



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

September 6, 2007

The Honorable Richard B. Cheney
President of the Senate
Washington, DC 20510

Dear Mr. President:

Pursuant to Section 6901 of the U.S. Troop Readiness, Veteran's Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28), this letter report details the actions the Federal Motor Carrier Safety Administration (FMCSA) is taking or has taken to address the issues raised by the U.S. Department of Transportation's (DOT) Office of Inspector General (OIG) in its report to Congress concerning DOT's project to demonstrate the ability of Mexico-domiciled motor carriers to operate safely in the United States beyond the commercial zones (Demonstration Project).

Congress directed the Inspector General to determine and report to Congress, prior to initiation of the Demonstration Project, whether DOT has complied with the requirements of Section 350(a) of Public Law 107-87 and established sufficient mechanisms to apply Federal motor carrier safety laws and regulations to Mexico-domiciled carriers that are granted authority to operate beyond the commercial zones and ensure compliance by such carriers [Sec. 6901(b)(1), P.L. 110-28]. On September 6, 2007, the OIG responded to this direction by transmitting a report to Congress entitled "FMCSA Compliance with Mexican Motor Carrier Cross-Border Safety Requirements – Initial Report." The OIG report documents the comprehensive safety programs FMCSA has implemented to oversee the drivers, vehicles, and motor carriers participating in the Demonstration Project. The report also identified three correctable issues the OIG believes DOT should address prior to initiating the Demonstration Project. Briefly, the concerns mentioned in the report involve: FMCSA's plans to ensure that Mexico-domiciled vehicles participating in the Demonstration Project are checked at the border; sufficient preparation of State enforcement officials to implement enforcement guidance; and variances among FMCSA rules, policies and regulations, and the specific text of Section 350(a).

I appreciate the OIG's comprehensive effort in conducting this review, which included trips to Mexico and other locations along the Southern border to observe FMCSA inspection activities, reaching out to State enforcement officials, and numerous conversations and exchanges of

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information with FMCSA personnel. I also want to thank the OIG for the resources dedicated to this effort, as well as the timeliness with which they completed their review. The OIG report notes that in order to truly test the effectiveness of the mechanisms DOT has in place, it is necessary to initiate the Demonstration Project. I could not agree more, and I look forward to working with the Inspector General to continue the assessment once the project is underway.

As is the OIG standard practice with audit reports, the OIG shared the report results before public release to permit DOT to review and respond. The following responses and the actions described therein are based on that review.

1. OIG Issue: Plans for Checking Every Truck Every Time.

The OIG report noted that FMCSA had not developed and implemented site-specific plans for checking trucks and drivers participating in the Demonstration Project as the participants cross the border.

Section 350(a) requires Mexico-domiciled motor carriers authorized to operate beyond the border commercial zones to bear a valid Commercial Vehicle Safety Alliance (CVSA) inspection decal and requires Federal and State inspectors to electronically verify the status and validity of 50 percent of all commercial vehicle drivers. The FMCSA has developed plans to ensure that every truck participating in the Demonstration Project is checked. This check is a commitment made by DOT that goes beyond the requirements of Section 350(a). On July 12, FMCSA issued an enforcement guidance memorandum to its commercial vehicle inspectors requiring them to conduct a compliance check of each vehicle operated under the Demonstration Project (Enclosure 1). The memorandum, which is the customary procedure FMCSA uses to direct operations, specifically requires that during the compliance check, the inspector must verify the following:

- The vehicle(s), both power unit and trailer (if applicable), display a current CVSA inspection decal.
- The driver possesses a valid commercial driver's license or Licencia Federal de Conductor.
- The driver meets the requirements of Title 49 Code of Federal Regulations (CFR) 391.11(b)(2).

If a driver or vehicle fails any portion of this compliance check (e.g., the vehicle has no CVSA inspection decal, the vehicle has an expired decal, the driver has no valid license, or the driver lacks basic English proficiency), enforcement personnel will direct the driver to a site where a secondary inspection will be conducted, violations documented, and appropriate enforcement initiated including placing the driver or vehicle out of service until the defects or deficiencies are corrected. Vehicles with an obvious physical defect will also be inspected regardless of the presence of a current inspection decal.

To ensure that all trucks are checked as they cross the border, FMCSA requested assistance from the Department of Homeland Security's United States Customs and Border Protection (CBP). Pursuant to this request, CBP committed to assisting FMCSA in accomplishing this objective and ordered its port directors to cooperate (Enclosure 2).

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In the past few weeks, FMCSA met with CBP, and the agencies outlined the process for working together to ensure that all trucks participating in the Demonstration Project are checked. These meetings resulted in plans specifically designed to address the needs of each of the 25 commercial crossings where commercial motor vehicles (CMV) are allowed to enter into the United States (crossing plans). Copies of the 25 crossing plans are enclosed for your review (Enclosure 3). These activities took place subsequent to the OIG's data collection for their audit. Now completed, these plans demonstrate the close working relationship among FMCSA, CBP, and our State partners and the ability to fulfill the DOT's commitment of checking Demonstration Project participants. Additionally, FMCSA also developed a quality control plan to ensure the crossing plans are implemented successfully (Enclosure 4).

2. OIG Issue: Ensuring That State Enforcement Officials Understand How to Implement Recent Demonstration Project Guidance.

