

CONCEPT DOCUMENT

PHASED U.S.-MEXICO CROSS-BORDER LONG HAUL TRUCKING PROPOSAL

PRE – OPERATIONS ELEMENTS

1. Application: Interested Mexican Carriers apply for long-haul operating
 - Passenger and hazardous materials carriers will not be included in this program.
 - Subject to negotiation with Mexico, the number of carrier and truck participants in first phase of program will be managed to ensure adequate oversight.
2. Vetting
 - Applicant carriers' information is vetted by DHS and DOJ.
 - Driver specific information from applicant carriers is vetted by DHS and DOJ.
3. Pre-Authority Safety Audit (PASA)
 - Review carrier's safety management programs (vehicle maintenance, drug and alcohol testing programs, driver qualification files, etc.).
 - Review driving records for only those drivers who would participate in cross-border long haul operations.
 - Review the combined driving record of drivers who would participate in the program (U.S. driving history, Mexican Federal license history, and Mexican State license history).
 - Inspection of each vehicle to be used in the phased in program.
 - Check all participating vehicles for Federal Motor Vehicle Safety Standards (FMVSS) certification.
 - Check all participating vehicles for EPA emissions standards.
 - Conduct an English Language Proficiency and US Traffic Laws knowledge test of each driver participating in the program, conducted in English.
 - Review of all convictions, crashes and inspections in Mexico in determining carrier's safety record.
4. Document Mexican Commercial Driver's License process to demonstrate comparability.
5. Insurance - If PASA is successfully completed, applicant must submit evidence of financial responsibility (insurance) to FMCSA.

OPERATIONS ELEMENTS

1. Monitoring
 - Inspections
 - For an agreed upon period of time a carrier's long-haul operations, vehicles and drivers would be inspected by FMCSA each time one of its vehicles crosses the northbound border.
 - Electronic Monitoring - The program will use available technology to provide redundant monitoring of program's trucks, drivers and carriers.
 - Initial, phased in access.

2. Follow Up Review (1st Review) - Each Mexican trucking company would undergo a follow-up review to ensure continued safe operation. After the follow-up review, the company's trucks would be subject to border inspections at FMCSA's normal border inspection rateⁱ and subject to inspections in the interior of the U.S. at the same rate as U.S. companies. Additionally, the company must maintain a valid safety inspection sticker.
3. Compliance Review (2nd Review) - After successful completion of a compliance review and earning a Satisfactory Safety Rating, the participating carrier will be eligible for full operating authority.
4. FMCSA Reviews
 - Insurance Monitoring – FMCSA monitors the participating carriers' insurance filings to ensure there are no lapses in coverage.
 - FMCSA conducts compliance reviews of drug and alcohol collection and testing facilities used by participating carriers.

TRANSPARENCY ELEMENTS

1. Federal Register Notices – FMCSA publishes a Federal Register notice describing the proposed program and docket appropriate analyses and seeks comment on the program.
2. Publically Accessible Web Site – FMCSA develops and maintains a public web site that provides information on participating carriers.
3. Federal Advisory Committee – DOT establishes a Federal Advisory Committee Act group with representation from a diverse group of stakeholders.
4. Periodic Reports to Congress – DOT is required by statute to submit annual reports to Congress.
5. Office of the Inspector General – DOT OIG is required by statute to submit reports to Congress.

ⁱ Note: Drivers' licenses will still be checked at a 50 percent rate in accordance with requirements in section 350 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (Pub. L. 107-87, Dec. 18, 2001).