator of Operations, Federal Highway Administration (FHWA), suggests that the authority to collect tolls on I-80 through Pennsylvania may potentially be accomplished through the Interstate Reconstruction and Rehabilitation Pilot Program, authorized by Section 1216(b) of the Transportation Equity Act for the 21st Century (TEA-21).

After a review of both Section 1216(b) and the *Expression of Interest* submitted by the Pennsylvania Turnpike Commission on August 17, 2007 to FHWA, we are convinced that I-80 does not meet the requirements of the Interstate Reconstruction and Rehabilitation Pilot Program. First, TEA-21 stipulates that a candidate facility for the pilot program must conduct an analysis that tolls are the only means to meet current or future needs of the road. In relevant part, the statute states that at a minimum, a state shall submit:

An analysis demonstrating that the facility could not be maintained or improved to meet current or future needs from the State's apportionments and allocations made available by this Act (including amendments made by this Act) and from revenues for highways from any other source without toll revenues. TEA-21, §1216(b)(3)(C).

The statute goes on to specify that the Secretary may approve the application "only if the Secretary determines that the State is unable to reconstruct or rehabilitate the proposed toll facility using existing apportionments." TEA-21, §1216(b)(4)(A).

Clearly Pennsylvania has not met this high standard. In fact, Pennsylvania Department of Transportation's own study in 2005 concluded that "the once deteriorated condition of I-80 has been corrected by PennDOT. The single remaining section of I-80 that needs to be rebuilt, located in Centre County, will be under construction next year." In addition, the report states that "The annual cost of maintaining I-80 in acceptable condition is no longer an unacceptable drain on PennDOT's budget." [page 6, *I-80 Tolling Study*, Pennsylvania Department of Transportation, 2005]

The Interstate Reconstruction and Rehabilitation Pilot Program limits what toll/tax revenues can be used: servicing the debt; providing a reasonable return on investment for any private person financing the project; and paying the costs necessary for the improvement of and the proper operation and maintenance of *the* toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of *the* toll facility (TEA-21, §1216 (b)(5)(A). The statute clearly does not permit diversion of these revenues to other projects in a state.

In the application to FHWA and in public statements, officials in Pennsylvania have already indicated that resources from I-80 will be diverted to other projects throughout the Commonwealth, many of which have no relation to I-80. Much of the money will be diverted for use for maintenance and repair of roads and bridges elsewhere in the state. It has been reported that over a 50-year time period \$116 billion could be generated, of which only \$8 billion would be reinvested in I-80 improvements. This scheme is clearly outside the intent of the language authorizing the tolling pilot project, which sets clear limits on the tolls and how toll revenue may be expended.

Furthermore, Section 1216(b)(4)(C) requires the state to take into account “the interests of local, regional, and interstate travelers.” As associations representing highway users, we assure you that this pilot project does not protect the interests of interstate travelers. Again, PennDOT appeared to agree with us in its 2005 tolling study, when it concluded that out-of-state truckers and motorists already pay for I-80 through fuel taxes. [page 6-7, *I-80 Tolling Study*, Pennsylvania Department of Transportation, 2005.]

We urge you to deny the joint request made by PennDOT and Pennsylvania Turnpike Commission to toll I-80, as it does not meet the statutory criteria outlined in the Interstate Reconstruction and Rehabilitation Pilot Program. PennDOT came to the same conclusion in 2005, stating in its 2005 report, “Converting I-80 into a toll road probably does not meet federal criteria, as outlined in TEA-21.” [page 6, *I-80 Tolling Study*, Pennsylvania Department of Transportation, 2005.]

We appreciate your consideration and look forward to further conversations on this important public policy issue.

Sincerely,



Todd Spencer
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Owner-Operator Independent Drivers Assn.



Lisa Mullings, President & CEO, NATSO
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Greg Cohen
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cc: Administrator Richard Capka, Federal Highway Administration.
Pennsylvania Congressional Delegation.