



**ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY**

Mexican Border and DOT Pilot Program Chronology

- Sept. 10, 2007:** Senators Dorgan (D-ND) and Specter (R-PA) introduce amendment to FY2008 DOT Appropriations bill to block funding for cross-border long-haul trucking pilot program and to continue to limit operations by Mexico-domiciled motor carriers to commercial zones inside the U.S. Amendment is identical to provision passed by House on July 24, 2007.
- Sept. 7, 2007:** The Owner-Operator Independent Drivers Association (OOIDA) files lawsuit in U.S. Court of Appeals (D.C. Circuit) challenging legality of DOT pilot program and file emergency motion to stay DOT action.
- Sept. 6, 2007:** Department of Transportation (DOT) Office of Inspector General (OIG) files report required by Section 6901 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, detailing DOT compliance with actions required under Section 350 of the FY2002 DOT Appropriations Act. OIG report details specific areas in which DOT has not completed required safety actions.
- DOT files letter with Congress responding to DOT OIG report and provides additional information purporting to address shortcomings in border preparation that OIG report identified as not meeting congressional requirements in Section 350 of the FY2002 DOT Appropriations Act. On same night, DOT holds press conference to announce start of cross-border pilot program and announce grant of preliminary operating authority to first Mexico-domiciled long-haul motor carrier.
- Aug. 29, 2007:** Public Citizen, Int'l Brotherhood of Teamsters, Sierra Club and others file lawsuit in U.S. Court of Appeals (9th Circuit) challenging legality of DOT pilot program and file emergency motion to stay DOT action. The court denies the motion for a stay on August 31, 2007.
- Aug. 17, 2007:** Federal Motor Carrier Safety Administration (FMCSA) publishes response to public comments and states that after final OIG report is submitted as required by Section 6901 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, and DOT takes action to respond to OIG report, DOT will commence granting preliminary operating authority to Mexico-domiciled motor carriers to travel beyond commercial zones on U.S.-Mexico border.
- Aug. 6, 2007:** DOT OIG issues latest follow-up audit report required under Section 350 of the FY2002 DOT Appropriations Act. Report still finds that several outstanding issues remain incomplete, including the sufficiency and

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quality of information in Mexican and U.S. license databases, the availability of bus inspection facilities, compliance of Mexican commercial vehicles with U.S. safety standards and compliance with U.S. drug and alcohol testing requirements. Prior OIG audit reports were issued on Dec. 28, 1998, Nov. 4, 1999; May 8, 2001; Sept. 21, 2001; June 25, 2002; May 16, 2003; and Jan. 3, 2005.

- July 24, 2007:** House votes to amend FY2008 DOT Appropriations bill (H.R. 3074) to block funding for cross-border long-haul trucking pilot program and to continue to limit operations by Mexico-domiciled motor carriers to commercial zones inside the U.S.
- June 8, 2007:** FMCSA publishes notice responding to Section 6901 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, but agency fails to provide specific information that meets either letter or spirit of the law. FMCSA provides only 20 days for public comment.
- May 25, 2007:** Section 6901 requires U.S. Department of Transportation (DOT) to comply with existing laws regarding the safety of cross-border trucking and pilot programs, and directing DOT to provide further information on the pilot program.
- May 16, 2007:** House passes Safe American Roads Act of 2007, H.R. 1773, by 411-3 vote, indicating strong bipartisan support for measures to ensure that opening of the U.S. border to long-haul, Mexico-domiciled interstate operators does not diminish safety on U.S. highways and roads.
- May 1, 2007:** FMCSA publishes initial notice on pilot program providing no new information and which does not mention either the safety requirements included in Section 350 of the FY2002 DOT Appropriations Act (2001), or the procedures required for the conduct of pilot programs enacted in the Transportation Equity Act for the 21st Century (TEA-21) (1998). The public is given 30 days to comment.
- Mar. 13, 2007:** House Subcommittee on Highways and Transit, Transportation and Infrastructure Committee, holds hearing on DOT pilot program.
- Mar. 8, 2007:** Senate Subcommittee on Transportation and Housing and Urban Development & Related Agencies, Committee on Appropriations, holds hearing on DOT pilot program. Reveals document dated September, 2006, indicating agreement between U.S. and Mexican authorities on how to proceed and that full opening of U.S. border will follow pilot program.
- Feb. 13, 2007:** DOT Secretary Peters announces that U.S. and Mexico have agreed to on-site inspections of Mexico-domiciled motor carriers to conduct pre-authorization safety audits and, therefore, cross border pilot program with 100 participating Mexico-domiciled motor carriers can commence within

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60 days. Document on DOT website states that planning for pilot program began in June, 2004.

