

**THE SAFETY AND SECURITY OF TRANSPORTATION
INTO THE UNITED STATES BY MEXICO-DOMICILED MOTOR CARRIERS
IN FISCAL YEAR 2008 ANNUAL REPORT**

Pursuant to Section 135 of the Transportation, Housing and Urban Development,
and Related Agencies Appropriations Act, 2008
Public Law 110-161, Division K
June 2012

Background

Since the early 1990s, the U.S. Department of Transportation (DOT) has actively pursued increased compliance with the Federal Motor Carrier Safety Regulations (FMCSR) by Mexico-domiciled motor carriers. Since 1995, DOT has supplemented basic Motor Carrier Safety Assistance Program funds with additional grant monies for border enforcement activities. In Fiscal Year (FY) 2008, that amounted to \$26.6 million of Border Enforcement Grant funds directed to the southern border States to conduct vehicle and driver inspections as a complement to the enforcement activities of Federal inspectors.

During FY 2008, the Secretary of Transportation announced a 2-year extension of the demonstration project begun in 2007 to test the operational and safety performance of Mexico-domiciled motor carriers operating beyond the municipalities and commercial zones on the United States-Mexico border. The goal of the project was to collect additional data on the safety and compliance of participating Mexico-domiciled carriers with all applicable Federal safety standards and the requirements of the demonstration project. The DOT Office of Inspector General (OIG) issued an "Interim Report on NAFTA Cross-Border Trucking Demonstration Project" (MH-2008-040) in March 2008. After the first 6 months of the project, the OIG found that the number of carriers and vehicles participating in the project was fewer than had been originally anticipated, making it difficult to calculate reliable statistical projections regarding the safety attributes of Mexico-domiciled carriers. The report also noted that the Federal Motor Carrier Safety Administration (FMCSA) had established and enhanced mechanisms for monitoring and enforcing safety rules by program participants, but a quality control measure to ensure that every participating vehicle was checked when it crossed the border was not yet fully implemented. The quality control measure was later implemented.

The primary mission of FMCSA is to reduce crashes, injuries, and fatalities involving commercial motor vehicles (CMV). However, FMCSA also supports the programs of other Federal agencies whose primary focus is security. The FMCSA works closely with the U.S. Customs and Border Protection (CBP) to ensure that southern border safety inspection activities are coordinated with border security and other CBP responsibilities. The FMCSA assists the Transportation Security Administration in implementing Section 1012 of the USA PATRIOT Act regarding the issuance of licenses to operate CMVs transporting hazardous materials. Other security-related actions include training FMCSA personnel and border inspectors to assess a motor carrier's security practices and providing the Trucks and Terrorism Seminar/Workshop for law enforcement and industry representatives. The Agency also provides industry outreach for

developing effective security plans for highway transportation of hazardous materials as well as company and driver anti-terrorism tips on its public Web site.

Safety Performance Data

This report serves to summarize information drawn from the major safety activities conducted at the southern border to ensure that Mexico-domiciled motor carriers are operating safely within the United States. These activities include inspections of Mexico-domiciled motor carriers and Federal license checks of Mexico-domiciled drivers conducted during border facility and other roadside safety inspections. Federal and State personnel perform inspections and driver's license checks within the Federal inspection compounds, at State inspection facilities adjacent to these compounds, and in the surrounding counties.

The percentages of inspected drivers and vehicles placed out of service are FMCSA's primary measures of motor carrier, vehicle, and driver safety performance. Low and decreasing out-of-service (OOS) rates indicate greater compliance with FMCSRs, leading to safer operation on the Nation's highways. Driver and vehicle OOS rates are quantifiable and comparable over time.

The following table presents OOS rates for Mexico-domiciled CMVs from FY 1993 through FY 2008. This table indicates that driver and vehicle OOS rates for Mexico-domiciled CMVs inspected along the southern border decreased from 24.73 percent and 50.17 percent, respectively, in FY 1993, to 1.24 percent and 21.20 percent, respectively, in FY 2008. The comparable national averages (based on all inspections performed throughout the United States) of driver and vehicle OOS rates in FY 2008 were 6.56 percent and 22.32 percent, respectively. The number of inspections performed increased markedly between FY 1993 and FY 2008 as additional safety compliance resources were directed to the southern border. In the same period, truck and bus entries from Mexico into the United States increased 109 percent, from 2.51 million in FY 1993 to 5.24 million in FY 2008.

