



Memorandum

U.S. Department
of Transportation

Federal Highway Administration

Subject: **ACTION:** Missouri – Interstate System Reconstruction and
Rehabilitation Pilot Program (IRRP) - TEA-21 Section 1216(b)
Candidate Application Conditional Provisional Approval

Date: July 26, 2005

From: Dwight A. Horne
Director, Office of Program Administration

Reply to
Attn. of: HIPA-10

To: Mr. Allen Masuda
Division Administrator
Jefferson City, Missouri

This memorandum is in response to the Missouri Department of Transportation's (MoDOT) application for a slot in the toll pilot program under TEA-21, Section 1216(b). At this time, MoDOT's application does not contain all of the information required for a full provisional acceptance under Phase I of the application process as specified by our published guidance in the *Federal Register*, 64 Fed. Reg. 6734 (1999). However, as indicated in that guidance, the purpose for requiring a Phase I approval was to establish a process for evaluating and choosing three applications for participation in the 1216(b) pilot program. The three applications chosen under Phase I will be given a "provisional acceptance" and receive our approval to move forward with the NEPA process for the project. Since there are still outstanding issues to resolve under the Phase I application process, we are approving MoDOT's application and granting them a "conditional provisional" acceptance. Under this "conditional provisional" acceptance, we are agreeing to reserve one of the three pilot slots for Missouri's I-70 toll project and allow Missouri to proceed to Phase II of the process with the expectation that MoDOT will complete all remaining Phase I requirements before we give our final approval. Also, the Division Office needs to clarify Missouri's tolling authority status before proceeding with further development of this project.

Upon environmental clearance (which would include evaluation of the impacts of tolling), the facility segments will become eligible to be considered for final approval under the pilot program, provided all other provisions have been satisfactorily addressed. Additional tolling segments or collection points may be added once environmental clearances are obtained.



This “conditional provisional” acceptance of I-70 as one of the pilot facilities is based on the assumption that a satisfactory timeline for subsequent actions will be developed, the proposal continues to advance in a timely manner, that the "program term" as described in TEA-21 Section 1216(b)(7) will be agreed to between FHWA and MoDOT, environmental clearances are appropriately obtained, subsequently an agreement is entered between MoDOT and FHWA under the provisions of TEA-21 Section 1216(b)(5). This agreement, which must be executed prior to the FHWA's final approval to toll any portion or segment of the candidate facility, must provide for regular audits and that any toll revenues received from operation of the facility will be used in accordance with the requirements set forth in Section 1216(b)(5) of TEA-21 prior to tolling. This agreement is to be coordinated with the Office of Program Administration (HIPA-10) and the Office of Chief Counsel (HCC-30).

Additionally, Section 1216(b)(6) of TEA-21 requires a limitation on the use of Interstate Maintenance (IM) funds during the term of the pilot program. Funds apportioned for IM under Section 104(b)(4) of Title 23, United States Code, may not be used on any segment being tolled. The IM restriction would apply to general lanes as well as any special purpose lanes, while tolls are being collected under the pilot program.

Please feel free to contact Greg Wolf, of my staff at (202) 366-4655, should you have any questions or concerns about the approval contained in this memorandum.

FHWA:HIPA:GWolf:64655

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cc:

HIF (King Gee) HIPA-1 (Horne) HIPA-1 (Seabron/Reader) HIPA-10 (Barone)

HIP A-10 (Beidel) HIPA-10 (Wolf) HABF (Inman) HCC (Harkins)

HCC (Aikens) HIPA-20 (Schlicht) HIPA-30 (Barry)

FHEP (Skaer) FHEP (Smith, Lamar) HPTS (DeCorla-Souza)

HDA-MO (Masuda)