




# Memorandum

Subject: **ACTION:** Pennsylvania – Interstate System  
Reconstruction and Rehabilitation Pilot Program,  
Response to I-80 Application

Date: December 12, 2007

From:   
King W. Gee  
Associate Administrator for Infrastructure

In Reply  
Refer To: HIF-1

To: David C. Lawton  
Acting Division Administrator  
Harrisburg, PA

This memorandum is in response to the Pennsylvania Turnpike Commission (PTC) and Pennsylvania Department of Transportation (PennDOT) October 13 joint application to toll I-80 under the Interstate System Reconstruction and Rehabilitation Pilot Program (ISRRPP).

The ISRRPP, as established in Section 1216(b) of the Transportation Equity Act for the 21st Century (TEA-21), includes specific eligibility and selection criteria that must be met prior to any potential approval being given. In reviewing the application, we conducted a thorough technical analysis of the application's merits based on the statutory criteria in TEA-21.

ISRRPP guidance published in the *Federal Register* on February 10, 1999 (64 Fed. Reg. 6734), established a two-phase approval process: Phase I "provisional" and Phase II "full." The provisional approval may be granted upon a determination by the FHWA that all applicable criteria in Section 1216(b) have been met, and a full approval when all of the environmental requirements have been completed. In the past, the FHWA has also granted what is known as a "conditional provisional approval." This approval is used to hold a slot in the ISRRPP for a particular project prior to the satisfaction of all elements for a Phase I provisional approval. The decision to grant a conditional provisional approval is based upon the FHWA's determination that the State is likely to meet all the statutory criteria for a provisional approval, the State is committed to advancing the project, and that the project is a good candidate for a pilot project under the ISRRPP. To date, the FHWA has granted two conditional provisional approvals. However, these approvals were granted at a time when there was not any actual or expected competition for the slots in the program. Any actual or expected competition for the third and final slot may affect the FHWA's decision to grant future conditional provisional approvals.

At this time, the application does not contain all of the information required for a Phase I provisional acceptance, as specified in our guidance, or a conditional provisional approval.



A detailed list of those items that need to be addressed is attached to this memorandum. Selection and eligibility criteria references from TEA-21 are provided in the attachment. These items must be addressed prior to completing a final review of the application. Upon receipt of these items, we will continue our review of the application. Following our technical review of all application and supplemental materials, a determination will be made on the eligibility to toll I-80 under the ISRRPP.

Additionally, it has been brought to my attention that there may be some confusion concerning the status of the application. Please clarify to PennDOT and PTC that their application has not been approved and that the FHWA is conducting a thorough technical review of the application prior to any decision regarding the application. As part of our technical review, PennDOT and PTC must address the issues identified in the attachment.

Please stress to PennDOT and PTC that we are not approving or denying their application at this time. Additionally, the FHWA is not, at this time, granting a conditional provisional approval to their application that would reserve a slot in the ISRRPP for their project. Please feel free to contact me or Mr. Dwight Horne, of my staff, at (202) 366-5530, should you have any questions or concerns about this memorandum.

Attachment