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Concept Document Phased U.S.-Mexico Cross-Border Long Haul Trucking Proposal

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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
 - a. Passenger and hazardous materials carriers will not be included in this program.
 - b. 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
 - a. Applicant carriers' information is vetted by DHS and DOJ.
 - b. Driver specific information from applicant carriers is vetted by DHS and DOJ.
3. Pre-Authority Safety Audit (PASA)
 - a. Review carrier's safety management programs (vehicle maintenance, drug and alcohol testing programs, driver qualification files, etc.).
 - b. Review driving records for only those drivers who would participate in cross-border long haul operations.
 - c. 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).
 - d. Inspection of each vehicle to be used in the phased in program.
 - e. Check all participating vehicles for Federal Motor Vehicle Safety Standards (FMVSS) certification.
 - f. Check all participating vehicles for EPA emissions standards.
 - g. Conduct an English Language Proficiency and US Traffic Laws knowledge test of each driver participating in the program, conducted in English.
 - h. 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
 - a. Inspections

- b. 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.
 - c. Electronic Monitoring-The program will use available technology to provide redundant monitoring of program's trucks, drivers and carriers.
 - d. 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 rate¹ 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
 - a. Insurance Monitoring-FMCSA monitors the participating carriers' insurance filings to ensure there are no lapses in coverage.
 - b. 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.

1. Note: Drivers' licenses will still be checked at a fifty 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).