January 26, 2024

Dear Senators and Congressmen:

Thank you for your commitment to conducting oversight of the Infrastructure Investment and Jobs Act (IIJA). To that end, the undersigned organizations support congressional efforts to halt the greenhouse gas performance measure regulation finalized Nov. 23 by the Federal Highway Administration (FHWA).

The IIJA represents the most significant infusion of investment in the nation’s infrastructure since the development of the Interstate Highway System in the mid-1950’s. The robust, stable funding levels that the IIJA includes are already making a meaningful impact in rebuilding America’s transportation systems. However, regulatory overreach outside the bounds of the IIJA has the potential to limit these improvements.

Congress debated authorizing the U.S. Department of Transportation to establish a greenhouse gas performance measure, but it was ultimately excluded from the 2021 law, due to the provision’s lack of sufficient congressional support. Previously under the Obama Administration, FHWA considered establishing a similar greenhouse gas performance rule, but the same agency under the Trump Administration determined that the rule exceeded the congressional intent of MAP-21 and was not required by law. To be clear, the statutory language around performance measures has not changed since the 2012 enactment of MAP-21.

We believe FHWA lacks the statutory authority to create a greenhouse gas performance measure, and therefore, support any and all congressional efforts to block this rule’s implementation.

Sincerely,

Associated General Contractors of America

American Road & Transportation Builders Association

American Concrete Pavement Association

American Concrete Pipe Association

American Highway Users Alliance

American Trucking Associations

Associated Equipment Distributors

National Cattlemen's Beef Association

National Stone, Sand & Gravel Association

National Precast Concrete Association

Owner-Operator Independent Drivers Association

Portland Cement Association

Transportation Intermediaries Association

United Motorcoach Association