

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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WASHINGTON, DC 20515-6301

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May 11, 2016

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

Dear Secretary Foxx:

The Committee on Science, Space, and Technology is conducting oversight of President Obama's Climate Action Plan along with associated regulatory activities imposed by federal agencies. Specifically, the Committee is concerned with the U.S. Department of Transportation Federal Highway Administration's (FHWA) recent proposed rulemaking outlining new performance measures to assess travel reliability, congestion, and emissions at a national level.¹ In addition to calling for an increased level of transparency and accountability in establishing and achieving targets for performance affecting commuters and truck drivers, the proposed regulation requires the estimation and reporting of the reduction in criteria pollutants resulting from federal funding. As part of this rulemaking process, the FHWA is also seeking comment on whether and how to establish a greenhouse gas emissions measure.

The Committee is troubled by recent reports raising concerns from several federal agencies about whether the proposed rule is necessary, or is instead the direct result of political interference and pressure from White House officials. For example, one report states the following:

Sources said an initial Department of Transportation draft of the rule did not even include greenhouse gases, which triggered a few months of interagency battles, and even this version merely invites comments on a greenhouse gas rule as a planning and reporting tool. A top federal transportation official told me several

¹ FHWA Publishes NPRM to Propose National Performance Management Measures to Assess Performance of the National Highway System, Freight Movement on the Interstate System, and the Congestion Mitigation and Air Quality Improvement Program, Apr. 26, 2016, available at: https://www.fhwa.dot.gov/tpm/rule/pm3_nprm.cfm (last visited Apr. 26, 2016).

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weeks ago that he was worried about the complexity of the problem, and unsure how the regulatory details would work.²

The Committee has been actively engaged in understanding the technical and scientific merits used to justify the Administration's Climate Action Plan. Furthermore, the Committee is concerned that FHWA's proposed performance measures regulation is based on political expediency rather than sound science. To assist the Committee's efforts to ensure FHWA's adherence to sound scientific principles and an objective process in agency rulemaking, please produce the following documents in electronic format:

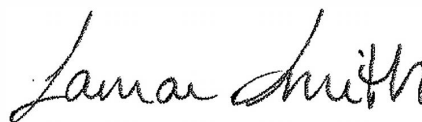
- All documents and communications between or among Department of Transportation employees, Office of Management and Budget employees, and employees of the Executive Office of the President referring or relating to the proposed rule for performance measures to assess travel reliability, congestion, and emissions at a national level.

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific programs and "shall review and study on a continuing basis laws, programs, and Government activities" as set forth in House Rule X.

The Committee requests that you provide the requested documents and information, in electronic format, as soon as possible, but no later than noon on May 25, 2016.

If you have any questions about this request, please contact Joseph Brazauskas or Richard Yamada of the Science, Space, and Technology Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Lamar Smith
Chairman

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member, House Committee on Science, Space and Technology

² Michael Grunwald, A New Obama Emissions Play: The Administration Floats a Rule Governing Transportation Projects, Apr. 18, 2016, available at: <http://www.politico.com/agenda/story/2016/04/a-new-obama-emissions-play-000095>.