



U.S. Department  
of Transportation

Federal Highway  
Administration

Office of the Administrator

September 14, 2011

1200 New Jersey Avenue, SE.  
Washington, DC 20590

In Reply Refer To:  
HISD

Mr. Gregory A. Whirley  
Commissioner  
Virginia Department of Transportation  
1401 East Broad Street  
Richmond, VA 23219

Dear Mr. Whirley:

This is in response to the letter of January 13 from Chief Financial Officer, John W. Lawson, submitting the Virginia Department of Transportation's (VDOT) Expression of Interest and Proposal to toll Interstate 95 (I-95) under the Interstate System Reconstruction and Rehabilitation Pilot Program (ISRRPP). We understand from your submission and subsequent discussions with my staff that VDOT is in the early stages of studying the corridor to determine the specific tolling approach.

Based on a review of the information presented in the January submission and supplemental information delivered in May, we are granting a conditional provisional approval for VDOT's I-95 tolling proposal under the ISRRPP. However, as you know, the law limits the ISRRPP to only three facilities with each facility required to be located in a different State. As a result, we hereby rescind the ISRRPP conditional provisional approval that the Federal Highway Administration (FHWA) granted to VDOT for I-81 by letter dated March 28, 2003.

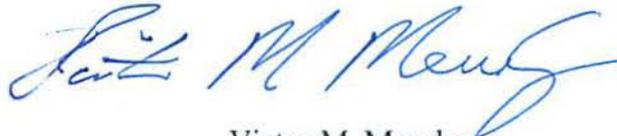
Under this conditional provisional approval, we are reserving one of the three slots in the program for VDOT's I-95 toll proposal while VDOT continues to take additional actions necessary to submit an application that fully satisfies all the statutorily required criteria. Full approval will not be granted until after the conclusion of the National Environmental Policy Act review process. Among the items to be addressed in the application, VDOT will need to provide the following information:

- The specific short-term improvements Virginia will implement via the toll revenues and why these particular improvements were selected;
- A more detailed, specific explanation of how this request will support the creation of new capacity on the facility;
- How VDOT will address the issue of maintenance of effort on the tolled portion of I-95; and
- Where the tolls will be collected and why VDOT selected these particular locations.

Final tolling authority will be subject to the execution of a toll agreement between VDOT and the FHWA and fulfillment of any conditions contained therein. The toll agreement must provide for regular audits and identify how toll revenues received from operation of the facility will be used in accordance with the requirements in the law.

In addition, the law prohibits the State from using Interstate maintenance (IM) funds on any segment of I-95 being tolled during the term of the pilot program. Once other specific segments of I-95 are approved for tolling, then the IM restriction would apply to those segments as well. 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 Irene Rico, FHWA Virginia Division Administrator, should you have any questions or concerns about the specifics of this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Victor M. Mendez". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Victor M. Mendez  
Administrator