



January 12, 2010

The Honorable Ray LaHood, Secretary
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Re: Interstate 80 Tolling

Dear Secretary LaHood:

We understand that the Department will soon be issuing a new decision on whether or not to deny the latest application to toll Interstate 80 in Pennsylvania. As you know, our organizations believe that the latest application fails to meet the criteria for tolling spelled out in Section 1216(b) of TEA 21. For example, I-80 is not in a state of disrepair and all other funding options have not been exhausted. Pennsylvania's own I-80 tolling study, released in 2005, noted:

“The condition of I-80 is no longer the concern it once was. The condition of I-80 has been significantly improved over the past 20+ years, and PennDOT has I-80 on a manageable preservation cycle.”

What has changed since 2005? In 2007, to deal with a statewide transportation funding shortfall, Pennsylvania's legislature approved a funding plan known as Act 44. This Act envisioned the State garnering a new revenue source by borrowing against future toll revenues on Interstate 80. The idea was to toll and monetize the Interstate so that the State could then raise funds and divert them statewide. The plan also involved redirecting the existing fuel-tax based funding stream away from projects on I-80. This concept is the complete opposite of what Congress intended when it authorized the Interstate System Reconstruction and Rehabilitation Pilot Program (ISRRPP) in TEA 21. ISRRPP was created for the narrow purpose of allowing tolling to reconstruct an aging Interstate that could not otherwise be funded.

By enacting Act 44, Pennsylvania's legislature acted irresponsibly by assuming that federal permission would be forthcoming to toll I-80, despite the very high bar set by federal law. Now, Pennsylvania legislators are essentially asking your Department for a “bailout” for their own irrational behavior.

We have recently reviewed the letter sent to you by Majority Chairman Markosek of Pennsylvania's House Transportation Committee on December 15, 2009.

The letter includes the following statement:

“...the tolling of I-80 will allow PennDOT to redirect nearly \$80 million which is presently programmed for I-80, providing for the reinvestment of those dollars in other statewide needs.”

The Markosek letter also references Pennsylvania’s 2005 “independent transportation funding commission.” But the letter does not mention that the Commission report stated:

“The Commission believes that user-based fees, such as motor fuel taxes and motor license fees, continue to be the best way to finance our highway and bridge system, as new techniques are being further developed.”

The Markosek letter provides further evidence that the intent of tolling I-80 is inconsistent with federal law. If Pennsylvania’s application is approved, it would set a precedent of a very low bar for other states who wish to toll Interstate highways under ISRRPP. If such tolling schemes become commonplace, they could radically impact the movement of people and goods nationwide, damaging the nation’s ability to compete in the global marketplace of the 21st century. In addition, such a shift could undermine the public’s general support for the federal fuel taxes that have underwritten the federal-aid highway program for the past 54 years.

We urge you to deny the application to toll I-80 as soon as possible.

Sincerely,



Timothy Lynch
Senior Vice President
American Trucking Associations



Todd Spencer
Executive Vice President
Owner-Operator Independent Drivers Association



Gregory Cohen
President and CEO
American Highway Users Alliance



Lisa Mullings
President and CEO
NATSO, Inc.