

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

OWNER OPERATOR INDEPENDENT	:	
DRIVERS ASSOCIATION, INC., <i>et al.</i> ,	:	
	:	Declaration of Katherine Quiniola
Plaintiffs,	:	
	:	Case No. 1:18-CV-00608-YK
vs.	:	
	:	Judge Yvette Kane
PENNSYLVANIA TURNPIKE	:	
COMMISSION, <i>et al.</i> ,	:	Electronically Filed Document
	:	
Defendants.	:	

DECLARATION OF KATHERINE L. QUINIOLA

I, KATHERINE L. QUINIOLA, hereby declare and state as follows:

1. My name is Katherine L. Quiniola. I am an Attorney at The Cullen Law Firm, PLLC, Counsel for Plaintiffs.
2. Attached as **Exhibit 1** is a document entitled *Annotated Complaint*. Exhibit 1 is a replication of the Complaint filed in this matter on March 15, 2018. Individually numbered paragraphs in the Annotated Complaint contain citations to Exhibits supporting the Complaint's factual assertions. All citations are included in red font, and all exhibits are bolded for ease of identification.
3. Identified below are Exhibits 2-38, which are web-based documents I obtained from the Internet, together with one document obtained through a Right-to-Know Law Request filed by Melissa A. Chapaska, Associate at Hawke McKeon & Sniscak LLP.

4. All documents were downloaded from the disclosed web address between March 26 and 30, 2018. I last accessed all documents at the disclosed web addresses on March 30, 2018. The documents attached to this declaration are true and authentic copies of the web-based documents published by the Pennsylvania Turnpike Commission (PTC), the Pennsylvania Department of Transportation (PennDOT), other official web sites maintained by agencies or departments of the Commonwealth of Pennsylvania, and/or other news websites.

5. The cover sheet for each Exhibit identified below contains a hyperlink to the location of the complete document on the Internet from which the Exhibit was extracted.

Documents obtained from the Pennsylvania Turnpike Commission (PTC) and from PTC's website: www.paturndpike.com.

PTC's Comprehensive Annual Financial Reports

6. Attached as **Exhibit 2** is a true copy of excerpts from a document entitled *Comprehensive Annual Financial Report: Fiscal Years Ended May 31, 2017 and 2016 With Independent Auditor's Report*. A complete version of this document is available at: https://www.paturndpike.com/pdfs/business/PTC_CAFR_17-16.pdf

7. Attached as **Exhibit 3** is a true copy of excerpts from a document entitled *Comprehensive Annual Financial Report*, for PTC's fiscal years ended May 31, 2016 and 2015. A complete version of this document is available at:

https://www.paturnpike.com/pdfs/business/PTC_CAFR_16-15.pdf

Lease & Funding Agreement

8. Attached as **Exhibit 4** is a true copy of a document entitled *Amendment Number One to Lease and Funding Agreement*, dated April 14, 2014. This was received on March 13, 2018 pursuant to a Right-to-Know Law Request submitted to PennDOT by Ms. Chapaska. The transmittal letter is included as the first page of Exhibit 5. Ms. Chapaska's Right-to-Know Request is included as the last page of Exhibit 5.

9. Attached as **Exhibit 5** is a true copy of excerpts from a document entitled *Lease and Funding Agreement*, between PTC and PennDOT, dated October 14, 2007. A complete version of this document is available at:

https://www.paturnpike.com/pdfs/about/Lease_and_Funding_Agreement.pdf

Application for Tolling I-80

10. Attached as **Exhibit 6** is a true copy of excerpts from a document entitled *Application to the Federal Highway Administration for Tolling Interstate 80 under the Interstate System Reconstruction and Rehabilitation Pilot Program, Amended Phase I*, dated July 17, 2008. A complete version of this document is available at:

https://www.paturnpike.com/pdfs/about/I80_Tolling_Application_Amended_Phase_1.pdf