In preparing the OIG report, OIG staff interviewed key State enforcement officials and confirmed their general readiness to enforce safety rules during the Demonstration Project. However, the OIG report notes that, at the time of the OIG's review, State procedures related to specific elements of the Demonstration Project were not in place.

It should be recognized that the challenge of communicating new FMCSA policies and programs with State enforcement officials is something FMCSA faces when implementing any new safety initiative. It is not unique to the Demonstration Project. The FMCSA recognizes that guidance and training are not a static endeavor but rather an ongoing effort and has a number of activities underway in anticipation of the start of the Demonstration Project. The FMCSA has issued new enforcement guidance, for example, concerning English language proficiency – and will ask its State partners to enforce provisions of the regulations not previously encountered due to the current limitation on transportation by Mexico-domiciled carriers. The FMCSA agrees that robust training and communications with its State partners are critical to ensure the safe implementation of this Demonstration Project. As noted by the OIG, FMCSA has already begun to provide these training opportunities and will undertake others in the near future. To provide a more comprehensive view of the training efforts underway, enclosed is a copy of FMCSA's Demonstration Project State Outreach Plan (Enclosure 5). The plan outlines training that has taken place and describes future activities FMCSA will employ to address training and communication issues and ensure its State partners, particularly roadside officers, have the necessary information to oversee the safety of the trucks participating in the Demonstration Project.

In particular, FMCSA is working closely with the International Association of Chiefs of Police (IACP), the National Sheriff's Association (NSA), and CVSA to ensure all State and local law enforcement agencies are prepared to address issues related to the Demonstration Project. The IACP, in conjunction with FMCSA, developed a Foreign Commercial Motor Vehicle Awareness Training for State and local law enforcement personnel. This training provides guidance on the requirements of foreign motor carriers operating in the United States. The FMCSA also worked with CVSA and NSA to develop brochures and handouts on various issues including cabotage and English language proficiency requirements.

3. OIG Issue: Compliance with Section 350(a) Requirements.

The OIG report verified that FMCSA complied with Section 350(a) preconditions for processing Mexican carrier applications, identifying 34 requirements to be met. However, the OIG report noted that for three of the 34 requirements, FMCSA implemented interim final rules and policies, which “differ slightly” from the text of Section 350(a). These three requirements are addressed in turn.

A. Vehicle Inspections During Pre-Authorization Safety Audits.

The OIG report notes that Section 350(a)(1)(B)(vi) requires an inspection of Mexican vehicles to be used for operations beyond the commercial zone that do not have a current CVSA inspection decal during the pre-authorization safety audits (PASA). The OIG points out that FMCSA’s interim final rule and policy implementing this provision limit such inspections to vehicles “available” during the PASA.

From FMCSA’s perspective, its rule and policy are reasonable and do not compromise safety because any Mexico-domiciled vehicles without CVSA decals will receive a full safety inspection at the border and will not be allowed to enter the United States without passing that inspection. However, to address the OIG’s concern, for the duration of the Demonstration Project FMCSA will require its audit staff to inspect all CMVs the Mexico-domiciled motor carrier intends to operate in the United States and that do not already bear a current CVSA decal. On August 21, 2007, FMCSA directed its staff to inspect all vehicles intended to be operated in the United States during future PASAs and to contact any carriers previously reviewed to arrange inspection for any vehicles not inspected during PASA. The FMCSA will not grant a Mexico-domiciled carrier provisional authority until documentation is received that all vehicles the carrier intends to use in the Demonstration Project have been inspected.

B. Border License Checks of Drivers Working for Mexican Carriers.

The OIG report noted that, although not a safety issue, FMCSA rules and policies implementing the Section 350(a)(3) requirement to electronically verify the status and validity of the license of a driver of a Mexico-domiciled CMV crossing the border, specify license checks only for Mexico-domiciled drivers. Section 350(a)(3) requires inspectors to electronically verify the status and validity of each driver of a Mexico-domiciled CMV crossing the border. The OIG interpretation of the FMCSA rules and policy suggests that a Mexico-domiciled CMV driven by a person domiciled outside of Mexico could be excluded from the license verification process. However, the OIG did note that FMCSA’s electronic system to check commercial driver’s licenses can access data for drivers domiciled in either the United States or Mexico.

From FMCSA’s perspective, this variance has no impact because FMCSA will check the driver’s license of all drivers utilized by Demonstration Project participants regardless of the driver’s country of domicile. As noted by the OIG, the FMCSA’s information systems query databases from both the United States and Mexico. However, FMCSA recognizes the distinction drawn by the OIG and will revise its policy to require a check of the commercial driver’s license of each driver of a Mexico-domiciled CMV crossing the border.

C. Safety Rules for Longer Combination Vehicles.

The OIG report states that FMCSA rules implementing Section 350(a)(1)(B)(v) have not been updated to include all safety rules that currently apply to Mexico-domiciled carriers. Specifically, the OIG report points out that the rules do not include regulations establishing minimum requirements for Mexico-domiciled operators of longer combination vehicles (LCV) and their instructors. However, after reviewing the application and audit process, the OIG did not anticipate any impact on operational safety from this difference.

To reiterate, LCVs will not be allowed to participate in the Demonstration Project, as mentioned in my testimony at the March 8 hearing before the Senate Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies. To ensure this prohibition is adhered to, the operating certificate to be issued to Demonstration Project participants will clearly state the prohibition on LCVs. For purpose of enforcement, if an LCV were detected, it would be immediately placed out of service for operating outside the scope of its authority. Although these particular regulations have not yet been included in the safety rules that currently apply to Mexico-domiciled carriers, it is inapplicable to the Demonstration Project because LCVs are prohibited.

