Pennsylvania State
Transportation Advisory Committee

Transportation Funding Study

Executive Summary

May 2010

Letter from the Task Force Chairman

Pennsylvania's transportation system impacts every resident, business, and visitor of the Commonwealth. However, it is becoming increasingly difficult for the Pennsylvania Department of Transportation (PennDOT), transit agencies, and local governments to maintain, improve, and provide the infrastructure and services to meet Pennsylvania's mobility needs. The significant backlog of critical projects hinders the state's economic competitiveness and impacts our people, businesses, and environment.

The importance of our transportation system to the state's economy cannot be overstated. Our transportation system facilitates the movement of workers to jobs, students to schools, consumers to stores, and products to their next stop in the global supply chain. As our economy becomes more integrated into the global economy, Pennsylvania requires an efficient and effective transportation system.

At various times, Pennsylvania's General Assembly has tackled the issue of how funding is provided for the Commonwealth's transportation system. The passage of Act 44 of 2007 is the most recent example of how the state has acted to bridge the funding gap between transportation revenue and needed transportation infrastructure and services.

Since its passage by the General Assembly, Act 44 has done much to enhance the state's balance sheets for transportation in innovative ways, most particularly for the "public-public" partnerships it created. On the federal side, the stimulus provided by the American Recovery and Reinvestment Act (ARRA) was another welcome boost to flagging transportation revenues.

Despite the recent revenue enhancements provided through Act 44 and ARRA, Pennsylvania transportation is in a state of crisis. The crisis is a result of several factors, particularly the sheer expanse and age of Pennsylvania's transportation infrastructure. Compounding the problem, existing ways of raising revenue are being quickly outmoded by changes in technology, vehicle efficiency, and soaring construction material costs.

New sources of revenue need to be identified, and existing sources need to be re-examined to provide funding that meets the enormous investment need. Pennsylvania must shift away from outdated methods of generating transportation revenue and more toward methods that are more predictable, equitable, and in sync with inflation.

The Pennsylvania Transportation Advisory Committee (TAC) commissioned this study as a follow-up to the Transportation Funding and Reform Commission (TFRC) Report of 2006. The primary purpose was to update a summary of the major trends and issues affecting transportation revenues, and identify the gaps in funding needed to meet a growing inventory of transportation infrastructure needs as they relate to highways, bridges, and public transportation.

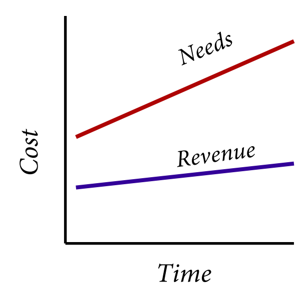
I trust that as you read this report, you will understand the urgency of the funding situation and be compelled to help make the tough decisions that will lead Pennsylvania toward a strong future.

Louis C. Schultz, Jr., P.E.
TAC Transportation Funding Study
Task Force Chairman

Recommendations

Near-term need:
Generate new revenue to stabilize Pennsylvania's transportation system

The most immediate problem for Pennsylvania is the reduction of Act 44 revenue based on the federal decision to not approve the application to toll I-80. Based on this decision, there will be an immediate decrease of $472 million in current funding for highways and transit.



Beyond this reduction, Pennsylvania's gap between transportation improvement needs and revenue is substantial. This report identifies more than $3 billion annually in highway and transit needs that currently cannot be addressed. This gap between needs and revenues will continue to grow as inflation erodes the buying power of transportation dollars and improvements in fuel efficiency reduce the revenues being received.

With Pennsylvania infrastructure in a state of crisis, short-term fixes will no longer provide a solution to this funding problem. Pennsylvania must develop a phased, long-term funding strategy to sustain progress that has been made to improve the condition of aging bridges and roadway. Having such a long-term view will positively affect general business investment by avoiding the boom and bust funding cycles of the past.

The TAC recommends an immediate need for new funding of more than $3 billion annually for highways and transit from federal, state and local sources.

