

MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120

September 26, 2007

J. Richard Capka, Administrator
Federal Highway Administration HOA-1
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Dear Mr. Capka:

We are writing as members of the Pennsylvania state Senate to offer our perspective as you consider the joint application submitted by the Pennsylvania Turnpike Commission and the Pennsylvania Department of Transportation seeking federal approval to toll Interstate 80. We strongly oppose converting Interstate 80 into a toll road, and are deeply concerned about the significant economic consequences such a conversion will have on our local businesses and residents.

We note for your consideration that Interstate 80 crosses each of our districts, and our constituents will be greatly impacted should the tolling plan go forward. For instance, Weis Markets is a Central Pennsylvania company with its major distribution center and fifty-seven stores located along Interstate 80. The company has indicated that tolling will double their current operating costs likely making further expansion or investment in those areas cost prohibitive. We believe there are several points which merit your consideration when reviewing the pending application, and we are troubled by the context, or lack thereof, for some of the information submitted by the Pennsylvania Turnpike Commission and the Pennsylvania Department of Transportation.

The application states that "a number of hearings" were held in the spring of 2007 to discuss converting Interstate 80 to a toll road. This is not true. To our knowledge, no legislative hearings were held specifically on the subject of converting I-80 to a toll road. Rather, the issue was raised by the Pennsylvania Turnpike Commission during a Senate Transportation Committee hearing to receive general testimony on funding transportation improvements through public-private partnerships. The Pennsylvania Turnpike Commission proposed tolling Interstate 80 as one possible alternative to fend off Governor Ed Rendell's proposal to lease the Pennsylvania Turnpike under a public-private partnership. Regardless, the insinuation that the public was sufficiently aware of the pending proposal or provided significant input, much less support for the plan, is inaccurate.

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Additionally, when the legislation (HB 1590/Act 44) was finally voted on, it received significant opposition within the General Assembly. The state Senate approved the legislation on July 16, 2007 by a vote of 30-19. The state House of Representatives approved the legislation on July 17, 2007 by a 124-79 vote. Numerous legislators spoke out against the legislation during debate on final passage. It is vitally important to also understand the circumstances under which this vote occurred: the Commonwealth was more than two weeks into the new fiscal year without a final state budget; Governor Rendell had already furloughed nearly 25,000 state employees a week earlier because of the lack of a budget, and the Governor was insisting on passage of House Bill 1590 before he would sign off on a final budget agreement. In short, many members no doubt felt intense pressure to approve a transportation financing package so that the budget impasse could be resolved and vital state government programs funded. The proposal has also generated significant bipartisan opposition in Congress leading to legislative action that would prohibit the implementation of this plan or similar plans being considered in other states.

The Administration should also be aware of a 2005 study commissioned by the Pennsylvania Department of Transportation which concluded that tolling Interstate 80 should not be pursued. Several factors affected this conclusion, including the improved quality of the highway in recent years; the fact that cross-state truckers were contributing to highway maintenance costs through interstate fuel tax and registration agreements; and the cumulative financial impact on both motorists and truckers. The study also suggests that it would take significantly longer to build the tolling infrastructure, as well as to realize a positive cash flow, than is currently being advertised by the Pennsylvania Turnpike Commission. We are unaware of what factors over the past two years have led to such a dramatically different conclusion by the Pennsylvania Department of Transportation relative to the merits of tolling Interstate 80.

It is also noteworthy that in prior communications with the United States Department of Transportation, the Chairs of the House and Senate Transportation Committees received conflicting answers as to whether this proposal is permissible under existing federal tolling programs. The Department foreclosed the possibility of authorizing this proposal through the Interstate System Reconstruction and Rehabilitation Pilot Program (IRRPP) because tolls collected through that program can only be used for purposes related to the tolled Interstate and not for other highway or transportation related purposes. While the Department identified the Value Pricing Pilot Program (VPPP) as a possibility, this program is designed to provide congestion relief, finance expansion projects for the purposes of reducing congestion or reduce emissions in nonattainment areas. We can assure you that these identified categories of concern simply do not exist in the predominantly rural area that comprises the Interstate 80 Corridor. Similarly, the Express Lanes Demonstration Program (ELDP) allows for tolling to finance additional tolled lane capacity. Again, any congestion related concerns on Interstate 80 simply do not rise to the level envisioned by these federal programs and to date, the Turnpike Commission has not indicated that it intends to construct additional lanes as part of its tolling proposal.

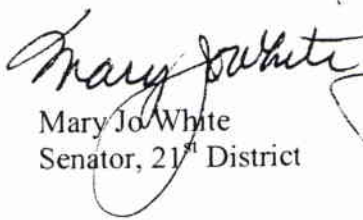
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In summary, we are extremely concerned about the negative impact tolling Interstate 80 will have on our local residents and businesses. We also suspect that there will be an avalanche of requests from other states if this proposal is approved, in effect ending the free flow of goods and traffic across this country. We ask that you carefully consider our comments and the context in which Act 44 was enacted when reviewing the application before you. If you have any questions or require additional information, please do not hesitate to contact us.

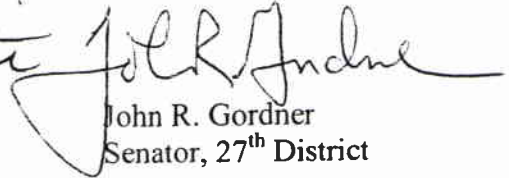
Sincerely,



Elisabeth J. Baker
Senator, 20th District



Mary Jo White
Senator, 21st District



John R. Gordner
Senator, 27th District

cc: Honorable Mary E. Peters,
U.S. Secretary of Transportation