
TOLLS - PENNSYLVANIA

Owner Operator Independent Drivers Association, Inc. v. Pennsylvania Turnpike Commission

United States Court of Appeals, Third Circuit - August 13, 2019 - F.3d - 2019 WL 3789232

Motorists who routinely accessed state-wide, east-west toll highway brought class action against Pennsylvania Turnpike Commission (PTC) and other defendants, alleging violation of the dormant Commerce Clause and the constitutional right to travel by setting exorbitantly high tolls for use of the Pennsylvania Turnpike and that the amounts collected in tolls exceeded the costs to operate the Turnpike, and seeking declaratory judgment, preliminary and permanent injunction, and judgment ordering the refund of excess toll payments.

The United States District Court granted defendants' motions to dismiss for failure to state a claim, and denied motorists' motion for summary judgment. Motorists appealed.

The Court of Appeals held that:

- Defendants' use of funds for non-toll road projects did not violate the dormant Commerce Clause;
- PTC's failure to submit annual certifications, as required under the Intermodal Surface Transportation Efficiency Act (ISTEA), did not affect Congress's unambiguous intent to authorize states to allocate excess toll funds to non-toll road projects; and
- Allegations that increased tolls caused and would continue to cause Pennsylvania Turnpike users to switch to non-toll roads in the future, but not that interstate or intrastate travel had been or would be deterred, were insufficient to state a claim for infringement of the right to travel.

Through the Intermodal Surface Transportation Efficiency Act (ISTEA), Congress expressed its unmistakably clear intent that states could collect and use toll revenues for non-toll road projects, including on highways, bridges, tunnels, ferry boats, and ferry terminal facilities, funds, even if tolls collected exceed a toll road's costs, and thus Pennsylvania Turnpike Commission's (PTC) use of funds for non-toll road projects did not violate the dormant Commerce Clause.

Pennsylvania Turnpike Commission's (PTC) failure to submit annual certifications that toll facility was being adequately maintained, as required under the Intermodal Surface Transportation Efficiency Act (ISTEA) before any excess funds could be used for non-toll road projects, did not affect Congress's unambiguous intent to authorize a state authority, such as the PTC, to allocate excess toll funds to non-toll road projects, as would support finding that PTC's use of excess funds did not violate the dormant Commerce Clause.

Motorists' allegations that increased tolls caused and would continue to cause Pennsylvania Turnpike users to switch to non-toll roads in the future, but not that interstate or intrastate travel had been or would be deterred, were insufficient to state a claim for infringement of the right to travel.

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