Act 44 Financial Plans

11. Attached as **Exhibit 7** is a true copy of excerpts from a document entitled *Pennsylvania Turnpike Commission Act 44 Financial Plan Fiscal Year 2018*, dated June 1, 2017. A complete version of this document is available at:

https://www.paturndpike.com/pdfs/business/finance/PTC_Fiscal_2018_Act_44_Financial_Plan.pdf

Bond Instruments

12. Attached as **Exhibit 8** is a true copy of excerpts from a document entitled *Supplemental Trust Indenture No. 29*, dated December 1, 2017. A complete version of this document is available at:

https://www.paturndpike.com/pdfs/business/finance/SubordinateMotorLicenseFundEnhancedIndentures/MLSubSupplementalTrustIndenture_29_2017R3.pdf

13. Attached as **Exhibit 9** is a true copy of excerpts from a document entitled, in pertinent part, *Official Statement, \$150,425,000 Turnpike Subordinate Revenue Refunding Bonds, Second Series of 2017*, dated November 1, 2017. A complete version of this document is available at:

<https://www.paturndpike.com/pdfs/business/documents/OfficialStatementMLS207R2MLF2017R2.pdf>

14. Attached as **Exhibit 10** is a true copy of excerpts from a document entitled *Second Supplement Dated July 25, 2017 to Official Statement Dated July 14, 2017*

as Supplemented by a Supplement Dated July 19, 2017 relating to Pennsylvania Turnpike Commission \$750,510,000 Turnpike Subordinate Revenue Bonds, Series B of 2017. A complete version of this document is available at:

<https://www.paturndpike.com/pdfs/business/documents/OfficialStatementMLS2017BMLF2017R1withSupplements.pdf>

15. Attached as **Exhibit 11** is a true copy of excerpts from a document entitled *\$411,075,000.00 Revenue Refunding Bonds*, dated September 23, 2016. A complete version of this document is available at:

<https://www.paturndpike.com/pdfs/business/documents/OfficialStatementMLS2016REF3MLFREF1.pdf>

16. Attached as **Exhibit 12** is a true copy of excerpts from a document entitled *\$244,855,000 PTC, Turnpike Subordinate Revenue Bonds, Series 2008A*, dated April 18, 2008. A complete version of this document is available at:

<https://www.paturndpike.com/pdfs/business/documents/Official%20Statement%20MLS%202008%20A.pdf>

17. Attached as **Exhibit 13** is a true copy of excerpts from a document entitled *Pennsylvania Turnpike Commission to Commerce Bank, National Association, Subordinate Trust Indenture*, dated April 1, 2008. A complete version of this document is available at:

<https://www.paturndpike.com/pdfs/business/finance/SubordinateMotorLicenseFund>

[EnhancedIndentures/MLSUBTrustIndenture.pdf](#)

18. Attached as **Exhibit 14** is a true copy of excerpts from a document entitled *Official Statement, \$353,865,000 Pennsylvania Turnpike Commission Turnpike Revenue Bonds*, dated June 8, 2006. A complete version of this document is available at:

<https://www.paturndpike.com/pdfs/business/documents/Official%20Statement%20ML%202006%20A,B,C.pdf>

19. Attached as **Exhibit 15** is a true copy of excerpts from a document entitled *Amended and Restated Trust Indenture*, dated March 1, 2001. A complete version of this document is available at:

https://www.paturndpike.com/pdfs/business/finance/SeniorTrustIndentures/MainlineTrustIndentureAmended3_1_200.pdf