In summary, I appreciate the OIG's careful attention to compliance issues, and I am pleased that DOT could fully address the issues in the OIG report. The DOT has fulfilled the requirements Congress directed to be completed prior to initiation of Demonstration Project, as listed in Section 6901 of P.L. 110-228, including working with Mexico to ensure they can and will grant reciprocal authority to United States carriers. On June 8, FMCSA published a Federal Register notice describing in detail the Demonstration Project and addressing the specific requirements of Section 6901(b)(2)(B). On August 17, FMCSA published responses to comments received. By submitting this report, DOT fulfilled the remaining requirement of Section 6901(b)(2)(A).

Initiation of the Demonstration Project is an important step toward fulfilling our obligations under the North American Free Trade Agreement and maintaining our relationship with one of our Nation's largest trading partners. Expanding the southern border operations to include cross-border long-haul trucking will promote American competitiveness and market access, leading to job creation and lower costs for American consumers. This cannot occur, however, unless the safety of our citizens is assured. By taking an incremental approach to expanding border operations to include long-haul operations through a demonstration project with a limited number of companies, the Department can begin to provide the benefits listed above while also assuring the safety of the traveling public. Through the Demonstration Project, trucks from Mexico must meet the same safety standards as United States trucks, as well as additional mandates applicable only to them. In addition, drivers from Mexico who participate in the project must meet the same or stricter requirements as United States drivers.

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I appreciate the congressional interest in the Demonstration Project and I look forward to working with you and your colleagues as the project proceeds. If I can provide further information or assistance in this matter, please feel free to call me.

An identical letter has been sent to the Speaker of the House of Representatives.

Sincerely yours,

A handwritten signature in blue ink that reads "Mary E. Peters". The signature is written in a cursive, flowing style.

Mary E. Peters

Enclosures

Enclosure 1

**Enforcement policy memorandum entitled
“Requirements for Inspection of
Mexico-domiciled Carriers Operating under
the Demonstration Project”**



U.S. Department
Of Transportation
Federal Motor Carrier
Safety Administration

Memorandum

MC-ECE-0026-06

Subject: **ACTION:** Requirements for Inspection of
Mexico-domiciled Carriers Operating under
the Cross-Border Demonstration Project

Date: JUL 12 2007

From: 
William Quade
Acting Associate Administrator for Enforcement
and Program Delivery

Reply to
Attn.of: MC-ECE

To: Assistant Administrator and Chief Safety Officer
Associate Administrator for Field Operations
MC-E Office Directors/Division Chiefs
Office of Chief Counsel, Enforcement and Litigation
Field Administrators/Service Center Directors
Division Administrators/State Director
National Enforcement Team
National Training Center

PURPOSE

This memorandum provides guidance to the Federal Motor Carrier Safety Administration (FMCSA) and State enforcement personnel to: (1) Ensure that every commercial motor vehicle (CMV) operated by Mexico-domiciled motor carriers granted provisional operating authority for transportation beyond United States municipalities and commercial zones on the United States-Mexico border¹ is inspected upon each entry into the United States; and (2) Enforce the regulatory requirement that every Mexico-domiciled long-haul CMV display a current Commercial Vehicle Safety Alliance (CVSA) inspection decal while operating in the United States.

BACKGROUND

Section 350(a)(5) of the Fiscal Year 2002 U.S. Department of Transportation (DOT) Appropriations Act directs FMCSA to require all long-haul Mexico-domiciled CMVs to display a current CVSA inspection decal when operating in the United States until the motor carrier operating the CMV has held permanent operating authority from FMCSA for at least 3 consecutive years.

¹ These motor carriers are commonly known as "long-haul" carriers.

On March 19, 2002, FMCSA published two interim final rules necessary for implementation of the North American Free Trade Agreement: 49 CFR Part 365 - Application by Certain Mexico-Domiciled Motor Carriers to Operate Beyond United States Municipalities and Commercial Zones on the United States-Mexico Border; and 49 CFR Part 385 - Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States. Both rules impose inspection and CVSA decal requirements on Mexico-domiciled, long-haul motor carriers.

Under 49 CFR section 385.103(a), each Mexico-domiciled, long-haul motor carrier operating in the United States will be subject to an oversight program to monitor its compliance with applicable Federal Motor Carrier Safety Regulations (FMCSRs), Federal Motor Vehicle Safety Standards, and Hazardous Materials Regulations. It requires that each Mexico-domiciled carrier granted **provisional operating authority** under part 365 have on every CMV it operates in the United States a current decal attesting to a satisfactory inspection by a certified inspector.

Section 350(a)(5) of the FY 2002 Appropriations Act requires all Mexico-domiciled commercial vehicles seeking authority to operate beyond the border commercial zones to pass a CVSA Level I inspection and be issued a decal to that effect, and 49 CFR 385.103(c) requires such vehicles to display a currently-valid CVSA decal while operating in the United States. Taken together, these provisions implicitly authorize FMCSA and its State partners to place a Mexico-domiciled vehicle out of service (OOS) for failure to display the required CVSA decal. Any other conclusion would prevent Federal and State inspectors from ensuring that Mexico-domiciled vehicles remain continuously in compliance with all applicable safety standards. A number of inspection and OOS scenarios are described below.