The TAC recognizes that the current recession makes this a difficult time to increase transportation revenue. However, Pennsylvania's economy depends on the transportation system, and investments in transportation do create jobs. FHWA and FTA have both estimated that at least 30,000 jobs are directly and indirectly created for every $1 billion in highway or public transportation expenditures.

The TAC has identified existing and new mechanisms which could be enacted to raise revenues. A listing is summarized on page 19 of this executive summary.

Recommendations (cont'd.)

Longer-term need:
Establish a new transportation funding framework to ensure sustainable mobility

Pennsylvania's current structure for transportation funding is neither adequate in revenue yield, nor structurally sustainable over the long term. Needs and inflation continue to outpace revenue as infrastructure ages. Changes in technology will mean more fuel-efficient vehicles. Ultimately we may see a large percentage of the vehicle fleet using alternative fuels and electric-powered engines. If proposed fuel economy standards are implemented, Pennsylvania could see a reduction of 20 percent in gallons of fuel consumed per vehicle mile by the light duty fleet by 2025.

A new framework is needed to allow PennDOT, transit providers and the private sector transportation industry to establish and maintain a transportation system that allows Pennsylvania to compete in the global economy. A funding structure that is predictable and sustainable would allow for long-term improvements and investments in technology, equipment, and people to efficiently improve the system for the long term.

Structural change for transportation finance is essential.

This report demonstrates the significant level of investment required simply to have a responsible program that stabilizes our transportation system. The ultimate revenue scenario will be determined by Pennsylvania leadership in the Legislature and the Administration collaborating with the transportation industry and a wide range of other stakeholders who recognize that if our transportation system crumbles, our economy crumbles.

Short of a specific recommended revenue scenario, the following describes at least five major elements that reflect the future will require change, vision, and bold leadership. It also reflects a positive view that long-term solutions exist but will need to be phased over many years. The time to start is now.

A More Direct User Pay System Such as a Vehicle-Miles Traveled Fee (VMT)

Technology advances will increasingly make possible revenue systems that are based on usage of the transportation system. Ultimately this may be established through federal policy, but Pennsylvania must advocate and plan for such solutions in the short term and collaborate on a myriad of implementation issues through the American Association of State Highway and Transportation Officials (AASHTO), Transportation Research Board (TRB), and the PA Congressional delegation. VMT fees are flexible and also allow for peak hour pricing, dedicated lanes, etc., in highly congested areas as appropriate. The public today is far more accepting of Web-based transactions than it was only a decade ago. As an example of the embrace of technology which will make a direct user pay system feasible, many Pennsylvanians are loyal users of EZ-Pass.

Pennsylvania's current structure for transportation funding is neither adequate nor structurally sustainable over the long term.

Tolling Options for Existing and New Highways

Major highways generally, and the Interstate system specifically, will not be sustainable without a nearly uniform use of tolling. Here too, technology will make such systems more efficient. The public is accepting of tolling if the pricing translates into a quality product and enhanced mobility. Adaptations to tolling schemes can minimize the impact of tolls on local trips. The federal government may eventually shift to a tolling approach on the Interstate system. Pennsylvania must align itself to help lead this direction in order to ensure federal policy changes work in ways that are beneficial to the Commonwealth.

Greater Use of Public-Private Partnerships (P3)

Public-private partnerships are not revenue sources, but they can create cost savings and bring private investment into transportation. PennDOT and others now have sufficient experience with Design-Build and other alternative contracting approaches to expand the use of public-private partnerships.

Recommendations (cont'd.)

Strategic Borrowing

Debt financing became an issue for Pennsylvania during the 1970s. Since 1979, PennDOT, to its great credit, has been averse to debt financing. That caution is generally still in order. However, debt financing can be properly used when it can be linked with a dedicated revenue source to finance the debt and to protect other revenue sources from being consumed. Further, there should be an exploration of some reasonable debt financing for transportation investment in line with specific project investments with a high benefit-cost. Infrastructure is a long-term asset, and borrowing can assist in delivering projects sooner. As such, debt financing is appropriate if carefully and responsibly managed and capped.

