Florida Department of Transportation

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JARED W. PERDUE,
P.E. SECRETARY

November 13, 2023

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

Secretary Buttigieg,

As Secretary of the Florida Department of Transportation (FDOT), it is my responsibility to keep Florida's supply chain moving to ensure it can support over 22.5 million residents, 137 million visitors, and a top-15 global economy. Today, FDOT is managing the largest Transportation Work Program in state history totaling over $68 billion, with only 25% coming from federal sources. Given these record investments, my fiduciary responsibility to Florida taxpayers is more important than ever and extends to the evaluation of federal programs–whether formula-based or competitive.

In consultation with my team and after careful review of the requirements for the U.S. Department of Transportation's (USDOT) formula-based 'Carbon Reduction' Program outlined in 23 USC 175, I write to formally notify you of FDOT's decision to not participate in the continued efforts of this program. In making this decision, it became clear that conflicts exist between the authority granted to USDOT by Congress and the broad interpretation that USDOT seeks to implement.

As I noted last year in comments[1] regarding USDOT's attempt to legislate through administrative action, nothing within the IIJA explicitly allows for federally-induced mandates for states to track, *or achieve a certain level*, of reduced CO2 emissions. Further, to-date USDOT has failed to publish or provide guidance it committed to in April 2022, "on the process under which the Secretary will certify state transportation emissions reductions."[2]

As highlighted in Florida's recent[3] response to a similar proposal by the U.S. Environmental Protection Agency (EPA), Florida has the cleanest air on record, meeting or exceeding all EPA benchmarks, with emissions continuing to fall as fast as our state grows.

Rather than support the continued politicization of our roadways, FDOT's time, money, and resources will be focused on building roads and bridges–not reducing carbon emissions. Please consider this letter as FDOT's response to your department's November 15th deadline. My team

[1] Florida Department of Transportation's Response to Docket ID No. FHWA-2021-004
[2] USDOT Carbon Reduction Program Implementation Guidance
[3] Florida Department of Environmental Protection's Response to Docket ID No. EPA-HQ-OAR-2023-0072

stands ready to discuss at your team's availability and will continue to review remaining programs in the IIJA to determine our participation.

Regards,

Jared W. Perdue, P.E.
Secretary

cc: Shailen Bhatt, FHWA Administrator