Operating Authority

There are two types of Mexico-domiciled motor carrier authority.

- For operations within the United States municipalities and commercial zones, a Mexico-domiciled motor carrier may obtain a Certificate of Registration.
- For operations beyond the United States municipalities and commercial zones, a Mexico-domiciled motor carrier may obtain Operating Authority.

A Mexico-domiciled motor carrier may not hold both types of authority concurrently. Therefore, when a Mexico-domiciled motor carrier is issued operating authority to operate beyond the United States municipalities and commercial zones, each CMV operated in the United States must display a current CVSA inspection decal (including those that continue to operate exclusively in the commercial zones).

USDOT Number Identification

When FMCSA grants operating authority to a Mexico-domiciled motor carrier, it is assigned a distinctive USDOT number. This USDOT number includes a suffix to identify the type of authority the motor carrier has been issued.

- X – Motor carriers authorized to operate beyond the United States municipalities and commercial zones will be assigned a USDOT number that ends with the letter X.

- Z – Motor carriers authorized to operate within the United States municipalities and commercial zones will be assigned a USDOT number that ends with the letter Z.

These motor carriers are subject to the marking requirements in 49 CFR section 390.21, and should be cited accordingly if the suffix is not included in the vehicle markings. Enforcement actions for violations of section 390.21 are recommended.

Commercial Driver's License Requirement

Every Mexico-domiciled CMV (as defined in 49 CFR section 383.5) driver who is subject to commercial driver's license requirements in 49 CFR Part 383 will undergo a license verification check upon entry into the United States, in accordance with procedures outlined within the Licencia Federal enforcement policy.²

English Language Proficiency Requirement

Every Mexico-domiciled CMV (as defined in 49 CFR section 390.5) driver will undergo an assessment to determine whether the driver meets the requirements of 49 CFR section 391.11(b)(2). Guidance for performing the English language proficiency assessment will be outlined in the forthcoming policy memorandum titled: **ACTION: Placing Drivers Out of Service for Violating 49 CFR Section 391.11(b)(2) – English Language Proficiency (MC-ECE-0005-07)**.

POLICY

1) Inspection upon entering the United States

The FMCSA Division Administrators (DAs) are responsible for ensuring every Mexico-domiciled CMV entering the United States required to display a USDOT number ending in "X" is subject to a CVSA Inspection Decal Compliance Check. During this compliance check, the inspector must verify that the power unit and trailer (if applicable) display a current CVSA inspection decal. In addition, the inspector will ensure the driver possesses a valid Licencia Federal de Conductor and meets the requirements of section 391.11(b)(2).

This effort will require coordination between the DAs, State agencies and Customs and Border Protection³ performing operations at the same ports of entry. Any of these agencies may perform the screening of a vehicle to identify CMVs required to display a USDOT number ending in "X." However, the DAs are ultimately responsible for ensuring every vehicle required to display a USDOT number ending in "X" entering the United States is subject to a CVSA Inspection Decal Compliance Check, and its driver is subject to a driver license verification check and an English language proficiency assessment. Those vehicles not displaying a current CVSA inspection decal must be inspected and a CVSA inspection decal issued to those that pass before they are allowed to proceed.

The inspector (Federal or State) must obtain and record the information on the CVSA Inspection Decal Compliance Check record (see attachment), which will be used for reporting purposes. Each week, the inspector must submit the compliance check records via e-mail as a Microsoft

² See *Mexican Licencia Federal Enforcement Policy* dated October 24, 2001 and *Mexican Licencia Federal de Conductor Enforcement Policy Clarification* dated November 25, 2006.

³ Customs and Border Protection and FMCSA have committed to coordination of screening and inspection of Mexico-domiciled CMV and drivers entering the United States as part of the Demonstration Project.

Word or scanned document, to the DA of their State, or his/her designee. The DAs, or their designees, will transfer the information from the compliance check records into the Excel spreadsheet template provided. The Excel spreadsheet must be sent weekly via e-mail to the North American Borders Division Chief, or his or her designee.

Discovery of an “X” motor vehicle without a CVSA inspection decal at the Southern Border or in the United States beyond the Southern Border Ports of Entry.

The following guidance and procedures will ensure that all Mexico-domiciled, long-haul CMVs are inspected and display a current CVSA inspection decal. If a CMV does not display a current CVSA inspection decal the inspector should follow the inspection and enforcement guidance below:

Scenario 1

- **Inspection of a CMV Not Displaying a Current CVSA Inspection Decal at a Southern Border Port of Entry.**
 - Conduct a Level I inspection and refer to the enforcement guidance below.

Scenario 2

- **Inspection of a CMV Not Displaying a Current CVSA Inspection Decal operating in the United States beyond the Southern Border Ports of Entry.**
 - Conduct a Level I inspection and place the vehicle out of service (OOS) for failing to display a current CVSA inspection decal as required.⁴
 - If one or more critical vehicle inspection items⁵ are discovered, record the violation of failing to display a current CVSA decal as required, also record the critical vehicle inspection item(s) and any other vehicle defect discovered. Affix an OOS sticker on the appropriate vehicle(s), inform the driver of the OOS defect(s).
 - If no critical vehicle inspection items are discovered, record the OOS violation of failing to display a current CVSA inspection decal as required on the ASPEN inspection report using the violation citation and description below. Remove the OOS sticker, issue a CVSA inspection decal and annotate in the ASPEN software the verification of the OOS violation repair.
 - Refer to the enforcement guidance below.
- **Violation Cites for Not Displaying a Current CVSA Inspection Decal**
 - 49 CFR section 390.3(e)(1)/385.103(c) - Failing to comply with all applicable regulations contained in 49 CFR Parts 350-399/Failing to display a current CVSA decal as required.