**Mexico-Domiciled (MX) Motor Carrier
Driver and Vehicle Out-of-Service (OOS) Rates – FY 1993 through FY 2008**

Federal Fiscal Year	Truck & Bus Entries from Mexico (millions)	Total Border Zone Inspections	MX Carrier Inspections	Percent of Total	MX Driver OOS Rate Percentage	MX Vehicle OOS Rate Percentage
1993	2.51	11,222	2,395	21.34%	24.73%	50.17%
1994	2.83	11,462	2,819	24.59%	22.47%	60.33%
1995	2.99	13,189	4,274	32.41%	20.83%	54.57%
1996	3.18	34,457	7,597	22.05%	17.68%	47.25%
1997	3.76	59,432	23,457	39.47%	11.41%	43.58%
1998	4.15	62,185	24,305	39.08%	9.90%	41.90%
1999	4.56	107,158	31,099	29.02%	8.10%	39.43%
2000	4.81	161,724	52,291	32.33%	6.89%	36.76%
2001	4.61	211,999	72,470	34.18%	7.70%	33.88%

Federal Fiscal Year	Truck & Bus Entries from Mexico (millions)	Total Border Zone Inspections	MX Carrier Inspections	Percent of Total	MX Driver OOS Rate Percentage	MX Vehicle OOS Rate Percentage
2002	4.71	233,699	102,039	43.66%	7.29%	27.08%
2003	4.58	306,131	160,864	52.55%	3.47%	23.57%
2004	4.74	320,707	165,770	51.69%	1.97%	23.29%
2005	4.84	356,929	192,835	54.03%	1.12%	20.43%
2006	5.07	427,353	210,881	49.35%	1.26%	20.94%
2007	5.11	424,480	214,870	50.62%	1.03%	21.57%
2008	5.24	430,648	221,221	51.37%	1.24%	21.20%

Sources: The CBP national and field offices data, FY 1993 through 2008; FMCSA Motor Carrier Management Information System analyses, through February 2009.

Driver's license check data are provided for FY 2004 through FY 2008. These checks were conducted through Mexico's Federal commercial driver's license system, Licencia Federal Information System, the Commercial Driver's License Information System, and the International Justice and Public Safety Network, during the course of roadside or border facility inspections. During FY 2008, there were 190,971 driver's license checks conducted for Mexico-domiciled drivers entering or operating in the United States. The percentage of valid licenses presented in FY 2008 was 98.6 percent, and 1.4 percent of the licenses presented were expired. Less than 0.1 percent (82 of the licenses presented) were from disqualified drivers.

**Mexico-Domiciled Commercial Drivers' License Checks from CDLIS and International Justice and Public Safety Network
FY 2004 to FY 2008**

Federal Fiscal Year	Status						Total Checks
	Valid		Expired		Disqualified		
	count	%	count	%	count	%	
2004	98,141	95.1%	5,010	4.9%	58	0.1%	103,209
2005	113,067	96.7%	3,881	3.3%	25	0.0%	116,973
2006	178,189	97.7%	4,157	2.3%	25	0.0%	182,371
2007	180,163	98.3%	2,999	1.6%	174	0.1%	183,336
2008	188,231	98.6%	2,658	1.4%	82	0.0%	190,971

Source: The FMCSA Gateway to LIFIS, TML Information Services, Inc., through February 2009.

The FMCSA maintains a dynamic enforcement program based on motor carrier inspection and compliance review data. Carriers with poor inspection records are directed to improve performance and may be ordered to pay a fine or be placed out of service. These actions by FMCSA prevent noncompliant and unsafe carriers from operating in the United States, thereby improving the safety of motor carrier transportation at the southern border.

Cross-Border Demonstration Project

The first year of the cross-border demonstration project was completed on September 6, 2008. The following table provides a summary of the participation and safety performance of the subject carriers. There were a total of 29 carriers that participated in the project. Two carriers dropped out of the project before the end of the first year, leaving a total of 27 active participant carriers at the end of FY 2008. These carriers made 12,512 trips into the United States, although only 15.2 percent of the trips were beyond the commercial zones. There were no crashes reported for this group of carriers, and only six driving offense convictions were reported during the year. The driver and vehicle OOS rates for safety inspections conducted on these carriers were 0.53 percent and 9.68 percent, respectively. These rates are considerably lower than the 1.24 percent and 21.20 percent driver and vehicle OOS rates for all Mexico-domiciled carriers inspected in FY 2008.

Cross-Border Demonstration Project Participant Summary (for the period September 7, 2007, through September 6, 2008)

Participating carriers*	29
Vehicles	118
Drivers	110
North bound entries (trips)	12,512
Long-haul trips	1,897
Proportion long haul	15.2%
Safety inspections	7,048
Driver OOS rate	0.53%
Vehicle OOS rate	9.68%
Vehicle crashes	0
Driving offense convictions	6

Source: US DOT Independent Panel Report, *U.S.-Mexico Cross-Border Trucking Demonstration Project*, October 31, 2008. (*The data shown are for all participants regardless of the length of time for their participation.)