



MEMORANDUM

TO: TPB Technical Committee
FROM: Erin Morrow, TPB Transportation Engineer
Eric Randall, TPB Transportation Engineer
SUBJECT: FHWA Notice of Proposed Rulemaking (NPRM) for Greenhouse Gas (GHG) Emissions Performance Measure
DATE: September 2, 2022

On Friday, July 15, 2022, the Federal Highway Administration (FHWA) issued a Notice of Proposed Rulemaking (NPRM) to establish a performance measure for greenhouse gas (GHG) emissions as part of the National Highway Performance Program (NHPP). The public comment period ends on October 13, 2022.

The proposed rule would require state DOTs and MPOs to set declining targets for carbon dioxide (CO₂) emissions on the Interstate and non-Interstate National Highway System (NHS) to support the national goals of reducing economy-wide GHG emissions by 50%-52% below 2005 levels by 2030 and net zero by 2050. State DOTs would be required to set two- and four-year targets and MPOs would be required to set four-year targets, as part of the performance-based planning process (PBPP) also required for highway safety, highway assets, and other performance areas. The proposed performance measure would be a percent change in tailpipe CO₂ emissions on the NHS, compared to a reference year of 2021. State DOTs would measure emissions reductions for their state using a prescribed formula; MPOs could use the same formula or have the flexibility to use other technical methods through agreement with the DOTs.

The proposed rule does not dictate the levels for the targets, but rather that “state DOTs and MPOs would have flexibility to set targets that are appropriate for their communities and that work for their respective climate change and other policy priorities, as long as the targets would reduce emissions over time.” The proposed rule does not establish penalties for failing to meet the targets.

TPB staff are developing a comment letter providing feedback on technical aspects of the rule that will be included in the TPB’s September meeting materials. TPB staff have been in coordination with the region’s DOTs on this letter and have also been participating in and/or reviewing federal, AASHTO, and AMPO webinars and information on the NPRM.

ADDITIONAL INFORMATION

Federal Register publication of the NPRM:

<https://www.federalregister.gov/documents/2022/07/15/2022-14679/national-performance-management-measures-assessing-performance-of-the-national-highway-system>

Federal Docket materials:

Greenhouse Gas Emissions Performance Measure NPRM - Webinar Announcement, Transcript, and Slides (August 23-24, 2022)

<https://www.regulations.gov/document/FHWA-2021-0004-0040>