⁴ The CVSA Executive Committee has approved this out-of-service requirement for inclusion in the North American Standard Administrative Out-of-Service Criteria.

⁵ Critical Vehicle Inspection Items are defined within the North American Standard Truck Inspection Procedures.

2) Enforcement guidance for vehicles not displaying a current CVSA Inspection Decal

- Record the violation of failing to display a current CVSA decal as required and any other vehicle defect(s) discovered. Affix an OOS sticker on the appropriate vehicle(s).
- If the inspector who performed the initial inspection is available for re-inspection of the vehicle(s), verify that the defect(s) have been repaired, annotate in the ASPEN software the verification of the repairs and issue a CVSA inspection decal. The vehicle(s) may now be allowed to proceed out of the inspection area.
- If the same inspector is not available, the subsequent inspector must complete a Level I inspection, note that the previous OOS item(s) was corrected, annotate in the ASPEN software verification of the repair and issued a CVSA inspection decal. The vehicle(s) may now be allowed to proceed out of the inspection area.

NOTE: The Secretariat of Communications and Transportation Mexico and the U.S. Department of Transportation committed to the prompt correction of readily repairable OOS defects on otherwise properly functioning and compliant vehicles. Therefore, it is the obligation of the DAs to ensure timely re-inspection of Mexico-domiciled CMVs placed OOS, whether the re-inspection is performed by a State or Federal inspector.

- **Enforcement Actions for Not Displaying a Current CVSA Inspection Decal**

- Enforcement actions should be initiated when a CMV is discovered to be operating in the United States beyond the Southern Border Ports of Entry with the following exception:
 - Trailers picked up within the United States and transported to Mexico.

State enforcement personnel should pursue appropriate State enforcement action for the OOS violation. If the jurisdiction does not have the authority then initiate Federal enforcement action by obtaining the proper documents and forward them to the FMCSA Division office for processing.

IMPLEMENTATION DATE

This memorandum is effective immediately.

If you have any questions or need additional information, please contact the Enforcement and Compliance Division at (202) 366-9699.

Attachment

CVSA Inspection Decal Compliance Check Record

DOT #				
Date:				
Time:				
Inspection Location:				
Trip Origin:				
Trip Destination:				
Drivers License Number		Drivers License Check Performed (Circle One)		
(1)		Yes or No		
(2)		Yes or No		
English Proficiency Assessment Performed		Yes or No		
CVSA Decal Number		Month Decal Issued		
(1)		(1)		
(2)		(2)		
Level of Inspection (Circle One)	None	I	II	III
NOTES:				

CVSA Inspection Decal Compliance Check Record

DOT #				
Date:				
Time:				
Inspection Location:				
Trip Origin:				
Trip Destination:				
Drivers License Number		Drivers License Check Performed (Circle One)		
(1)		Yes or No		
(2)		Yes or No		
English Proficiency Assessment Performed		Yes or No		
CVSA Decal Number		Month Decal Issued		
(1)		(1)		
(2)		(2)		
Level of Inspection (Circle One)	None	I	II	III
NOTES:				

CVSA Inspection Decal Compliance Check Record

DOT #				
Date:				
Time:				
Inspection Location:				
Trip Origin:				
Trip Destination:				
Drivers License Number		Drivers License Check Performed (Circle One)		
(1)		Yes or No		
(2)		Yes or No		
English Proficiency Assessment Performed		Yes or No		
CVSA Decal Number		Month Decal Issued		
(1)		(1)		
(2)		(2)		
Level of Inspection (Circle One)	None	I	II	III
NOTES:				

CVSA Inspection Decal Compliance Check Record

DOT #				
Date:				
Time:				
Inspection Location:				
Trip Origin:				
Trip Destination:				
Drivers License Number		Drivers License Check Performed (Circle One)		
(1)		Yes or No		
(2)		Yes or No		
English Proficiency Assessment Performed		Yes or No		
CVSA Decal Number		Month Decal Issued		
(1)		(1)		
(2)		(2)		
Level of Inspection (Circle One)	None	I	II	III
NOTES:				

Enclosure 2

**Letter dated July 12, 2007, from FMCSA
Administrator John H. Hill to
CBP Assistant Commissioner Jayson Ahern
and**

**Letter dated July 18, 2007, from
CBP Assistant Commissioner Jayson Ahern
to FMCSA Administrator John H. Hill**



U.S. Department
of Transportation

Administrator

1200 New Jersey Ave., S.E.
Washington, D.C. 20590

Federal Motor Carrier
Safety Administration

JUL 12 2007

Refer to: MC-ESB

Mr. Jayson Ahern
Assistant Commissioner
Office of Field Operations
U.S. Department of Homeland Security
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Mr. Ahern:

The purpose of this letter is to confirm the agreement between the Federal Motor Carrier Safety Administration (FMCSA) and Customs and Border Protection Service (CBP) to cooperate on the implementation of the United States-Mexico Cross Border Demonstration Program. This program will authorize up to 100 Mexico-domiciled motor carriers to operate in the United States beyond the border commercial zone. The FMCSA is responsible to ensure these motor carriers comply with all United States commercial motor vehicle (CMV) safety requirements.