Local Option Taxes

Local government has considerable responsibility for local highways and bridges as well as public transportation. They can play an even larger role in overall mobility within each region and locale within the state. However, greater local capacity is needed. Local jurisdictions require more options for raising revenue to address local highway, bridge and transit needs.

Transportation Funding in Pennsylvania

Essential Context

2003 — The Bid Price Index that measures construction contract costs begins an 80 percent increase over the next five years.

2004 — Retail gasoline exceeds $2/gallon for the first time, even as PA motorists consume an all-time record high of 5.2 billion gallons.

2005 — Federal surface transportation reauthorization SAFETEA-LU allocates $1.6 billion in federal funding for PA annually.

2006 — For the first time, wholesale gasoline prices exceed (and remain above) the Oil Company Franchise Tax ceiling of $1.25 a gallon.

The Transportation Funding & Reform Commission Report highlights Pennsylvania funding challenges and calls for $1.7 billion in new revenue.

2007 — The General Assembly passes Act 44, originally generating $750 million in revenue and allowing toll proceeds for regional and statewide use; creates Public Transportation Trust Fund. It is the state's first major tax legislation since 1997.

2008 — Retail gasoline reaches historic peak of $4.11/gallon; overall travel declines by 1.3 percent.

For the first time, the federal Highway Trust Fund has insufficient revenue to meet obligations.

2009 — The American Recovery & Reinvestment Act (ARRA) provides a one-time infusion of more than $1.3 billion for Pennsylvania transportation projects; SAFETEA-LU expires.

2010 — In July, Act 44 revenue drops from $922 million to $450 million annually, due to the federal decision not to approve the application to toll I-80.

Pennsylvania's Highway and Transit Revenues (Federal)

The state's highway and transit programs both rely heavily on federal funding to support capital investments such as construction projects for highways and bridges and the purchase of new buses or improvements to commuter rail. Pennsylvania currently receives approximately $1.8 billion each year in federal funds for its highway and transit programs. However, the future of the federal programs and the predictability of federal funds is uncertain. A summary of federal funding issues follows.

Federal Funding—Highway and Bridge

- Pennsylvania benefitted from the infusion of approximately $1 billion in funding from the American Recovery and Reinvestment Act (ARRA), of which $910 million was obligated in FFY 2009. This boosted Pennsylvania's FFY 2009 federal aid total to a record $2.32 billion (chart 1).
- Were it not for the ARRA funds, the state's federal aid total would have been $1.41 billion, translating into an annual average rate of increase of only 2 percent over the past 10 years.
- The additional ARRA funding enabled PennDOT to move forward on nearly 326 projects that were able to be implemented sooner.

Not including ARRA funds, Pennsylvania's federal funding over the past decade has increased by an annual average rate of only 2 percent.

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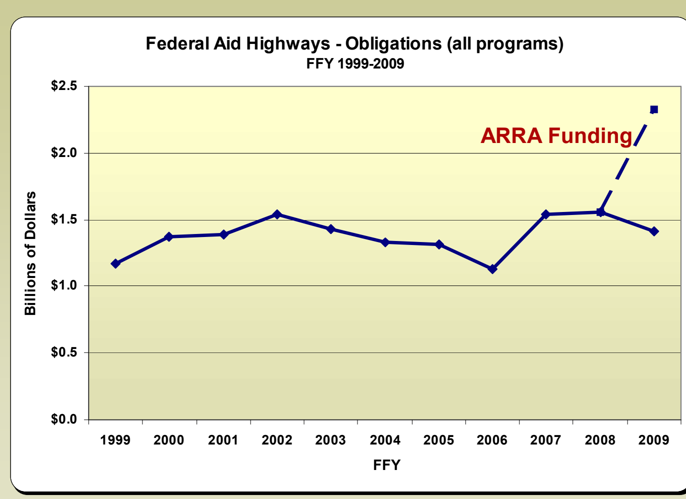

Source: PennDOT Center for Program Development and Management

Federal Funding—Public Transportation

- Pennsylvania's transit agencies received $381 million in regularly allocated federal funding in FFY 2009. Federal funds for transit are largely restricted to capital projects. Transit is also benefitting from ARRA funding, with Pennsylvania's transit agencies set to receive an additional $347 million.

