The Honorable Anthony Foxx  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Ave, SE  
Washington, DC 20590  

Re: Docket No. FHWA-2013-0054  

Dear Secretary Foxx:  

We write you to express our disapproval of a component of the U.S. Department of Transportation’s (U.S. DOT) Notice of Proposed Rulemaking on “National Performance Management Measures; Assessing Performance of the National Highway System, Congestion Mitigation and Air Quality Improvement Program, and Freight Movement on the Interstate System,” which seeks comment on whether and how to establish a performance measure on greenhouse gases.  

In Moving Ahead for Progress in the 21st Century (P.L. 112-141; MAP-21), the Secretary was directed to establish a clearly defined performance measure in Section 150(c) of Title 23, United States Code for “on-road mobile source emissions,” which includes ozone, carbon monoxide, and particulate matter as listed in Section 149 of Title 23, United States Code. The creation and parameters of this performance measure and the other performance measures included in Section 150(c) of Title 23, United States Code were carefully negotiated by Congress and signed into law by President Obama. Nowhere in MAP-21 or the more recently passed Fixing America’s Surface Transportation (FAST) Act (P.L. 114-94) is the Secretary given the authority to establish a performance measure on greenhouse gases.  

If the final rule were to include a performance measure on greenhouse gases, it would be a severe overreach by the Administration in direct contravention of statute and Congressional intent.
We urge you to not include a performance measure on greenhouse gases in the final rule and encourage you to focus U.S. DOT’s resources on finalizing the outstanding rulemakings as required by MAP-21 and the FAST Act. Thank you for your attention to this matter.

Sincerely,

Bill Shuster
Chairman
Committee on Transportation and Infrastructure

Sam Graves
Chairman
Subcommittee on Highways and Transit

Don Young
Member of Congress

John J. Duncan, Jr.
Member of Congress

John L. Mica
Member of Congress

Frank A. LoBiondo
Member of Congress

Duncan Hunter
Member of Congress

Eric A. “Rick” Crawford
Member of Congress

Lou Barletta
Member of Congress

Blake Farenthold
Member of Congress

Bob Gibbs
Member of Congress

Daniel Webster
Member of Congress
Jeff Denham
Member of Congress

Thomas Massie
Member of Congress

Scott Perry
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Mark Sanford
Member of Congress

Todd Rokita
Member of Congress

Brian Babin
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Ryan A. Costello
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Reid J. Ribble
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Mark Meadows
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Rodney Davis
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Rob Woodall
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John Katko
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Crescent Hardy
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Garret Graves
Member of Congress
Mimi Walters
Member of Congress

Carlos Curbelo
Member of Congress

Barbara Comstock
Member of Congress

David Rouzer
Member of Congress

Mike Bost
Member of Congress