FMCSA intends to check every participating Mexico-domiciled CMV each time it enters the United States. The check will include verification that the vehicle has passed a Commercial Vehicle Safety Alliance safety inspection within the previous 3 months and a check to ensure the driver has a valid commercial vehicle driver's license. To accomplish this task requires the cooperation and assistance of the CBP in identifying these vehicles as they enter the United States and to refer them to a State or Federal CMV safety inspector for the appropriate check. It will also require the close coordination and cooperation between the FMCSA Division Administrators in each of the southern Border States and the CBP Port Directors for each of the commercial crossings on the southern border. It is my understanding that CBP has drafted a policy on this issue and will be issuing a final policy before the demonstration program begins, currently projected for September 1, 2007.

I look forward to your response confirming your assistance on this issue.

Sincerely yours,

John H. Hill

JUL 18 2007

U.S. Department of Homeland Security
Washington, DC 20229U.S. Customs and
Border Protection

Mr. John H. Hill
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E.
Washington, DC 20590

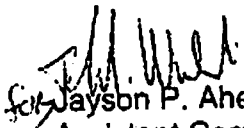
Dear Mr. Hill:

I am in receipt of your letter dated July 12, 2007 regarding the agreement between the Federal Motor Carrier Safety Administration (FMCSA) and U.S. Customs and Border Protection (CBP) to cooperate on the implementation of the United States-Mexico Cross Border Demonstration Program.

CBP is committed to ensuring that safety and security requirements are completely addressed and satisfied prior to a carrier being allowed to proceed to an interior location in the United States. Mexican commercial vehicles with authority to operate beyond the commercial zones will be permitted to enter the United States only at commercial border crossings and only when a certified motor carrier safety inspector is on duty. The proposed model as outlined in the cross border pilot will not significantly alter any of the CBP security screening, admissibility requirements or release procedures. We have instructed our Directors, Field Operations for the Southwest border locations to develop a plan for each commercial border crossing facility in cooperation with the FMCSA to ensure that drivers and trucks participating in the DOT cross border truck demonstration program are referred to the motor safety inspector on duty in a safe and efficient manner. CBP Officers have been instructed to refer every participating truck identified during primary processing each time it crosses the border, regardless of whether the trip extends beyond the commercial zone.

I have designated Mr. Gregory Olsavsky, Director, Cargo Control Division as the CBP Headquarters point of contact to monitor issues involving United States-Mexico Cross Border Demonstration Program. Mr. Olsavsky has been involved in the development of policy decisions for implementation by CBP field managers and staff. If we may offer further assistance, please contact me, or have a member of your staff contact Mr. Olsavsky at (202) 344-1049.

Sincerely,


Jayson P. Ahern
Assistant Commissioner
Office of Field Operations

Enclosure 3

25 Commercial Truck Border Crossing Implementation Plans for the enforcement policy memorandum entitled “Requirements for Inspection of Mexico-domiciled Carriers Operating under the Demonstration Project”

Note: CBP operates 25 commercial vehicle ports of entry on the U.S.-Mexico border. Each of these ports has different geographical configuration. Some are located in rural areas and others are located in large cities. Some have a very limited amount of commercial traffic and others have a very large amount. The differences in the individual Port Plans reflect the differences in the port of entry size and geographical configurations.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Andrade

Border Crossing Name: Andrade

FMCSA Division: California

FMCSA Division Administrator: Terry D. Wolf

CBP Port Director: Ray Neyg

Number of Entries at Border Crossing: 1,777 trucks (annual)

Plan Description:

On August 7, 2007 FMCSA (Isabel Lopez, John Urias, Terry Wolf and Cecilio Crosby) met with U.S. Customs and Border Protection (CBP) Port Director Joe Misenhelter (Tecate) and Assistant Director Michael Cante (Tecate) to discuss the cooperation of FMCSA and CBP on the implementation of the Demonstration Project. At present time only 6 vehicles a day pass through the Andrade Port. They are usually the same 6 vehicles each day.

CBP personnel will identify all vehicles participating in the border demonstration project when they enter the port. If a vehicle entered the Andrade port that was part of the Demonstration Project that vehicle would be sent to the California Highway Patrol (CHP) Sidewinder scale 1.5 miles up the road for an inspection. CBP will place a call to CHP letting them know the details of the vehicle. CHP will also notify FMCSA of this event. CHP staff members will be provided with the "CVSA Inspection Decal Compliance Check Record" and will use the record to document the check.

This system will ensure every commercial motor vehicle in the Demonstration Project will be checked every time it enters into the United States.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: El Paso Port of Entry

Border Crossing Name: Bridge of the Americas (BOTA)

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: Polly Figueroa (Acting)

Number of Entries at Border Crossing: trucks - 385,554 (annual)

Plan Description:

The Bridge of the Americas (BOTA) Port of Entry and the Federal Motor Carrier Safety Administration (FMCSA) have developed a plan to implement and ensure that drivers and trucks participating in the Demonstration Project are inspected "Every vehicle, Every time."

FMCSA (Ruben Torres and Guillermo Quezada) met with U.S. Customs and Border Protection (CBP) Port Director Polly Figueroa to develop the plan.

When a vehicle enters the BOTA Port of Entry it will be allowed to process through all the channels that CBP designates for the vehicle. Upon the vehicle going through all its requirements that CBP has mandated, when the vehicle is heading toward the exit gate, one of the FMCSA inspectors will be stationed prior to the exit to identify all vehicles with an "X" marking.

