

*Testimony of
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*Before the Joint Meeting of
The Senate Transportation and Environmental Resources & Energy
Committees*

December 13, 2005

Senators Madigan and White and other committee members, thank you for this opportunity to speak with you this morning.

I am here because the four-year Transportation Improvement Program is integrally tied to Pennsylvania's State Implementation Plan (SIP) for air quality. The SIP has many transportation elements. As such, it's important from a transportation program standpoint for us to comply with the federal Clean Air Act.

If Pennsylvania takes any action to change the SIP without following federally mandated procedures, Pennsylvania could be considered out of compliance with the Clean Air Act. If determined to be out of compliance, Pennsylvania may face a series of mandatory and discretionary sanctions the federal Environmental Protection Agency (EPA) can impose on the Commonwealth.

These sanctions, if imposed, could threaten a significant portion of the \$1.6 billion in federal highway and bridge funds we receive each year.

There would be a period of comment back and forth as EPA determines whether our steps conform to the Clean Air Act. But after 24 months, we could be judged to be out of conformity and sanctions and serious restrictions on our transportation projects would come into play. Third parties may also bring legal challenges against the Commonwealth and/or EPA to force these negative actions on us. I understand that within the last three weeks, two organizations have already filed the required 60 days'

notice of intent with the Department of Environmental Protection to bring legal actions.

EPA could choose to impose sanctions in all or some of the 37 counties in Pennsylvania that are considered in non-attainment status regarding air quality and the 30 other counties considered in attainment status. In any case, sanctions would impede our ability to move forward with projects to add capacity or significantly upgrade our highway and bridge system.

If the Commonwealth wants to change the State Implementation Plan, it is free to do so, as long as we follow the procedures. If we don't follow procedures, we risk going down the trail of sanctions. I ask you; please work with us so we don't trigger sanctions.

Thank you.