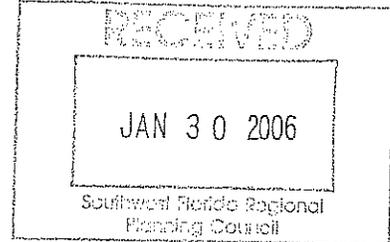


U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

January 23, 2006



Mr. John Albion, Chairman
Lee County Metropolitan Planning Organization (MPO)
1926 Victoria Avenue
Fort Myers, FL 33901-3414

Dear Chairman Albion:

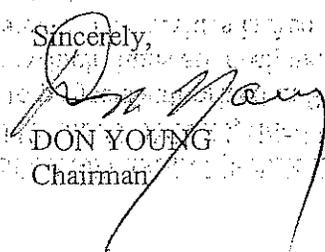
Thank you for your letter of December 21, 2005 updating the Committee on Transportation and Infrastructure on the Lee County MPO's Long Range Transportation Plan and their decision to exclude the Coconut Road Interchange from its financially feasible plan. The letter further requests a "re-programming" to occur for these funds.

Section 1701 of Subtitle G, Title I of SAFETEA-LU (Public Law 109-59) contained amendments to the law located in Section 117 U.S.C. Title 23, titled High Priority Projects. The authority provided in Sec. 117 with regard to projects authorized in Sec. 1702 on SAFETEA-LU is quite clear and unambiguous. Projects for which funds are designated are available only for that project. The state in which the designated project resides is free under the terms of the law to build, or not build the project. However, the law does not provide authority for a state to use funds designated for an authorized project on some other project.

In this important sense then, the funds made available to these authorized projects are not subject to the same legal terms and conditions as formula funds.

As the second session of the 109th Congress proceeds, the Committee will, as the Committee has historically done on previous reauthorizations, work to pass into law a bill to amend SAFETEA-LU. This bill, which in previous Congresses has been titled a corrections bill, will seek to make improvements, rectify errors and modify aspects of SAFETEA-LU. With regard to Sec. 1702, my past experience on this committee suggests that where a state elects to not utilize funds designated for an authorized project, the committee will incorporate the effect of that decision as appropriate when developing the bill. In an era of funding shortfalls, it is an important responsibility of the committee to see that all funds provided in SAFETEA-LU are in fact used for their intended benefit on the transportation system.

Sincerely,


DON YOUNG
Chairman