

UNDER SECRETARY OF STATE
FOR ECONOMIC AFFAIRS
WASHINGTON

PERMIT

AUTHORIZING SAN BENITO INTERNATIONAL BRIDGE COMPANY
TO CONSTRUCT, COMPLETE, OPERATE AND MAINTAIN AN
INTERNATIONAL TOLL BRIDGE, ITS APPROACHES AND
FACILITIES, AT THE INTERNATIONAL BOUNDARY BETWEEN
THE UNITED STATES AND MEXICO

By virtue of the authority vested in me as Under Secretary of State for Economic Affairs, pursuant to Executive Order 11423 of August 16, 1968, and Department of State Delegation of Authority No. 118-1 of April 11, 1973, and having requested and received the views of various of the Federal Departments, I hereby grant permission, subject to the acceptance of the conditions, provisions and requirements hereinafter set forth, to the San Benito International Bridge Company, a Texas corporation having its main office in San Benito, Texas (hereinafter referred to as "permittee"), to construct, complete, operate and maintain an international vehicular toll bridge in Cameron County, Texas, connecting the unincorporated areas of Los Indios, Texas, and Soliceno, Tamaulipas, Mexico.

The term "facilities" as used in this permit means the bridge, its approaches, and any land, structures, or installations appurtenant thereto.

The term "United States facilities" as used in this permit means that part of the facilities in the United States.

This permit is subject to the following conditions:

Article 1. It is expressly agreed by the permittee that the United States facilities and operations herein described shall be subject to all the conditions, provisions and requirements of this permit or any amendment thereof, further that this permit may be terminated at the will of the Secretary of State or his delegate or may be amended by the Secretary of State or his delegate at will or upon proper application therefor, further

that the permittee shall make no substantial change in the location of the United States facilities or in the operation authorized by this permit until such changes shall have been approved by the Secretary of State or his delegate.

Article 2. (1) Standards for, and manner of, the construction, completion, operation, and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate Federal or State agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities in the performance of their official duties.

(2) Approval of the Secretary of Transportation shall be obtained, as required by the first section of the Act of March 23, 1906 (33 USC 491) prior to the commencement of construction.

Article 3. The permittee shall comply with all applicable Federal and State laws and regulations regarding the construction, operation and maintenance of the United States facilities, and with all applicable industrial codes.

Article 4. Upon the termination, revocation, or surrender of this permit, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or his delegate may specify, and upon failure of the permittee to remove this portion of the United States facilities as ordered, the Secretary of State or his delegate may direct that possession of such facilities be taken and that they be removed at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession or removal.

Article 5. If, in the future, it should appear to the Secretary of Transportation that any facilities or operations permitted hereunder cause unreasonable obstructions to the free navigation of any of the navigable waters of the United States, permittee may be required, upon notice from the Secretary of Transportation, to remove or alter such of the facilities as are owned by it so as to render navigation through such waters free and unobstructed.

Article 6. This permit is subject to the limitations, terms and conditions contained in any orders issued by any competent agency of the United States Government, including but not limited to the Department of Transportation, and the United States Section of the International Boundary and Water Commission, with respect to the United States facilities, and shall continue in force and effect only so long as the permittee shall continue the operations hereby authorized in exact accordance with such limitations, terms and conditions.

Article 7. The permittee agrees that when, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or his delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 8. In the event of transfer of the United States facilities or any part thereof, this permit shall continue in effect temporarily for a reasonable time pending the making of an application by the transferee for a permanent permit and decision thereon, provided that notice of such transfer is given promptly in writing to the Department of State accompanied by a statement by the transferee under oath that the United States facilities and the operation and maintenance thereof authorized by this permit will remain substantially the same as before the transfer pending issuance to the transferee of a new permit.

Article 9. (1) The permittee shall acquire such right-of-way grants, easements, permits and other authorizations as may become necessary and appropriate.

(2) The permittee shall save harmless the United States from any claimed or adjudged liability arising out of the construction, completion, or maintenance of the facilities.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation.

Article 10. The permittee agrees to file with the appropriate agencies of the Government of the United States such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith, as are now or as may hereafter be required under any laws or regulations of the Government of the United States or its agencies.

Article 11. The permittee shall send notice to the Department of State at such time as the construction authorized by this permit is begun, and again at such time when it is completed, interrupted, or discontinued.

IN WITNESS WHEREOF, I, William J. Casey, Under Secretary of State for Economic Affairs, have hereunto set my hand this 18th day of January, 1974, in the City of Washington, District of Columbia.