The Turnpike

20. Attached as **Exhibit 16** is a true copy of a document entitled *Fast Facts*, dated January 2016. This document is available at:

https://www.paturndpike.com/pdfs/travel/Fast_Facts.pdf

21. Attached as **Exhibit 17** is a true copy of excerpts from a document entitled *Toll Schedule 2018*, effective January 7, 2018. A complete version of this document is available at:

https://www.paturndpike.com/pdfs/tolls/tolls_2018/2018_Tolls.pdf

22. Attached as **Exhibit 18** is a true copy of excerpts from a document entitled *Long Range Plan 2035: The Bridge to Zero Fatalities Executive Summary*, dated November 2016. A complete version of this document is available at:

https://www.paturndpike.com/pdfs/about/PTC_LRP_ES_11_9_16_FINAL.pdf

PTC's Press Releases

23. Attached as **Exhibit 19** is a true copy of a news release entitled *PA Turnpike Reminds Travelers of 2018 Toll Increase*, dated January 4, 2018. The news release is available at: <https://www.paturndpike.com/Press/2018/20180104134041.htm>

24. Attached as **Exhibit 20** is a true copy of a news release entitled *PA Turnpike Reminds Motorist of 25 Percent Increase*, dated December 30, 2008. The news release is available at:

<https://www.paturndpike.com/Press/2008/20081230123617.htm>

25. Attached as **Exhibit 21** is a true copy of a news release entitled *PA Turnpike Outlines Act 44 Payments, Details of January 4, 2009 Toll Increase* dated December 4, 2008. The news release is available at:

<https://www.paturndpike.com/Press/2008/20081204123617.htm>

Documents obtained from the Commonwealth of Pennsylvania's Office of the Budget website: www.budget.pa.gov.

26. Attached as **Exhibit 22** is a true copy of excerpts from a document entitled *Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2016*,

dated December 15, 2016. A complete version of this document is available at:

<http://www.budget.pa.gov/PublicationsAndReports/AnnualFinancialReport/Documents/2016/june-30-2016-cafr.pdf>

27. Attached as **Exhibit 23** is a true copy of excerpts from a document entitled *Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2008*, dated December 29, 2008. A complete version of this document is available at:

<http://www.budget.pa.gov/PublicationsAndReports/AnnualFinancialReport/Documents/june-30-2008-cafr.pdf>

28. Attached as **Exhibit 24** is a true copy of excerpts from a document entitled *Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2007*, dated December 20, 2007. A complete version of this document is available at:

<http://www.budget.pa.gov/PublicationsAndReports/AnnualFinancialReport/Documents/june-30-2007-cafr.pdf>

Documents obtained from the Pennsylvania's Department of the Auditor General's website: <http://www.paauditor.gov/>.

29. Attached as **Exhibit 25** is a true copy of a news release entitled *Auditor General DePasquale Says Turnpike Commission Audit Finds Unrealistic Growth Projections Could Cause Transportation Disaster*, dated September 6, 2016. The

news release is available at: <http://www.paauditor.gov/press-releases/auditor-general-depasquale-says-turnpike-commission-audit-finds-unrealistic-growth->

[projections-could-cause-transportation-disaster](#)

30. Attached as **Exhibit 26** is a true copy of excerpts from a document entitled *Performance Audit: Pennsylvania Turnpike Commission*, dated September 2, 2016.

A complete version of this document is available at:

[http://www.paauditor.gov/Media/Default/Reports/spe92364PennsylvaniaTurnpike
Commission.pdf](http://www.paauditor.gov/Media/Default/Reports/spe92364PennsylvaniaTurnpikeCommission.pdf)

Documents obtained from the Commonwealth of Pennsylvania’s Department of Transportation website: www.penndot.gov.

31. Attached as **Exhibit 27** is a true copy of a webpage entitled *Multimodal Transportation*, last visited March 30, 2018. This webpage is available at:

[http://www.penndot.gov/ProjectAndPrograms/MultimodalProgram/Pages/default.a
spx](http://www.penndot.gov/ProjectAndPrograms/MultimodalProgram/Pages/default.aspx)

32. Attached as **Exhibit 28** is a true copy of a document entitled *Pennsylvania Department of Transportation Guidelines: Multimodal Transportation Fund*, dated January 30, 2018. This document is available at:

[http://www.penndot.gov/ProjectAndPrograms/MultimodalProgram/Documents/M
TF%20Guidelines%20for%20PennDOT%20Discretionary%2001.30.2018.pdf](http://www.penndot.gov/ProjectAndPrograms/MultimodalProgram/Documents/MTF%20Guidelines%20for%20PennDOT%20Discretionary%2001.30.2018.pdf)

33. Attached as **Exhibit 29** is a true copy of a document entitled *Multimodal Transportation Fund Program under Title 74, Section 2104(A)(2) Frequently Asked Questions*, dated January 30, 2018. This document is available at:

<http://www.penndot.gov/ProjectAndPrograms/MultimodalProgram/Documents/Multimodal%20Transportation%20Fund%20FAQs%2001.30.2018.pdf>

34. Attached as **Exhibit 30** is a true copy of a document entitled *FY 2016-17 PennDOT Multimodal Transportation Fund Awards*. This document is available at:

http://www.penndot.gov/ProjectAndPrograms/MultimodalProgram/Documents/2016-17%20MTF%20Awarded%20Projects_10.14.2016.pdf

35. Attached as **Exhibit 31** is a true copy of a document entitled *2014-15 and 2015-16 PennDOT Multimodal Transportation Fund Awards*. This document is available at:

http://www.penndot.gov/ProjectAndPrograms/MultimodalProgram/Documents/2014-15%20and%202015-16%20MTF%20Selection%20List%20for%20web_31OCT2014.pdf

36. Attached as **Exhibit 32** is a true copy of a document entitled *Transit Benefits From Act 89*. This document is available at:

<http://www.projects.penndot.gov/projects/pdf/example-transit-projects.pdf>

Documents obtained from the Pennsylvania General Assembly website:

<http://www.legis.state.pa.us/>.

37. Attached as **Exhibit 33** is a true copy of excerpts from Public Law 974, Act 89, dated November 25, 2013. A complete version of this document is available

at:

<http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2013&sessInd=0&act=89#>

38. Attached as **Exhibit 34** is a true copy of excerpts from the Commonwealth of Pennsylvania House of Representatives House Committee on Appropriations Fiscal Note for House Bill 1060 Printers Number 2697, dated November 21, 2013.

A complete version of this document is available at:

<http://www.legis.state.pa.us/WU01/LI/BI/FN/2013/0/HB1060P2697.pdf>

39. Attached as **Exhibit 35** is a true copy of excerpts from Public Law 169, Act 44, dated Jul. 18, 2007. A complete version of this document is available at:

<http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2007&sessInd=0&act=44#>

Documents obtained from other websites:

40. Attached as **Exhibit 36** is a true copy of an article entitled *Analysis Shows Pa. Turnpike Toll Rates Well Above Ohio, N.Y., Others*, dated February 24, 2017.

This document was obtained by me from the Central Penn Business Journal

website: www.cpbj.com. The article is available at:

<http://www.cpbj.com/article/20170224/CPBJ01/170229877/analysis-shows-pa-turnpike-toll-rates-well-above-ohio-ny-others>

41. Attached as **Exhibit 37** is a true copy of an article by Ed Blazina entitled *Financial Concerns won't Halt Pa. Turnpike Road Project* dated November 16, 2016. This document was obtained by me from the website: www.post-gazette.com. The article is available at: <http://www.post-gazette.com/news/transportation/2016/11/16/Financial-concerns-won-t-halt-Pa-turnpike-road-projects/stories/201611160095>

42. Attached as **Exhibit 38** is a true copy of a press release entitled *PennDOT: Ninety-one Projects to Improve Mobility, Safety with Act 89 Multimodal, Transit Funds*, dated October 28, 2014. This document was obtained from the website: www.prnewswire.com. The press release is available at: <https://www.prnewswire.com/news-releases/penn-dot-ninety-one-projects-to-improve-mobility-safety-with-act-89-multimodal-transit-funds-280667742.html>

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I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.


KATHERINE L. QUINIOLA

Dated: March 30, 2018