The BOTA Port of Entry has only one exit gate where all vehicles can exit one at a time, and is approximately 80 yards from the CBP primary booths. By placing an FMCSA inspector 15 yards from the exit booth we are able to identify and direct to our facility all vehicles for inspection. By the placement of the FMCSA inspector 15 yards before the vehicles exit, we determined that this would not interfere with traffic or with the vehicles having to wait for a turnaround. Where FMCSA inspectors will be placed, allows for the vehicle that is directed to the FMCSA inspection facility to turn around without halting or slowing down traffic.

FMCSA inspectors will be alternated throughout the day to work the exit gate. They will be on 2 hour rotations and they are under strict order that they are not to leave their posts while serving their two hours. They have also been advised that they cannot leave their post until their replacements shows up. FMCSA has very dependable, dedicated and hard working individuals so this will not be an issue. FMCSA decided that 2 hour shifts were more appropriate because of the exposure to heat and cold so this way the individual is not exposed to the elements for too much time.

CBP did state that while they would assist us as much as they could, they did not want to impose any extra duties on their personnel due to a shortage of manpower within their ranks. They were also concerned as to whose responsibility it would be if their agent missed a vehicle with an "X" marking. Ruben Torres assured them it was FMCSA's responsibility to make sure every truck was inspected and that we would guarantee this by having our inspector situated prior to reaching the exit gate. CBP agreed that this would be the best plan and asked to meet with them again in the future to iron out any new concerns that may come up.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Calexico-East

Border Crossing Name: Calexico-East

FMCSA Division: California

FMCSA Division Administrator: Terry D. Wolf

CBP Port Director: Billy Whitford

Number of Entries at Border Crossing: 311,008 trucks (annual)

Plan Description:

On August 7, 2007 FMCSA (Isabel Lopez and John Urias) met with U.S. Customs and Border Protection (CBP) Port Director Billy Whitford and Assistant Director Joseph Vindiloa to discuss the cooperation of FMCSA and CBP on the implementation of the Demonstration Project. All commercial motor vehicles entering the United States must enter through the Calexico East Port of Entry.

Vehicles entering CBP compound operating under the Demonstration Project will be referred to a designated location at the Hazardous Materials Facility located about 500 feet from the exit gate. Two FMCSA staff members will be equipped with radios and the Decal Compliance Check Record to conduct verification assessments consisting of current CVSA decal, driver's license query, vehicle marking, and language proficiency. FMCSA will be responsible for identifying the vehicles operated by Demonstration Project participants. An alternate location to conduct these verification assessments will be available at CBP's overflow exit gate. This exit gate normally remains closed; however, it can be opened to allow FMCSA to conduct their monitoring of commercial vehicles under the Demonstration Project.

If it is determined a commercial motor vehicle under the Demonstration Project requires further review such as a level 1 or level 2 inspection, FMCSA staff members at the CBP facility will radio-in FMCSA staff members located at the California Highway Patrol (CHP) Commercial Scale Facility and provide the vehicle's license plate number, company name, and DOT number for further inspection. Four FMCSA staff members will be located at CHP to conduct further investigation of drivers and vehicles needing inspections. FMCSA staff members will be provided with the **"CVSA Inspection Decal Compliance Check Record"** and will use the record to document the check.

Every commercial motor vehicle must enter through U.S. Customs and Border Protection East Service Port whether loaded or empty. Once the vehicle exits CBP, it must cross through the California Highway Patrol Commercial Scale Facility; therefore, every vehicle will be checked every time it enters into the United States.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Laredo

Border Crossing Name: Colombia Solidarity Bridge III

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: Eugenio Garza Jr.

Number of Entries at Border Crossing: Trucks – 396,733 (annual)

Plan Description:

Federal Motor Carrier Safety Administration (FMCSA) (Santos Pecina, Jose Cortez and Marco Fuentes) met with U.S. Customs and Border Protection (CBP) Port Director Eugenio Garza Jr. to develop the plan.

FMCSA will provide CBP with a list of all carriers participating in the demonstration project.

FMCSA will provide CBP with self inking stamps that say “FMCSA HOLD.” FMCSA will provide enough stamps so that each primary booth will be equipped with its own stamp.

CBP at primary booth will identify all X carriers involved in the demonstration project. FMCSA employees will not be allowed access to the primary booth. The manifests carried on board the vehicle for both (empty and loaded trucks) will be stamped with the “FMCSA HOLD” stamp.

The truck will then proceed to the mobile X- ray inspection.

After X-ray, if there are other CBP issues, the truck will proceed to the dock area.

Once cleared from the CBP dock, the truck will continue on to the FMCSA inspection areas.

When the FMCSA inspection is complete, FMCSA employees will stamp the manifest with a “FMCSA RELEASE” stamp. FMCSA staff members will be provided with the “CVSA Inspection Decal Compliance Check Record” and will use the record to document the check.

The truck must then return to the dock to submit to a final clearance to determine that all holds have been released.

Once the truck has a final release it continues on to the exit gate where it is again verified that all holds have been released.

FMCSA will continue to select non-demonstration carriers for inspection from the secondary and X-ray area as they currently do with consideration to inspector safety and traffic flow being of primary concern.

