

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Minute No. 290

Ciudad Juarez, Chihuahua
September 21, 1993

**REPLACEMENT OF THE INTERNATIONAL CORDOVA-BRIDGE OF THE
AMERICAS OVER THE RIO GRANDE
AT EL PASO, TEXAS-CIUDAD JUAREZ, CHIHUAHUA**

The Commission met in the offices of the Mexican Section in Ciudad Juarez, Chihuahua on September 21, 1993, at 10:00 a.m. to consider the replacement of the International Cordova-Bridge of the Americas, located over the Rio Grande at El Paso, Texas-Ciudad Juarez, Chihuahua, which is under the jurisdiction of the Commission pursuant to the terms of the Convention between the United States of America and United Mexican States for the Solution of the Problem of the Chamizal, dated August 29, 1963, hereinafter, Chamizal Convention.

The Commissioners noted that the Cordova-Bridge of the Americas opened to traffic on October 28, 1967, at its present location, as stipulated in Commission Minute No. 219 entitled "Bridges to be Constructed Over the New Channel of the Rio Grande Between El Paso and Ciudad Juarez and their Corresponding Inspection Facilities, dated July 16, 1965, in compliance with Articles 9 and 10 of the Chamizal Convention. The Commissioners observed that Article 9 establishes that the Commission assumes responsibility for the construction of the Cordova-Bridge of the Americas and that Article 10 states that the Bridge of the Americas, "... shall be operated toll-free unless both Governments agree to the contrary."

The Commissioners also noted that Recommendation C of Minute No. 214, "Engineering Considerations Relating to Relocation of the Rio Grande at El Paso, Texas, and Ciudad Juarez, Chihuahua," dated August 28, 1963, provides:

"... each Section of the Commission shall assume responsibility for operation and maintenance of the portion of the bridge or bridges in its country with the understanding that each Section may make arrangements if deemed necessary or desirable with local authorities of its country for operation and maintenance of its part or such bridge or bridges or for repayment of costs of said operation and maintenance."

DUPLICATE ORIGINAL
INTERNATIONAL BOUNDARY AND WATER COMMISSION

UNITED STATES AND MEXICO

-2-

The Commissioners also noted the recommendation in Resolution No. 5 of Minute No. 219, which specifically establishes that: "The Commission is authorized, within the limitations of the Convention, to make modifications in location of the bridges which may be required as a consequence of the design of the bridges or of the contiguous facilities for international inspections."

The Commissioners then referred to the analysis of the structural safety of the Cordova-Bridge of the Americas made by highway bridge experts Engineer Luis Ybañez of the Texas Department of Transportation for the United States Section and Engineer Carlos King Revelo, of the Secretariat of Communications and Transportation for the Mexican Section presented at the Commission's meeting of August 2, 1991, in Ciudad Juarez, Chihuahua. The Commissioners also referred to additional studies of the bridge structure performed in furtherance of the concerns raised by these expert advisers and observed that the more than 25-year old bridge has suffered serious deterioration to its deck, pier beams and columns, and that some of the steel cables of the bridge's post-tensioned girders have suffered corrosion. The Commissioners further noted the observations of the experts that these conditions could lead to failure of the bridge.

The Commissioners, considering the information of their technical advisors regarding alternatives to either permanently strengthen or replace the bridge, noted the experts' recommendation that the condition of the bridge structure is such that it would not be prudent to strengthen the bridge and concluded that the Cordova-Bridge of the Americas should be replaced.

The Commissioners pointed out that in internal consultations that took place with the respective governmental levels and representatives of the different sectors of the El Paso and Juarez communities, interest was expressed that the bridge should remain toll-free in the spirit of the Chamizal Convention and to have as part of a replacement bridge, additional structures of sufficient capacity to effectively separate the movement of commercial vehicle traffic for safety reasons.

The Commissioners, based on the above information, concluded that a replacement bridge should be constructed in the approximately same place as the present bridge and in similar configuration for use by light vehicles and pedestrians and provide additional structures to each side of this bridge for use by commercial vehicles.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

UNITED STATES AND MEXICO

-3-

The Commissioners concluded that the two Governments, in application of the Chamizal Convention, should share the cost of a replacement bridge with each country covering the part of the bridge located in its territory, while sharing equally the levee-to-levee cost of the bridge.

The Commissioners then observed that in accordance with Recommendation C of Minute No. 214, the Commission should ensure that each country covers the costs of design, construction, operation, and maintenance of that part of the replacement bridge located in its territory such that each Section should make arrangements in its respective country to cover the referenced costs, including those corresponding to the additional commercial traffic structure and associated works.

The Commissioners observed that based on the interest of the Governments of both countries, and consistent with the provisions of Article 10 of the Chamizal Convention, the replacement bridge should continue to be toll-free and thus, in order to cover the cost that the Commission determines necessary to design, construct, operate, and maintain the replacement bridge, either of the two countries may opt for financial participation by commercial users and that they may provide their contribution without collecting fees directly at the bridge.

