**MCSAC Task 11-03: Oversight of the Long-Haul Cross Border Trucking Pilot Program**

**Discussion Notes from August 27, 2012, Subcommittee Meeting**

*Task 11-03: FMCSA requested that the MCSAC subcommittee serve as the monitoring Federal advisory committee for the pilot program. Specifically, FMCSA requested that MCSAC subcommittee:*

* *Assess the safety record of participating Mexico-domiciled motor carriers;*
* *Continue to advise FMCSA concerning designated tasks related to the pilot program; and*
* *Issue a final report addressing whether FMCSA conducted the pilot program in a manner consistent with the objectives outlined in its Federal Register Notice.*

1. **Subcommittee Concerns**
   1. 109 of the 112 inspections that have been done in the pilot program have been at the border. Advocates for Highway and Auto Safety (Advocates) continues to have concerns about the lack of roadside inspections being a part of the program.
   2. Has FMCSA been in communication with the states that are seeing miles traveled in the program to provide them with information about the location of carriers in the program?
      1. Bill Quade: No. The pilot program is attempting to simulate how travel by these carriers would happen in the absence of the pilot program (i.e., Mexican-domiciled carriers traveling beyond the commercial zones were just allowed to apply for regular FMCSA operating authority).
   3. FMCSA is not determining whether drivers are complying with hours of service (HOS) requirements in Mexico.
      1. Bill Quade: However, when they cross the border, the Agency does ensure that drivers have not been driving so many hours before the crossing that they would be in violation of U.S. HOS requirements, and the entire time they are driving in the United States.
   4. The most recent preauthorization safety audit (PASA) Federal Register notice published, the company had 1,008 violations, which is concerning (Advocates).
      1. Bill Quade: This company had 1,300 inspections, which average out to 0.8 violations per inspections, which is less than the U.S. average of 1.8 violations per inspections.
   5. There is not enough data collection occurring for the pilot program to successfully reach its objectives. The pilot program is already one third over.
   6. It appears that violations that are found during inspections are not being corrected. Do these companies view these violations as just a cost of doing business?
   7. Who does these inspections?
      1. Bill Quade: Trained auditors and inspectors who are FMCSA officials from a border office.
   8. Failure to disclose affiliations is common with applicants to the pilot program.
      1. Bill Quade: There have been no findings of intent to hide a carrier’s safety history behind these failures to disclose affiliations; rather, they appear to be a misunderstanding of the instructions.
   9. Note: There have been no crashes or incidents in the pilot program.
2. **Subcommittee Needs**
   1. Data on the frequency of out-of-service orders resulting from operation beyond the commercial zone in each commercial zone state.
3. **Subcommittee Recommendations**
4. **Next Steps**