The Federal Highway Trust Fund (HTF)

- Recent trends indicate that the future viability of the HTF is in jeopardy, as revenues have not kept pace with outlays. In September 2008 and again in August 2009, Congress approved transfers from the General Fund of $8 billion and $7 billion, respectively, just to allow the HTF to meet its obligations for projects already in progress. Future HTF revenues will not support a reasonable federal program.
- SAFETEA-LU, the current authorization bill for surface transportation programs, expired on September 30, 2009. Programs are currently operating under various continuing resolutions. The timing and extent of its successor legislation is uncertain, leaving states such as Pennsylvania unable to adequately plan for the future.

Pennsylvania cannot expect federal funding alone to solve its transportation problems.

ARRA funds are a one-time stimulus into Pennsylvania's transportation programs. They are not indicative of past trends and cannot be used to predict future federal transportation funding levels.

Pennsylvania's Highway and Transit Revenues (State)

State Funding—Highway and Bridge

- At the state level, the Motor License Fund (MLF) is a special state account that may be used only for the costs of construction, reconstruction, maintenance and repair of, and safety on highways and bridges in the Commonwealth. The Motor License Fund is financed by motor fuels taxes, vehicle registration fees, operator's license fees, and various other miscellaneous fees which are constitutionally restricted to highway and bridge use and cannot be used for public transportation. In FY 2008-09, the Commonwealth invested nearly $2.3 billion in MLF revenues to build or maintain highways and bridges.
- The gas tax has been a primary source of MLF revenues, yet gas consumption has declined by an average of 1.3 percent annually since 2004 (chart 2). This decline stems from more fuel-efficient vehicles, coupled with declines in vehicle miles of travel (in 2008). Pennsylvania needs a long-term funding strategy with a new structure and framework for funding transportation.

Since 2004, gasoline consumption in Pennsylvania has declined by an annual average rate of 1.3 percent.

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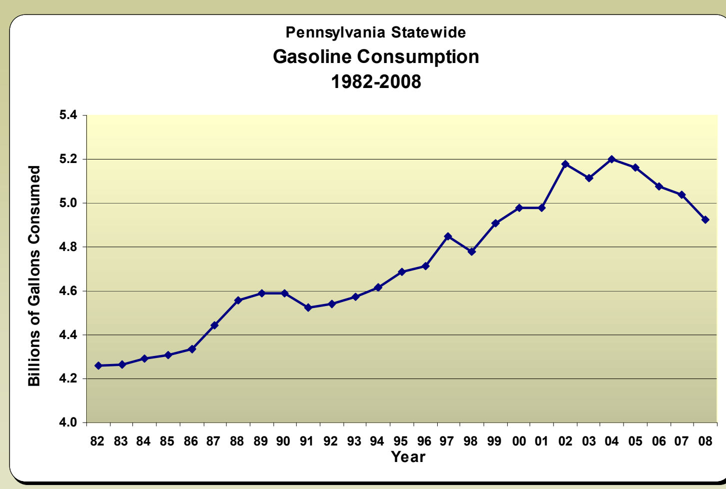


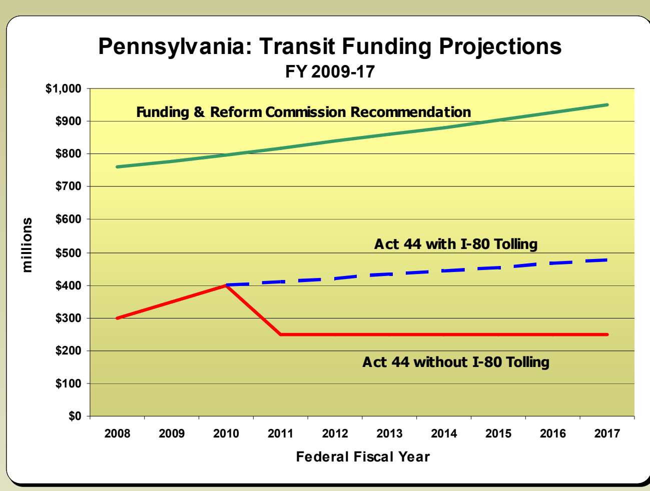
Source: PennDOT Bureau of Fiscal Management

