



U.S. Department
of Transportation

Office of the Administrator

400 - Seventh St., SW
Washington, DC 20590

Federal Motor Carrier
Safety Administration

FMCSA-98-3297-38
FMCSA-98-3298-31
FMCSA-98-3299-32

JUN 11 2001

Refer to: MC-ESB

Ms. Dore Skeels
3501 Wittington Court
Springfield, IL 62704

Dear Ms. Skeels:

Thank you for your January 22 letter to Senator Richard J. Durbin recommending that the current ban on Mexican trucks and drivers beyond the 3-20 mile commercial zone into the United States should not be lifted because of safety and other concerns. Your letter was forwarded to the Federal Motor Carrier Safety Administration (FMCSA) for response.

In what follows I will address safety concerns you expressed. I trust that copies of your letter have been forwarded to the agencies having jurisdiction over the other issues you raised.

In a final report issued on February 6, 2001, a NAFTA panel unanimously concluded that the current U.S. policy of refusing to process any Mexican applications for commercial truck and bus operating authority beyond our border commercial zones is a NAFTA violation. The panel also noted that, to address legitimate safety concerns, the United States could on a case-by-case basis subject Mexican motor carriers seeking U.S. operating authority or operating in the United States to different safety requirements than it applies to U.S. and Canadian carriers. The U.S. Department of Transportation (DOT) is addressing the panel's findings. We intend to open the border to allow authorized Mexican carriers—those in full compliance with our safety regulations and other requirements—to operate beyond the commercial zones before the end of this year. Let me assure you that as we move forward, we will not allow any compromise in highway safety.

Mexican trucks and drivers operating in the United States must comply with the full range of Federal and State safety and operating requirements applicable to U.S. carriers. These include requirements concerning driver qualifications; vehicle inspection, maintenance and repair; driver hours of service; and drug and alcohol testing. On May 3, 2001, the FMCSA published in the *Federal Register* a Notice of Proposed Rulemaking concerning the regulations and application form for Mexican-domiciled motor carriers to operate in U.S. municipalities and commercial zones on the U.S.-Mexico border. Under the proposal, all Mexican carriers seeking to operate in the United States must apply for and, provided they satisfy certain strict requirements, receive authority from FMCSA. New applications would be required both from carriers seeking authority to continue to operate only within the commercial zones and from those seeking authority to operate beyond the commercial zones. Even carriers that have been granted authority to operate within the commercial zones would need to obtain new authority to operate beyond these zones.

The application process for Mexican motor carriers would be revised to require that applicants substantiate their knowledge of, and willingness and ability to comply with, the Federal Motor Carrier Safety Regulations. FMCSA would thoroughly review each application and verify that

certain important information is included. We would conduct seminars to familiarize prospective carrier applicants with the application process and our safety requirements.

FMCSA intends to closely monitor Mexican carriers operating in the U.S. to ensure they are performing in a safe manner and complying with all requirements. We will identify carriers with poor safety performance and take appropriate enforcement action. Within 18 months after receiving authority to operate in the United States, carriers will be subject to a review of their basic safety management controls and of documents they are required to maintain.

A critical element in raising the compliance levels of Mexican trucks and buses entering the United States is the predictability of inspection activity at the border. We believe that a permanent and consistent enforcement presence is essential to safe cross-border operations. In concert with the states, we have taken steps to increase enforcement activities on the U.S. side of the border. Currently, there are 60 Federal inspectors at the border conducting inspections of trucks and buses entering the U.S. from Mexico, and the states are devoting the equivalent of 178 personnel to border inspection activities. In 2000, Federal and State inspectors conducted more than 46,000 inspections of Mexican vehicles and drivers. To further augment U.S. enforcement capabilities, the U.S. Department of Transportation (DOT) is requesting additional Federal inspectors and assisting the states to build and staff inspection facilities at or near ports of entry.

In addition, the United States and Mexico have engaged in extensive technical consultations to develop a safety compliance and enforcement program in Mexico that will ensure to the extent possible safe cross-border operations. These efforts have resulted in major improvements to Mexico's commercial motor vehicle compliance and enforcement program. Mexico has trained inspectors and instructors in U.S. safety inspection techniques; developed electronic safety databases to help monitor the safety compliance of carriers and drivers and facilitate exchange of safety information between Mexico and the United States; and published regulations that establish safety, operating, and logbook requirements for carriers and drivers.

We believe that the actions we are taking in the United States, in addition to Mexico's continued progress in developing comparable compliance and enforcement programs in that country, provide a sound safety basis for implementation of NAFTA's truck and bus access provisions.

Your letter has been placed in public docket FMCSA-98-3299 for the Notice of Proposed Rulemaking, Safety Monitoring System and Compliance Initiative for Mexican Motor Carriers Operating in the United States.

Sincerely yours,


Julie Anna Cirillo
Acting Deputy Administrator

cc:

The Honorable Richard J. Durbin