

February 6, 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. Our organizations supported investments made in the IIJA, which include programs dedicated to carbon reduction and infrastructure resilience. However, regulatory overreach outside the bounds of the IIJA has the potential to limit improvements to our infrastructure.

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. While a previous administration considered establishing a similar greenhouse gas performance rule, the agency later determined that the rule exceeded its statutory authority as specified under 23 U.S.C. 150(c)(2)(C) and furthermore 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
Agricultural Retailers Association
American Bus Association
American Coal Ash Association
American Concrete Pavement Association
American Concrete Pipe Association
American Concrete Pumping Association
American Council of Engineering Companies
American Farm Bureau
American Highway Users Alliance
American Pipeline Contractors Association

American Sheep Industry Association
American Trucking Associations
Associated Equipment Distributors
Association of Equipment Manufacturers
Concrete Reinforcing Steel Institute
National Aquaculture Association
National Asphalt Pavement Association
National Association of Manufacturers
National Association of Wholesaler-Distributors
National Cattlemen's Beef Association
National Grain and Feed Association
National Limousine Association
National Pork Producers Council
National Precast Concrete Association
National Ready Mixed Concrete Association
National Stone, Sand & Gravel Association
National Utility Contractors Association
Owner-Operator Independent Drivers Association
Portland Cement Association
Power & Communication Contractors Association
Precast/Prestressed Concrete Institute
Rural & Agriculture Council of America
Transportation Intermediaries Association
United Motorcoach Association
USA Rice
U.S. Cattlemen's Association
U.S. Chamber of Commerce
Water and Sewer Distributors of America