- Traditionally, the MLF has experienced major increases only through periodic increases in fuel taxes or registration fees as approved by the General Assembly (such as Act 26 of 1991 and Act 3 of 1997). The MLF did benefit from increased revenue through the Oil Company Franchise Tax between 2003 and 2006, but no further increases will occur based on the ceiling built into this tax. Act 44 of 2007 mandated that the Pennsylvania Turnpike Commission make annual contributions to the MLF.

- MLF support of the State Police has increased by nearly 75 percent over the past decade from $301 million to $524 million. Even though reducing the State Police burden on the MLF has been a long-standing subject of discussion within the General Assembly, legislative action would entail shifting the cost to an already strained General Fund.

State Funding—Public Transportation

- Act 44 of 2007 created a dedicated Public Transportation Trust Fund (PTTF) with a streamlined program structure and provided a portion of the additional transit funding recommended by the TFRC. The additional funding was intended to be predictable and to grow with inflation.
- Because the Commonwealth's application to toll I-80 was not approved by FHWA, there is a significant gap in projected versus actual transit funding beginning in 2010. An even more significant gap between TFRC-identified needs and actual transit funding is also present (chart 3). However, the degree of funding shortfall varies by capital versus operating and the severity of the impact varies by transit provider.



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Source: PennDOT Bureau of Public Transportation

Act 44's finance approach relied in part on revenue from the tolling of I-80 as a source of funding, starting in FY 2010.

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Pennsylvania's Highway and Bridge

Conditions and Needs

To identify Pennsylvania's transportation funding needs, this study built upon the analysis of the Transportation Funding & Reform Commission. For highway and bridge needs, efforts were made to incorporate new methodologies into the needs analysis, in cooperation with PennDOT.

The following tables identify annual unmet highway and bridge needs which are in excess of currently available funding levels. Needs are identified in current and future dollars for both the state system and the local system.

Summary of Existing Annual Unmet Highway and Bridge Needs (millions)

State System

Category	FY 2010-11	FY 2019-2020	FY 2029-30
Pavements	$1,761	$2,731	$4,450
Bridges	$370	$1,290	$920
Congestion Management	$70	$91	$227
Safety	$75	$116	$190
Capacity	$300	$465	$758
TOTAL	$2,576	$4,693	$6,545

Local System

Category	FY 2010-11	FY 2019-20	FY 2029-30
Roads & Bridges	$250	$388	$632
Traffic Signals	$182	$282	$460
TOTAL	$432	$670	$1,092

- Although PennDOT has improved the smoothness of Pennsylvania pavements over the past several years, the lack of funding to reconstruct roads on a cyclical basis is leading to more underlying problems with roadway sub-base, drainage, and other highway elements. Given the pressing need to accelerate work on structurally deficient bridges, PennDOT is compelled to shift funds away from road repairs and reconstruction.
- Congestion in Pennsylvania has worsened over the past 20 years. Congestion currently costs Pennsylvania motorists an estimated $2.7 billion annually. PennDOT traffic engineers expect congestion to worsen by 50 to 60 percent over the next 30 years unless a multi-faceted congestion mitigation program is established.
- Safety concerns are always paramount. In 2007, Pennsylvania crashes and fatalities resulted in economic losses totaling an estimated $15.4 billion, or $926 for every Pennsylvanian.
- Pennsylvania's bridges are the fourth-oldest in the nation, and the state ranked first in 2007 in the number of structurally deficient bridges.
- In Pennsylvania, there are approximately 14,000 traffic signals, all of which are owned, maintained, and operated by local governments. A statewide modernization and operation program would cost approximately $182 million annually over the next decade. Retiming traffic signals can save energy while improving mobility and safety along Pennsylvania's roadways. This is an example of how transportation investment can save money and yield benefits over the long-term.

? What is the cost of doing nothing ?

