

# [***Trump-Appointed Federal Judge Smacks Down 'Arbitrary And Capricious' Biden EV Scheme***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BPG-D131-JBFB-H00V-00000-00&context=1516831)

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**Body**

[*Link to Image*](https://cdn01.dailycaller.com/wp-content/uploads/2024/04/GettyImages-2051166898-scaled-e1712071039973.jpg)

A federal judge blocked a Biden administration rule on Monday that would have forced states to set emissions reduction plans for certain roadways.

A coalition of 21 states [*sued*](https://www.courthousenews.com/21-red-states-sue-biden-administration-over-emission-reduction-targets/) the Federal Highway Administration (FHWA) over the rule, which was [*finalized*](https://dailycaller.com/2023/11/27/biden-admin-highway-emissions-rule-thanksgiving-eve/) the day before Thanksgiving 2023 and required states to establish greenhouse gas reduction targets for federally-funded roadway projects. The U.S. District Court for the Western District of Kentucky sided with the states, providing declaratory relief and finding that the FHWA overstepped its statutory authority, but stopped short of permanently enjoining enforcement of the rule or vacating it altogether, [*according*](https://www.ag.ky.gov/Press%20Release%20Attachments/FHWA%20case--Opinion.pdf) to the opinion's text.

“Even assuming Congress gave the Administrator authority to set environmental performance standards that embrace CO2, the Administrator exercised that authority in an arbitrary and capricious manner,” Judge Benjamin Beaton, an appointee of former President Donald Trump, wrote in his opinion.

Some opponents of the rule, like Republican North Dakota Sen. [*Kevin Cramer*](https://transportation.house.gov/news/documentsingle.aspx?DocumentID=407210), have characterized the Biden administration's effort to link vehicular emissions reductions with federal funds as a thinly-veiled effort to push electric vehicles (EVs) on Americans, or otherwise restrict transportation via gas-powered vehicles. Other federal agencies, including the [*Environmental Protection*](https://dailycaller.com/2024/03/20/biden-epa-tailpipe-standards-electric-vehicles/) [*Agency*](https://dailycaller.com/2024/03/29/biden-epa-electric-trucks-emissions-regulation/) (EPA) and the [*National Highway Safety Transportation Administration*](https://dailycaller.com/2023/07/28/biden-admin-fires-next-regulatory-salvo-in-its-ev-push/) (NHTSA), have promulgated their own regulations that effectively require significant increases in EV production over the coming years. [***(RELATED: Biden's EV Push Could Spell Bad News For America's Worn Out Roadways)***](https://dailycaller.com/2024/02/05/biden-ev-problems-road-infrastructure/)

[*FHWA Case Opinion*](https://www.scribd.com/document/719304751/FHWA-Case-Opinion#from_embed) by [*Nick Pope*](https://www.scribd.com/user/679679430/Nick-Pope#from_embed)

The attorneys general of Kentucky, Alabama, Alaska, Arkansas, Florida, Idaho, Indiana, Iowa, Kansas, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Utah, Virginia, West Virginia and Wyoming brought the lawsuit against the FHWA.

“President Biden's radical environmental agenda has lost touch with reality, and Kentucky families, farmers and workers are paying the price,” Republican Kentucky Attorney General Russell Coleman [*said*](https://www.kentucky.gov/Pages/Activity-stream.aspx?n=AttorneyGeneral&prId=1547) in response to the court's ruling. “Like all Americans, Kentuckians love our trucks, cars and vans. With this victory in court, we're slamming the brakes on the Biden Administration's ***politics*** that make no sense in the Commonwealth.”

The final rule did not specify how much state and local transportation agencies would actually have to reduce emissions. The agency touted this structure as providing flexibility for subnational governments when it announced the final rule in November, but critics like Cramer [*warned*](https://www.cramer.senate.gov/news/press-releases/sen-cramer-statement-fhwa-publishes-final-rule-imposes-greenhouse-gas-emissions-performance-measures-on-state-departments-of-transportations) at the time that the regulation is “fundamentally unworkable” in rural regions of the U.S.

Similar emissions reduction mandates for federally-funded highway projects were intentionally left out of the 2021 bipartisan infrastructure law while lawmakers were negotiating the package, Republican West Virginia Sen. Shelley Moore Capito previously told the DCNF. The infrastructure bill contains about $350 billion for federal highway programs to be spent between 2022 and 2026, [*according*](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/funding.cfm#:~:text=The%20Infrastructure%20Investment%20and%20Jobs,fiscal%20years%202022%20through%202026).) to the FHWA.

The FHWA did not respond immediately to a request for comment.

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**Graphic**

President Joe Biden delivers prepared remarks during a meeting in the Oval Office at the White House on March 1, 2024 in Washington, D.C. (Photo by Chip Somodevilla/Getty Images)

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