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March 24, 2021

Yassmin Gramian, Secretary
Pennsylvania Department of Transportation
8th Floor, 400 North Street
Harrisburg, PA 17120-0095

Dear Secretary Gramian:

We write to you as the Chair of the Public Private Partnership (P3) Board regarding the purported resolution approved at the P3 Board meeting of November 12, 2020.

Upon learning that the P3 Board acted in the interim period between the 2020 Election and the seating of the General Assembly on January 5, 2021, it gave us cause for concern. However, the paucity of information concerning the “projects” approved by the P3 Board transmitted to the General Assembly since your November 12th meeting borders on the absurd.

The P3 Board’s website links to a 9-page Power Point presentation and a press release. These documents do little more than suggest that you approved a partnership to fix “major” bridges “in a geographically balanced manner statewide.” Further, the delivery method – i.e. who the “private” entity is, what improvement would be done and the financial agreement to repay the “private” entity – is not described in any detail whatsoever.

Unfortunately, your resolution falls short in satisfying the spirit and letter of the law.

Your duty, described in 74 Pa.C.S. § 9104, demands that you “[e]valuate and, where the board finds that the requests or plans for *transportation projects* are in the best interests of the Commonwealth and a public entity, approve the requests or plans for *transportation projects*. The board shall approve a proposed *transportation project* by adopting a resolution.” (emphasis added).

The P3 Law defines “transportation projects” as “an undertaking by a private entity or a public entity, other than the public entity providing or improving its own transportation facilities, to provide or improve *a transportation facility* or transportation-related service which is totally or partially located within this Commonwealth.” 74 Pa.C.S. § 9102. The law goes on to define a transportation facility to include:

A proposed or existing road, bridge, tunnel, overpass, ferry, busway, guideway, public transportation facility, vehicle parking facility, port facility, multimodal transportation facility, airport, station, hub, terminal or similar facility used or to be used for the

transportation of persons, animals or goods, together with any buildings, structures, parking areas, appurtenances, intelligent transportation systems and other property needed to operate or related to the operation of the transportation facility. The term includes any improvements or substantial enhancements or modifications to an existing transportation facility.

Id. finally, requests for projects to be approved by your board “may be solicited or unsolicited,” may use a “variety of project delivery methods,” and include ten (10) methods to deliver the project. 74 Pa.C.S. § 9108.

Your resolution begs a handful of indispensably important questions:

- What specific bridge(s) is/are the subject of your resolution?
- What/who is the private entity involved in the partnership?
- What is the specific method of delivering the project to the people of the Commonwealth?

In the absence of any effort on the part of the P3 Board to provide those answers, how can the General Assembly weigh the efficacy of your resolution?

By this correspondence, we urge the Board to withdraw its resolution until such time as the Board can provide the information that is necessary to the General Assembly’s deliberative process.

Your immediate attention to this correspondence is greatly appreciated.

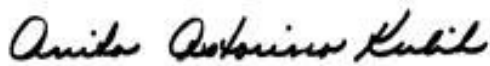
Kindest regards,



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