- While bridge work may keep pace with aging bridges, there will be little or no long-term improvement in reducing bridge deficiencies, impacting our economic competitiveness.
- Pavement treatments would trend to sealing and repairing roads rather than resurfacing and reconstruction, leading to more rapidly deteriorating conditions over time. Motorists would experience additional vehicle operating costs due to wear and tear from rough roads.
- Congestion will continue to grow, costing the average PA motorist double over the next 20 years. This cost is then passed on to businesses, further deteriorating our already challenged economic position.
- Safety improvements would continue to target high crash locations, but systemwide issues would not be addressed. More lives could be lost on Pennsylvania highways annually.

Pennsylvania's Public Transportation
Conditions and Needs

Public transportation needs are based on the analysis by the Transportation Funding & Reform Commission, but were adjusted to reflect the events and shifts in programs that occurred since the 2006 report—most notably the passage of Act 44. The following table summarizes the transit needs:

Current and Projected Unmet Transit Needs (millions)

Program	FY 2010-11	FY 2019-20	FY 2029-30
Operating Assistance	*	$752	$2,214
Capital Assistance/ System Expansion	$484	$631	$849
Total	$484*	$1,383	$3,063

** The level of operating shortfall for FY 2010-11 is uncertain at this point.*

- Act 44 and the associated funding sources were predicated on dedicated, initially sufficient, and growing funding. Beginning in FY 2010-11, the Turnpike funding ($250 million for operating and $150 million for Asset Improvement) was set to increase by 2.5 percent annually. The Sales and Use Tax historical trends indicated that a 2.5 percent annual growth factor was a conservative assumption. However, the application to toll I-80 was not approved and Sales and Use Tax receipts have run below projections.
- While Act 44 resolved the majority of immediate transit operating budget needs in FY 2007-08 and 2008-09, the specifics of each transit system's operating situation is unique. With FY 2009-10 operating funding held at FY 2008-09 levels and any increase in FY 2010-11 dependent on economic recovery and an increase in the sales tax yield, some systems will be forced to consider service cuts or fare increases. Furthermore, if economic recovery does not occur quickly, the annual statewide operating budget shortfall will rapidly escalate.

- Looking into the future, operating expenses are forecast to grow at a faster pace than the combined level of revenue and funding, as operators continuing to feel the effects of rapid growth in fuel costs, health care, and pension costs. By 2019 the gap between transit expenses and revenues will widen by approximately $752 million, and in 2029 by $2.2 billion (chart 4).

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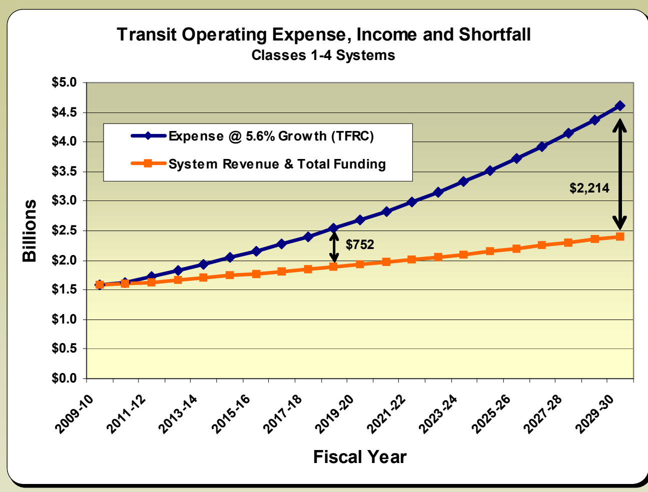

Source: Consultant projections based on PennDOT guidance

- Regarding capital needs, Act 44 provided less in capital funding than the TFRC recommended as necessary to achieve state-of-good repair within 12 years. Without the funds anticipated from the tolling of I-80, shortfalls in transit capital funding immediately grow and will widen further in future years (chart 5). The shortfalls are substantial and will constrain transit providers' ability to maintain assets in a state of good repair and implement strategic capital improvements to address the demand associated with growing areas.