William J. Casey



United States Department of State

Washington, D.C. 20520

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~~DFW~~
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October 26, 1990

To: Inter-Agency Group for Bridges and Border Crossings

From: Irwin Rubenstein, Coordinator, US-Mexico Border Affairs,
Department of State

Subject: Diplomatic Note on Los Indios/Lucio Blanco Bridge

Attached for your review and clearance is a draft of the diplomatic note which we hope to exchange with the Government of Mexico indicating that both governments have approved the construction of an international bridge at Los Indios, Texas, and Lucio Blanco, Tamaulipas, Mexico. The Embassy of Mexico has sent us a draft note on Los Indios/Lucio Blanco; our draft reply includes the entire text of that note. We are dealing in drafts right now in the hope of saving time and getting this project moving as soon as possible. The end product of the exchange of notes is approval for the construction of Los Indios---our note will not go forward until we have clearances from our inter-agency group. Although the Mexican note is a draft, we do not expect any changes, certainly not any of substance. When you call us, we will specify that you have approved in draft and if there are any real changes in the Mexican note we will advise you before taking any further action.

For your information, the Presidential Permit was granted in 1974 to the San Benito International Bridge Company. The assets of that company have since been purchased by Cameron County, Texas, and the County will own, operate and maintain the new bridge. Copies of the pertinent documents related to that purchase and the County's responsibility are on file in my office. As those of you who were on the recent Border Walk heard at San Benito, this bridge has been some thirty years in the making and the sponsors are finally seeing some light and are eager to begin construction.

Please call me at 647-9894 with your clearance, questions or comments on the note. If I am not in, please ask for Ray Dalland.

The Department of State acknowledges receipt of Diplomatic Note No. from the Embassy of Mexico, dated October , 1990, related to the construction of an international bridge between Los Indios, Texas, and Lucio Blanco, Tamaulipas, Mexico. That note ~~states:~~ *translated into English, reads as follows:*

The Embassy of Mexico presents its compliments to the Department of State of the United States of America and has the honor to refer to consultations held between the authorities of the two countries that participate in the BiNational Group on International Bridges and Border Crossings concerning the border crossing project between Lucio Blanco, Tamaulipas, and Los Indios, Texas.

The Embassy has the pleasure to state in this respect that, under a new financing schedule for border crossings, the Secretariat of Communications and Transport of Mexico is prepared to grant the government of the State of Tamaulipas the concession for the construction of the Mexican border crossing, which includes the port facilities, the access roads and the Mexican part of the international bridge.

The Embassy also wishes to state that, after reviewing the final plans for the new international bridge, the Mexican and U.S. Commissioners of the International Boundary and Water Commission have expressed their agreement that, in light of the provisions of the Boundary Treaty of November 23, 1970, the Commission has no objections with regard to these final plans.

The Embassy states that the Government of the State of Tamaulipas shall be the entity responsible for the construction of the border crossing, under the supervision of the Secretariat of Communications and Transport, with reference to the Mexican part of the bridge, and the Secretariat of Urban Development and Ecology, with reference to the port facilities.

In view of the foregoing, the Embassy has the pleasure to state that the Government of Mexico is prepared to grant authorization bilaterally to initiate the construction of the new border crossing at Lucio Blanco, Tamaulipas/Los Indios, Texas, a project that, in the sovereign interest of each country, will be beneficial to regional development and the well-being of communities on both sides of the border.

In view of the above, the Embassy has the honor to propose, if it is acceptable to the Department of State, that this note and the Department's note in replay stating its conformity therewith constitute an understanding between the Governments of Mexico and the United States that the construction of the new Lucio Blanco, Tamaulipas/Los Indios, Texas, border crossing is authorized.

The Embassy avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Washington, D.C., October , 1990

In reply, the Department has the honor of informing the Embassy of Mexico that a U.S. Presidential Permit for the construction of this bridge was issued to the San Benito International Bridge Company on January 18, 1974. The Department of State has been advised that the Bridge Company has transferred the permit to Cameron County, Texas, which, accordingly, will construct and own the U.S. part of the bridge. We are further advised that the communities of San Benito and Harlingen, Texas, will also cooperate in the financial support of the bridge. The General Services Administration will be the responsible party for the construction of the U.S. inspection facilities.

Accordingly, the Department is pleased to inform the Embassy of Mexico that the Government of the United States finds the contents of the aforementioned note acceptable and considers that the Embassy's Note and this reply constitute an understanding between the two Governments that the construction of the new international bridge and inspection installations between Lucio Blanco, Tamaulipas, and Los Indios, Texas, is authorized.

SEARAMEX 13853
Oct 26, 1990
IRubenstein, ARA/MEX