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

**Discussion Notes from May 21, 2014, 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 April 2011 Federal Register Notice.*

1. **General Discussion Notes and Subcommittee Concerns**
   1. J. Todd Spencer, Owner Operators Independent Drivers Association (OOIDA): Most inspections that are being done on trucks participating in the long-haul cross border pilot program (pilot program) are occurring at the border. When we look at those inspections, we see vehicles/drivers cited for out of service (OOS) violations but there is no OOS Order issued. We see that as a pattern overall and for trucks in the pilot program. Does this imply that a different standard is being applied to trucks in this program? If so, the pilot program inspections do not give a clear picture of their compliance with the regulations.
   2. J. Todd Spencer, OOIDA: It appears that the same defects are being cited in subsequent inspections. This indicates that corrective action was not previously taken.
      1. FMCSA (Bill Quade): Because vehicles in the pilot program are inspected more times per year than the average commercial motor vehicle (CMV) in the United States, there is a greater likelihood that we will catch violations that do not warrant OOS Orders.
   3. LaMont Byrd, International Brotherhood of Teamsters: If there were more vehicles in the pilot program, would there be less inspections per truck?
      1. FMCSA (Bill Quade): No, because existing inspection capacity would shift from commercial zone inspections to long-haul Mexican (MX) carriers.
   4. Henry Jasny, Advocates for Highway and Auto Safety (Advocates): There has been one crash in the pilot program so far over 100 million vehicle miles. We noticed in the pre-authority safety audit (PASA) that many companies did not have Safety Measurement System (SMS) ratings. Do all companies have SMS ratings at this point because of increased inspections?
      1. FMCSA (Bill Quade): Yes, probably. Zeros in SMS mean no violations found in those categories.
   5. Henry Jasny, Advocates: Does the FMCSA website note affiliates of carriers that are in the pilot program?
      1. FMCSA (Bill Quade): FMCSA can get that information for the subcommittee. The Agency is also concerned about affiliates. Bill Quade is not sure how many carriers in the pilot program have affiliates but would guess close to all of them do.
      2. Henry Jasny, Advocates: The concern is that affiliates might have very low SMS scores and that a different company was specifically created to get into the pilot program.
   6. How do the medical registry requirements and drug and alcohol clearinghouse requirements apply to drivers in the pilot program?
      1. FMCSA (Bill Quade): The medical registry requirements do not apply to drivers from Mexico and Canada because DOT has looked at the Mexican and Canadian programs to monitor the health of CMV drivers and determined that those countries’ programs are equivalent to the United States.
      2. FMCSA (Bill Quade): Regarding the drug and alcohol clearinghouse, the drug test has to be done to 49 CFR part 40 requirements. If the final rule moves forward as proposed, the medical review officer reviewing the drug test results would have to report the results to the database. Any sample collected in Mexico would have to come to the United States because the U.S. Department of Health and Human Services has not approved any laboratory in Mexico.
   7. Other types of Mexican carriers:
      1. Enterprise carriers are Mexican-owned, U.S.-based entities. These entities may only transport international cargo. There are between 700 and 800 of these types of carriers.
      2. Certificate carriers (~125 of these carriers).
   8. J. Todd Spencer, OOIDA: There are concerns about non-placarded hazardous cargo entering the United States. The Agency should increase inspections at non-border locations. FMCSA should consider targeting specific carriers based on previous violations information (SMS).
      1. The Agency should consider telling Motor Carrier Safety Assistance Program (MCSAP) States that if law enforcement encounters one of the two pilot program carriers that frequently travel beyond the commercial border zones, they should stop and perform a specific type/level of inspection.
   9. The Inspector General report suggested that 46 carriers would be representative of Mexican carriers for purposes of evaluating the pilot program. On which comparison population was this estimate based? Representative of MX carriers crossing the border? Or representative of MX carriers generally?
   10. The Mexican licensing authorities (in Mexican States) are not providing data on driving records of drivers for personal driving history.
2. **Subcommittee Needs**
   1. Program Data
      1. Miles completed by each carrier in the pilot program.
      2. Information on crashes involving vehicles in the pilot program.
      3. List of affiliates of carriers involved in the pilot program.
      4. SMS scores of affiliates of carriers involved in the pilot program.
      5. How many border crossings or inspections for border crossings were related to trips that went beyond the commercial zones?
3. Breakdown by carrier.
   * 1. List of pilot program application dismissals with an explanation of why each was dismissed.
     2. How many months has each pilot program carrier been in the program?

Timeline of applications over the period of the program: When did each carrier apply? When did each carrier obtain authority?

* + 1. Data on insurance verification: How many 30-day notices has the Agency issued to carriers in the pilot program?
    2. How many (if any) pilot program carriers have been found in violation of the prohibition on point-to-point transportation in the United States and under what circumstances?
  1. Inspections Data
     1. Number of inspections completed at the border.
     2. Number of inspections completed beyond the border and in which States.
     3. Breakdown of types of inspections that were conducted (Level I – V).
     4. Table format of violations and OOS rates by carrier.

Information should be broken down by border inspections and non-border inspections, including an indication of where the non-border inspections were conducted.

* 1. Hours of Service (HOS) Data
     1. Representative sample of electronic HOS data for drivers in the pilot program.
     2. Aggregate summary of what FMCSA has observed regarding HOS information.

Breakout by violation.

* + 1. What percentage of HOS data is completely electronic versus manual input of driving time from the driver into the electronic logging device (ELD)?
    2. HOS documentation/violations data for pilot program carriers and drivers before they entered the pilot program.
  1. Pilot Program Requirements
     1. Clear explanation of how the Agency arrived at the number of inspections needed for the optimal number of data for the analysis (4,100) and switch from using crash data to inspections data.
     2. Was there anything that specified over how many carriers those inspections must occur? The Federal Register Notice stated that the Agency’s goal was to have at least 30-40 carriers in the pilot program.
  2. Relevant Data Outside the Pilot Program
     1. Inspection data for enterprise and certificate carriers: number of inspections, driver and vehicle OOS rates, violation rates for key violations.
     2. Do enterprise and certificate carriers have Commercial Vehicle Safety Alliance (CVSA) decals? If so, how many enterprise and certificate carriers/vehicles have the CVSA decals?
     3. Table of Mexican commercial trucking industry by power units, number of carriers, etc., for purposes of understanding how representative are the 14 carriers in the pilot program.
  3. Inspector General Report: What is the basis of comparison population to arrive at the conclusion that 46 carriers would be sufficient to evaluate the pilot program?
  4. How much of FMCSA’s resources have gone into the pilot program?
     1. One contract with the Agency for ELD monitoring.
     2. Labor resources? Border inspectors and other Agency personnel.
  5. Information that could be provided by the Mexican commercial motor vehicle authority at July 2014 meeting
     1. Breakdown of Mexican commercial motor vehicle industry: number of carriers, carrier size, etc.
     2. Mexican commercial vehicle inspection activities and results.