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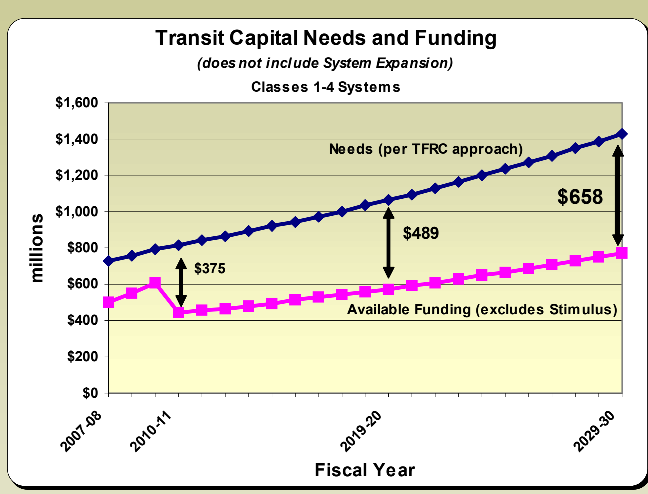
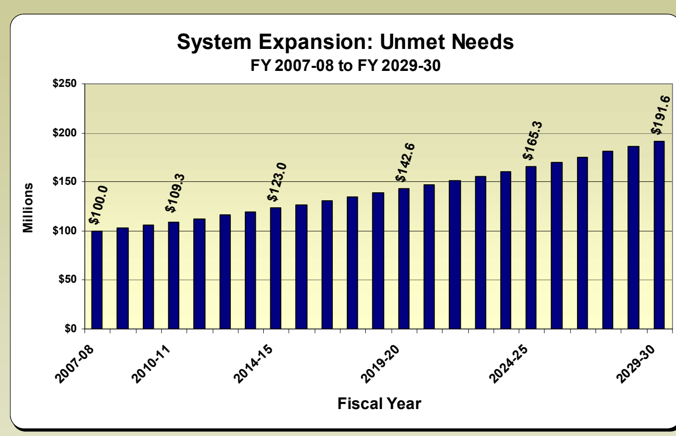


Source: Needs projections from TFRC

Without approval to toll I-80, shortfalls in transit capital funding immediately grow and will widen further in future years.

Transit Condition and Needs (cont'd.)

- In concert with the TFRC, this report assumes that some level of expansion projects would advance through the federal New Starts program. Based on an assumption of $200 million in total project costs and a 50 percent combined state and local share of such costs, the TFRC estimated the unmet annual need at $100 million in FY 2007-08.
- Total Act 44 funding allocated to date has not been sufficient to permit use of any of the Asset Improvement funding for system expansion. This study accepted the TFRC estimated unmet need of $100 million per year for system expansion. Assuming that the cost of such projects will escalate at 3 percent per year and that this will be a recurring need throughout the forecast period, the resulting shortfall will grow from the $100 million base in FY 2007-08 to $192 million in FY 2029-30 (chart 6).



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Source: FY2007-08 base year data from TFRC report

What is the cost of doing nothing ?

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- Access to jobs, healthcare, and other essential services would be lost to many Pennsylvanians.
- Many senior citizens and persons with disabilities would lose mobility.
- Less reliable, less attractive and less efficient service will result in lower ridership, lower revenues, and higher operating costs.

What is needed?

In order to protect Pennsylvania's massive infrastructure investment while providing safe and reliable services to transportation users, the Commonwealth initially needs to invest an additional $3.5 billion annually from federal, state and local sources. And this investment must grow with inflation if we are going to upgrade our existing system to a state of good repair and create a more advanced transportation system to sustain and ensure strong economic growth.

