



U.S. Department
of Transportation
Federal Highway
Administration

Office of the Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

February 20, 2001

Mr. Darrell Wilson
Office Administrator
9th Congressional District of Pennsylvania
2188 Rayburn House Office Building
Washington, DC 20515

Refer to: HOIT-1

Dear Mr. Wilson:

Thank you for your January 17 letter clarifying the legislative intent of Section 378 of the Department of Transportation and Related Agencies Appropriations Act 2001 (P.L. 106-346). Please be assured that the Department has not yet taken any procurement action on this Section. However, the Department's ITS program, legal, and contract staff have reviewed the specific legislative language contained within Section 378, the intelligent transportation infrastructure program as authorized by section 5117(b)(3) of the Transportation Equity Act for the 21st Century (P.L. 105-178), and the terms of the existing contract implementing the provisions of section 5117(b)(3). After a thorough review, we have concluded that the legislative language in Section 378 does not meet the legal requirements necessary to direct the funds to the existing project. We have also determined that adding the \$50 million contained in Section 378 to the existing \$8 million contract implementing section 5117(b) (3) would significantly change the scope of the contract and require recompetition.

While the legislative intent may have been to "...insure that these funds were used to carry out the project which has already received initial funding by the DOT...", we cannot fulfill this intent without specific legislative language directing the funds to this project. The Department is currently considering the appropriate course of action, within the existing legal requirements. Once this determination has been made, we will communicate our approach with your office.

Sincerely yours,

Vincent F. Schimmoller
Deputy Executive Director