

Case No. _____

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

STATE OF NEW YORK, STATE OF CALIFORNIA, STATE OF VERMONT,
STATE OF MARYLAND and COMMONWEALTH OF PENNSYLVANIA,

Petitioners,

v.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; JACK
DANIELSON, in his capacity as Acting Deputy Administrator of the National
Highway Traffic Safety Administration; and ELAINE L. CHAO, in her capacity
as Secretary of the United States Department of Transportation,

Respondents.

**PETITION FOR REVIEW OF A FINAL RULE OF THE NATIONAL
HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

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PETITION FOR REVIEW

Pursuant to the Energy Policy and Conservation Act, 49 U.S.C. § 32909, Section 702 of the Administrative Procedure Act, 5 U.S.C. § 702, and Rule 15 of the Federal Rules of Appellate Procedure, the States of New York, California, Vermont and Maryland, and the Commonwealth of Pennsylvania hereby petition this Court to review and set aside a final action taken by Respondents to indefinitely delay the effective date of a final rule increasing the civil penalty rate for violations of the Corporate Average Fuel Economy standards. The rule challenged herein is titled “Civil Penalties ... Final rule; delay of effective date” and was published in the Federal Register at 82 Fed. Reg. 32139-40 (July 12, 2017).

A copy of the challenged final rule is attached as Exhibit A to this Petition.

Dated: September 8, 2017

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