Recommended Funding (millions)

	2010 Need	2020 Need	2030 Need
Highway & Bridge	$2,576	$4,693	$6,545
Public Transportation	$484	$1,383	$3,063
Local Government	$432	$670	$1,092
TOTAL	**$3,492**	**$6,746**	**$10,700**

Providing this funding will generally mean:

- Rebuilding 500 bridges per year for the next 10 years, then 300 bridges a year for the following 10 years; reducing the structurally deficient bridge percentage to 5 percent.
- Improving pavements on a 50-year cycle with appropriate interim treatments, saving motorists wear and tear on their vehicles.
- Modernizing and timing traffic signals along corridors which will move traffic more efficiently.
- Providing adequate and predictable transit operating assistance and keeping buses and rail lines in a state of good repair, controlling the increases in fares for those dependent on transit service.
- Implementing new bus routes and commuter rail service, opening up new markets for transit.
- Managing congestion, thereby reducing emissions and improving air quality.
- Eliminating bottlenecks so freight can move more efficiently, controlling the cost of the goods that we buy.
- Avoiding hundreds of highway fatalities each year, saving millions of dollars and great personal loss.

How do we get there?

Funding Mechanisms and Approaches

Pennsylvania's extensive transportation needs require consideration of a variety of broad-based funding approaches, some of which could be applied in the near term and others over the longer term. A long list of potential funding mechanisms and tools was generated as a result of research, interviews conducted with industry subject matter experts, and input from the TAC.

The following table summarizes a list of potential revenue generators for Pennsylvania transportation, including their yield potential, and other considerations. The table also identifies if the potential revenue source can be used to fund highway/bridge projects, transit projects, or both.

Potential Revenue Sources

	Revenue Generator	Yield Potential	Considerations	
			Pros	Cons
Eligibility: Highway/Bridge & Transit	State Sales Tax on Fuel	HIGH—Based on current rates and consumption, a rate of 6 percent would yield $1 billion	Sales tax collection in place.	An additional charge, based on the monetary amount of fuel sold; volatile with price of fuel.
	Tolling	HIGH: Currently 9 percent of state highway revenues	Could generate significant revenues in high traffic areas.	Could divert traffic to lower-order roads.
	State Sales Tax on Vehicles	MODERATE: Could be diversion to MLF or increase	Collection in place.	Low correlation between sales and system use; could be burden on the General Fund if diverted.
	Real Estate Transfer Tax	MODERATE	Existing fee.	Could have negative impact on home sales; not predictable.
	Vehicle Lease Tax	LOW: Current yield = $63 million/yr.	Existing fee.	Low yield.
	Vehicle Rental Tax	LOW: Current yield = $28.8 million/yr.	Existing fee.	Low yield.
	Tire Tax	VERY LOW: Current yield = $6 million/yr.	Existing fee.	Low yield.
	Marcellus Shale Extraction Fee	UNKNOWN	Could address the local transportation impacts of drilling.	Could include a local option to address local road impacts.
Eligibility: Highway/Bridges	Increase/Index the Motor Fuel Tax	HIGH: 1-cent tax = $62 million/yr.	Indexing provides timely response to increasing costs and inflation.	Revenues will decline from fuel efficiency and alternative fueled vehicles.
	Oil Company Franchise Tax (OCFT)	HIGH: Raising the ceiling to $1.63 from $1.25 = $420 million/yr.	Could be indexed; diesel surtax provides greater equity.	Revenues will decline from fuel efficiency and alternative fueled vehicles.
	Vehicle Registration Fee Increase	MODERATE: $1 = $8 million/yr.	Pennsylvania's rates are among the nation's lowest.	No tie to usage. Fees have traditionally been kept low to make auto ownership affordable for all.
	Vehicle Registration Fee Expansion	VARIABLE: Depends on factors used		
	Remove PA State Police funding from Motor License Fund	HIGH: $576 million/yr.	A growing drain on the MLF for highway-related enforcement.	Shifts burden to General Fund.
	Vehicle-Miles Traveled (VMT) Fee	HIGH: Flexible yield rate	A more equitable fee for all users; predictable revenue source.	Privacy concerns will need to be addressed; costs to implement could be significant.
	Driver's License Fee	LOW: Current yield = $50-$60 million/yr.	Existing fee; low administrative cost.	Regressive, yet can help close funding gap.
	Vehicle Title Fee Increase	LOW: Current yield = $82 million/yr.	Existing fee.	No tie to system usage; low yield.

Source: Gannett Fleming based on guidance from PennDOT

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