- Oct. 17, 2006:** Advocates for Highway and Auto Safety files request for pilot program records with FMCSA under the Freedom of Information Act (FOIA).
- Sept. 26, 2006:** At Senate confirmation hearing, Secretary of Transportation-designate Mary Peters testifies that no plans to conduct a pilot program to permit Mexican-domiciled trucks to operate throughout the U.S. exist and that she will notify Congress if such a plan is developed by DOT.
- Jan. 3, 2005:** DOT OIG issues follow-up audit report that indicates several problems remain to be resolved under Section 350. This is latest OIG audit report on serious safety deficiencies of U.S. federal and state oversight of the safety of Mexico-domiciled trucks and buses entering the U.S.
- 2003-2006:** U.S. and Mexican authorities negotiate over Section 350 requirement that pre-authorization safety audits of Mexican-domiciled motor carriers take place on-site in Mexico.
- Nov. 22, 2002:** DOT Secretary certifies that section 350(a) requirements have been met.
- Dec. 21, 2001:** The Government Accounting Office (GAO) issues latest report finding that the U.S. is not prepared to meet the safety oversight needs of growing commercial traffic from Mexico.
- Dec. 18, 2001:** Enactment of FY2002 DOT Appropriations Act includes Section 350 imposing requirements on DOT regarding the Safety of Cross-Border Trucking. DOT OIG required to issue reports to verify progress of DOT in meeting requirements.
- Feb. 6, 2001:** North American Free Trade Agreement (NAFTA) Arbitral Panel issues ruling requiring U.S. to open border but permits the U.S. to adopt safety requirements for Mexico-domiciled motor carriers that are different from those for U.S.-domiciled motor carriers. DOT states that it will open border to Mexico-domiciled commercial vehicles by January 2002.
- Mar. 3, 2000:** GAO issues a report finding that there is insufficient coordination of resources between federal and state motor carrier safety personnel to address increased commercial traffic from Mexico entering the U.S.
- Nov. 9, 1999:** DOT OIG issues follow-up audit report finding that there are numerous, illegal operations of Mexico-domiciled motor carriers operating outside the restricted boundaries of the southern commercial zones in 20 states; many Mexican trucks and buses have no insurance, drivers have no valid licenses, U.S. federal databases are incomplete and inaccurate on Mexican truck and bus registrations; and many Mexican vehicles have serious safety violations.

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- Dec. 28, 1998:** DOT OIG issues first oversight audit report.
- Aug. 8, 1997:** GAO issues another NAFTA-related report on safety deficiencies of U.S. border inspection efforts of Mexico-domiciled commercial buses and vans entering the U.S. to operate in the southern commercial zones.
- April 9, 1997:** GAO issues another oversight report on NAFTA-related issues of Mexico-domiciled motor carrier safety. GAO documents U.S. federal funds provided to Mexico from 1991-1995 to strengthen the use of Mexican motor carrier inspection resources in Mexico and the essential failure of the effort by 1996.
- Feb. 29, 1996:** U.S. GAO releases reports reviewing concerns about safety of Mexico-domiciled motor carriers in the U.S. including the lack of motor carrier safety oversight in Mexico and the lack of any Mexican commercial driver hours of service limits.
- Dec. 18, 1995:** President Clinton postpones implementation of NAFTA cross-border trucking provision based on safety and environmental concerns.
- Nov. 1993:** Congress approves NAFTA.
- Dec. 1992:** Representatives of U.S., Canada and Mexico finalize NAFTA to include allowing Mexico-domiciled motor carriers to conduct interstate operations throughout U.S. by Dec. 18, 1995.
- July 16, 1992:** U.S. DOT declares equivalence of U.S. Commercial Driver License (CDL) with Mexican Licencia Federal de Conductor (LFC) in Memorandum of Understanding published without prior notice or opportunity for public comment. 57 FR 31454 (July 16, 1992). Actual provisions of the LFC are not made public.
- 1982:** President Reagan lifts moratorium for Canadian trucking. 47 FR 54053 (1982).
- Sept. 20, 1982:** Congress bans interstate transportation by trucks and buses domiciled in Mexico and Canada. Legislation provides the President with the authority to modify the moratorium. Bus Regulatory Reform Act of 1982, Pub. L. 97-261 (Sept. 20, 1982).