



## *Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

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JARED W. PERDUE, P.E.  
SECRETARY

April 3, 2024

Dear Metropolitan Planning Organization Partners,

As the Florida Department of Transportation (FDOT) continues our collaboration with and in support of Florida's Metropolitan Planning Organizations (MPOs), we remain committed to providing updates on recent events to ensure clarity and transparency regarding FDOT's actions.

As you are aware, on December 7, 2023, USDOT issued a Final Greenhouse Gas (GHG) Rule requiring state DOTs and MPOs to establish and report on declining carbon dioxide targets biennially as part of the Transportation Performance Management (TPM) program. The Rule required state DOTs to submit declining GHG targets by February 1, 2024. However, the Infrastructure Investment and Jobs Act (IIJA) did not explicitly authorize USDOT to assess environmental performance and FHWA exhibited broad overreach in the promulgation of the GHG Rule.

Furthermore, the high level of efforts and costs associated with the GHG Rule compliance is burdensome and an economic hardship to our agency partners. This was especially important due to the language in the Rule that relates to MPOs, as Florida has the highest number of MPOs in the nation – 27 MPOs and 33 UZAs (urbanized areas with populations over 50,000).

Florida has the best air quality on record and consistently commits to projects that protect our natural resources, including protecting our water quality and restoring the Everglades. Florida is the most populous state to meet or exceed the existing Environmental Protection Agency (EPA) benchmarks for air quality.

On December 21, 2023, Florida joined 20 other states and filed a complaint in Kentucky federal court requesting relief from the GHG Rule requiring states to submit declining GHG targets. Shortly after the filing, FHWA postponed the original target submission deadline to March 17, 2024, and ultimately to April 1, 2024.

The state of Texas initiated a separate challenge in a Texas federal court and received an Order from the District Judge on March 27 determining that the 2023 GHG Rule was promulgated in excess of USDOT's statutory authority. The judge vacated the Rule and provided relief to all impacted pending a 7-day administrative stay permitting USDOT to seek relief.

On April 1, the Kentucky federal court entered an Order finding that the GHG Rule exceeds FHWA's statutory authority and is arbitrary and capricious. Currently, no appeals have been filed in either case.

Thank you for your partnership throughout this very worthy process. As we move forward, we will continue to collaborate with our MPO partners and deliver a transportation system that will meet the needs of our growing state, support Florida's economic growth, and ensure resiliency of our network into the future.

Regards,

A handwritten signature in black ink, appearing to read 'JWP', with a stylized flourish extending to the right.

Jared W. Perdue, P.E.  
Secretary