The Commissioners then considered that in view of the condition of the Cordova-Bridge of the Americas, the Commission should coordinate development of the replacement structure design in as expeditious a manner as possible with the technical advice of the experts of the respective countries. For the United States, this is the Texas Department of Transportation, which is available to immediately carry out the design of the structure and construction plans and for Mexico, this is the Secretariat of Communication and Transportation, which has also declared its willingness in the same terms. They also considered that based on such design, the Commission would determine the costs of construction, operation, and maintenance of the replacement structure, including at the same time, a scheduled program to carry out the work for each of these steps.

Based on the above considerations, the Commissioners agreed to submit the following resolutions for approval of the two Governments:

1. The United States and Mexico, through the Commission, in accordance with provisions of Article 9 of the Convention between the United States of America and the United Mexican States

INTERNATIONAL BOUNDARY AND WATER COMMISSION

UNITED STATES AND MEXICO

-4-

for Solution of the Problem of the Chamizal will replace the Cordova-Bridge of the Americas by constructing new structures in approximately the same place and configuration as the existing bridge to include the construction of additional structures that would facilitate the movement of commercial vehicle traffic on this bridge.

2. The United States and Mexico will share the cost of design, construction, operation and maintenance of the replacement bridge with each country covering the cost of the replacement bridge located in its territory. The levee-to-levee cost of the replacement bridge will be shared equally by both countries. These activities are subject to the appropriation of funds by both parties.
3. The Commission will ensure that each country covers the costs of design, construction, operation and maintenance of that part of the replacement bridge located in its territory for which each Section of the Commission will make necessary arrangements in its respective country to cover the referenced costs, including those corresponding to the additional structures for commercial traffic and work associated with these.
4. Consistent with the stipulations of Article 10 of the Chamizal Convention, the replacement bridge shall continue to be toll-free, and therefore, to cover the cost that the Commission determines is necessary for the design, construction, operation and maintenance of the replacement bridge for the part corresponding to the commercial traffic structure in the United States and Mexico, and the Mexican part of the light vehicle traffic structure, the Commission authorizes the commercial users in El Paso, Texas and Ciudad Juarez, Chihuahua to collect their contribution assessed by the commercial users in north-south, south-north directions, effective on the date that this Minute enters into force, in an amount that will not exceed the cost determined by the Commission for the referenced items. The

INTERNATIONAL BOUNDARY AND WATER COMMISSION

UNITED STATES AND MEXICO

-5-

commercial users in one country may opt to collect the funds for commercial users of the other country in which case the collection of funds may be made in both directions in one country, but away from the bridge structure.

5. The Commission, upon the approval of this Minute, will ensure that the design of a replacement bridge is undertaken in as expeditious a manner as possible with the technical advice of the experts of the respective countries; for the United States it is the Texas Department of Transportation, which confirms that it is available to immediately carry out the design and construction drawings for the structure and for Mexico, it is the Secretariat of Communication and Transportation, which has also expressed its willingness in the same terms. Based on this design, the Commission shall determine the costs of construction, operation, and maintenance of the replacement bridge, including a calendarized program for executing the work for each of these stages.
6. The Commission may determine that the construction of the bridge may be performed by a single contractor with the understanding that each Section of the Commission, in the work it may have to perform in the territory of the other country, shall observe the laws of that country and that the funds from one country and transferable to the other country to cover for payment of the single contractor shall be provided through the corresponding Section of the Commission in accordance with procedures established by the Commission conforming to United States/Mexico boundary and water treaties and agreements in force.
7. Construction of the replacement bridge in the manner described in Resolution No. 6, shall not in any way confer upon either of the two countries any rights either to property or of jurisdiction over any part whatsoever of the territory of the other and that the jurisdiction of each country be limited by the international boundary which shall


INTERNATIONAL BOUNDARY AND WATER COMMISSION
 UNITED STATES AND MEXICO

be established on the replacement bridge consistent with applicable United States/Mexico treaties in force.

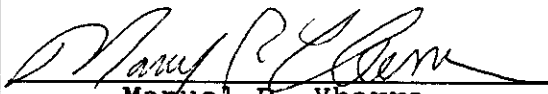
8. The corresponding Section of the Commission will oversee that the funds collected in its country, pursuant to Resolution No. 4, are deposited in a banking institution in the city where the funds are collected and, in accordance with applicable laws in its country, shall supervise the exercise of the funds collected and shall authorize payments from these funds for the design, construction, operation and maintenance corresponding to the actual costs to Mexico and the United States commercial sector. Each Section shall submit for consideration of the Commission reports, as are necessary, regarding the exercise of these funds.

9. This Minute requires the specific approval of the two Governments, and shall enter into force on the date that the two Sections notify one another of this approval.

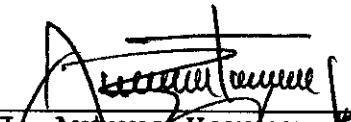
The meeting was adjourned.




 Narendra N. Gunaji
 United States Commissioner



 Manuel R. Ybarra
 United States Secretary



 J. Arturo Herrera Solis
 Commissioner for Mexico



 Jose de Jesus Luevano Grano
 Mexican Secretary