



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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April 13, 2007

The Honorable Richard Capka
Administrator
Federal Highway Administration
400 Seventh Street, S.W.
Washington, DC 20590

Dear Administrator Capka:

We write to urge the Federal Highway Administration (FHWA) to take steps to address the lack of transparency and public participation, at both the federal and state levels, in the implementation of congressionally mandated rescissions of unobligated highway program funds. The Committee on Transportation and Infrastructure is very concerned that the failure to provide adequate notice combined with the inability of the public and local partners to participate in the rescission decision-making process undermines the local planning process, a hallmark of the federal surface transportation program.

Recent data demonstrate that in implementing previous rescissions, states have disproportionately rescinded contract authority from the Congestion Mitigation and Air Quality Improvement (CMAQ) program, the Bridge program, and transportation enhancements funds. These programs made up 70 percent of the fiscal year 2006 rescission, although they accounted for only 25 percent of the annual state apportioned funds. These reductions undermine community and local transportation priorities developed during the transportation planning process.

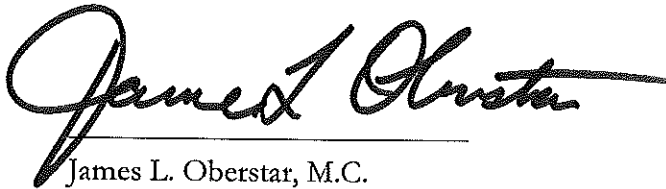
We are particularly concerned about the process for FHWA's March 19, 2007 notice issued to state departments of transportation implementing the rescission of \$3.471 billion in unobligated program balances pursuant to the Continuing Appropriations Resolution, FY 2007 (P.L. 110-5). In this case, neither the FHWA nor the Department of Transportation has provided notice to the public by posting the rescission notice on their website.

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For this reason, we urge the FHWA to issue a revised order extending the deadline for states to respond to FHWA's March 19th order. In doing so, FHWA should require states to establish a process to involve the public and local partners in its decision-making process regarding the implementation of the rescissions.

Thank you for your consideration.

Sincerely,



James L. Oberstar, M.C.
Chairman



Peter A. DeFazio, M.C.
Chairman
Subcommittee on
Highways and Transit