

**Congress of the United States**  
**Washington, DC 20515**

July 26, 2022

The Honorable Pete Buttigieg  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Secretary Buttigieg:

We write to express our strong support for the Federal Highway Administration’s (FHWA) proposed rule to establish a performance measure, target setting requirements, and reporting requirements for greenhouse gas (GHG) emissions on the National Highway System (Docket No. FHWA-2021-0004).

According to Environmental Protection Agency data, transportation accounts for over 34 percent of the nation’s carbon pollution, the highest-polluting sector in the economy. On-road sources account for 83 percent of these transportation emissions. This proposed rule takes a critical step in addressing our nation’s climate crisis, aids states in implementation of key provisions of the *Infrastructure Investment and Jobs Act (IIJA)*, Pub. L. 117-58), and ensures that the Federal-aid Highway Program advances performance-based outcomes and national performance goals as required by law.

In the *Moving Ahead for Progress in the 21st Century Act (MAP-21)*, Pub. L. 112–141), Congress articulated national goals and directed the U.S. Department of Transportation to establish performance measures to help states make progress toward improving performance-based outcomes for safety, state of good repair, congestion, reliability, emissions reduction, and other key outcomes. Through performance management, recipients of FHWA funding are directed to focus their transportation investments to make progress towards achievement of state and regional targets, in furtherance of national goals. Performance management allows FHWA to more effectively evaluate and report on the nation’s surface transportation conditions and performance in a consistent and uniform manner.

This proposed rule is consistent with and furthers FHWA’s mandate of “refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming” as set forth by Congress.<sup>1</sup> It also meets the explicit national goal established in *MAP-21* of environmental sustainability, to “enhance the performance of the transportation system while protecting and enhancing the natural environment.”<sup>2</sup>

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<sup>1</sup> 23 USC 150(a).

<sup>2</sup> 23 U.S.C. 150(b)(6).

To implement *MAP-21*, FHWA issued three rules to establish the performance management framework focused on safety performance, infrastructure condition, and system performance. The final rulemaking in this series, System Performance Management (PM3), established measures for state departments of transportation (state DOTs) and metropolitan planning organizations (MPOs) to use to assess the performance of the National Highway System to address a broad set of performance issues such as freight movement, traffic congestion, on-road mobile source emissions, and GHG emissions. The PM3 final rule was published on January 18, 2017.

The PM3 final rule included a GHG performance measure, after FHWA considered extensive public comments. However, the Trump Administration delayed implementation of the rule and ultimately issued a targeted repeal of only the GHG measure component of the PM3 final rule.<sup>3</sup> In response, the Democratic leadership of the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee issued a letter opposing the delay, and 49 members of Congress signed a separate letter opposing the proposed repeal of the measure.<sup>4</sup>

After more than five years of delay, we applaud FHWA for taking this important step to implement a GHG performance measure. This proposed rule will provide state DOTs and MPOs with a key tool to consistently measure, report on, and reduce carbon pollution from the surface transportation system.

Establishment of a uniform, consistent measure for tracking and reporting GHG emissions attributable to the surface transportation system is critical to ensure the national goal of “environmental sustainability” and a key tool in the fight against climate change. Given the large share of national carbon pollution attributable to on-road mobile sources, requiring the establishment of declining targets as proposed by FHWA will provide a key accountability measure to meet the Administration’s target of net-zero emissions, economy-wide, by 2050, which is essential to forestall the worst effects of climate change.

This proposed measure is also timely and consistent with key bipartisan changes in the *IIJA* and will facilitate more effective implementation of these provisions. Section 11105 of the *IIJA* amended the National Highway Performance Program to indicate the purpose of the program “to provide support for activities to increase the resiliency of the National Highway System to mitigate the cost of damages from sea level rise, extreme weather events, flooding, wildfires, or other natural disasters.”<sup>5</sup> Further, section 11403 established a new Carbon Reduction Program to fund carbon reduction projects, and requires state DOTs to develop carbon reduction strategies to support efforts to reduce transportation-related carbon pollution.<sup>6</sup> Establishing a nationwide, uniform performance measure will ensure consistency in tracking progress and help state DOTs, MPOs, and

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<sup>3</sup> 83 FR 24920.

<sup>4</sup> Joint letter from Senator Tom Carper and Representative Peter DeFazio to Secretary Elaine Chao, dated June 27, 2017, available at <https://www.carper.senate.gov/public/index.cfm/2017/6/house-and-senate-transportation-leaders-press-dot-on-impeding-ghg-emissions-measure>; letter from Senator Ben Cardin to Secretary Elaine Chao, dated November 8, 2017, available at <https://www.cardin.senate.gov/press-releases/cardin-blumenauer-lead-over-four-dozen-colleagues-urging-the-trump-administration-to-reinstate-greenhouse-gas-reporting-requirements-for-state-and-regional-highway-planners/>.

<sup>5</sup> 23 U.S.C. 119(b)(4).

<sup>6</sup> 23 U.S.C. 175.

FHWA to identify the most effective programs, strategies, and projects for carbon reduction. The performance measure would also inform state DOT and MPO efforts to carry out performance-based planning and project selection, consistent with statutory requirements.

We urge FHWA to finalize the proposed rule expeditiously and thank you for your leadership on this critical issue. Please include this letter in the docket containing the agency's request for comments on this matter (Docket No. FHWA-2021-0004).

Sincerely,



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Peter A. DeFazio  
Member of Congress

/s/  
Pete Aguilar  
Member of Congress

/s/  
Nanette Diaz Barragán  
Member of Congress

/s/  
Donald S. Beyer Jr.  
Member of Congress

/s/  
Lisa Blunt Rochester  
Member of Congress

/s/  
Anthony G. Brown  
Member of Congress

/s/  
Julia Brownley  
Member of Congress

/s/  
André Carson  
Member of Congress

/s/  
Sean Casten  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress

/s/  
Colin Allred  
Member of Congress

/s/  
Karen Bass  
Member of Congress

/s/  
Earl Blumenauer  
Member of Congress

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Suzanne Bonamici  
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Shontel Brown  
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Salud Carbajal  
Member of Congress

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Troy A. Carter, Sr.  
Member of Congress

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Kathy Castor  
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Sheila Cherfilus-McCormick  
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Steve Cohen  
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Adriano Espaillat  
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Carolyn Maloney  
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James P. McGovern  
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Seth Moulton  
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Brian Higgins  
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Henry C. “Hank” Johnson, Jr.  
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Rick Larsen  
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Tom Malinowski  
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Mike Thompson  
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Rashida Tlaib  
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Nydia M. Velázquez  
Member of Congress

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Peter Welch  
Member of Congress

/s/  
Frederica S. Wilson  
Member of Congress

CC: The Honorable Stephanie Pollack, FHWA Deputy Administrator