CBP issued their official guidelines to their staff on September 4, 2007.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Columbus

Border Crossing Name: Columbus – Palomas

FMCSA Division: New Mexico

FMCSA Division Administrator: John Francis

Acting CBP Port Director: Robert Reza

Number of Entries at Border Crossing: 5,250 trucks (annual)

Plan Description:

On July 24, 2007 FMCSA Border Inspector Supervisor Rodolfo Marrufo met with Columbus U.S. Customs and Border Protection (CBP), Assistant Port Director, Robert Reza to discuss the cooperation of FMCSA and CBP on the implementation of the Demonstration Project. The following was discussed and agreed upon at this meeting.

This Demonstration Project requires that every vehicle of every Mexican motor carrier that is in the Demonstration Project be inspected every time it enters the U.S. Project vehicles can be identified by an X at the end of their USDOT number. CBP will inform FMCSA border staff or State personnel of Demonstration Project vehicles upon entering CBP primary, and will record time, date, carrier and truck information. The driver of the Project vehicle will be instructed to report to FMCSA inspectors or New Mexico Motor Transportation Division (MTD) officers upon clearing CBP. The FMCSA/MTD vehicle inspection area is located within the CBP compound. All CMVs leaving the CBP compound must travel directly through the FMCSA/MTD inspection area. FMCSA/MTD will have been alerted to the approaching Demonstration Project vehicle and will be prepared to inspect the vehicle/driver as required, and to ensure it does not leave the inspection area without being inspected by FMCSA/MTD. The “CVSA Inspection Decal Compliance Check Record” will be used to record verification assessments of current CVSA decal check; a driver’s license query; vehicle marking; and driver English language proficiency as required by FMCSA Policies MC-ECE-0026-06 and MC-ECE-0005-07.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Del Rio

Border Crossing Name: Ciudad Acuña International Bridge

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: Michael Perez

Number of Entries at Border Crossing: trucks – 67,064 (annual)

Plan Description:

Federal Motor Carrier Safety Administration (FMCSA) (Santos Pecina) met with U.S. Customs and Border Protection (CBP) Port Director Michael Perez to develop the plan.

FMCSA will provide CBP with a list of all carriers participating in the demonstration project.

FMCSA will provide CBP with self inking stamps that say “FMCSA HOLD.” FMCSA will provide enough stamps so that each primary booth will be equipped with its own stamp.

CBP at primary booth will identify all X carriers involved in the demonstration project. FMCSA employees will not be allowed access to the primary booth. The manifests carried on board the vehicle for both (empty and loaded trucks) will be stamped with the “FMCSA HOLD” stamp.

The truck will then proceed to the mobile X- ray inspection.

After X-ray, if there are other CBP issues, the truck will proceed to the dock area.

Once cleared from the CBP dock, the truck will continue on to the FMCSA inspection areas.

When the FMCSA inspection is complete, FMCSA employees will stamp the manifest with a “FMCSA RELEASE” stamp. FMCSA staff members will be provided with the “CVSA Inspection Decal Compliance Check Record” and will use the record to document the check.

The truck must then return to the dock to submit to a final clearance to determine that all holds have been released.

Once the truck has a final release it continues on to the exit gate where it is again verified that all holds have been released.

FMCSA will continue to select non-demonstration carriers for inspection from the secondary and X-ray area as they currently do with consideration to inspector safety and traffic flow being of primary concern.

CBP issued their official guidelines to their staff on September 4, 2007.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Douglas - Agua Prieta

Border Crossing Name: Douglas

FMCSA Division: Arizona

FMCSA Division Administrator: Eric Ice

CBP Port Director: Mike Humphries

Number of Entries at Border Crossing: 27,845 trucks (annual)

Plan Description:

On August 13, 2007 FMCSA Border Inspector Supervisor David Ramirez met with Douglas U.S. Customs and Border Protection Customs Cargo Supervisor Eli Villarreal to discuss the cooperation of FMCSA and CBP on the implementation of the United States-Mexico Cross Border Demonstration Project.

It was discussed and agreed that FMCSA staff members will conduct vehicle and driver verification after vehicles participating in the Cross Border Demonstration Project have exited the CBP compound. Mexico-domiciled vehicles of motor carriers participating in the demonstration project will be directed into the FMCSA facility for inspection by FMCSA staff and, in some instances, by CBP officers. FMCSA staff members will be provided with the **"CVSA Inspection Decal Compliance Check Record"** to record verification assessments of current CVSA decal check; a driver's license query; vehicle marking; and driver English language proficiency as required by FMCSA Policies MC-ECE-0026-06 and MC-ECE-0005-07

Every commercial motor vehicle must enter through the U.S. Customs and Border Protection Douglas Cargo Port of Entry whether loaded or empty. All commercial motor vehicles entering the United States will enter through the main entrance of the Douglas Customs Cargo Port of Entry. Once the vehicle clears CBP, it will be directed to enter the FMCSA cargo compound facility; therefore, every vehicle will be checked every time it enters into the United States.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Eagle Pass

Border Crossing Name: Piedras Negras-Camino Real International Bridge II

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: John Salazar

Number of Entries at Border Crossing: trucks – 96,819 (annual)

Plan Description:

Federal Motor Carrier Safety Administration (FMCSA) (Santos Pecina) met with U.S. Customs and Border Protection (CBP) Port Director John Salazar to develop the plan.

FMCSA will provide CBP with a list of all carriers participating in the demonstration project.

FMCSA will provide CBP with self inking stamps that say “FMCSA HOLD.” FMCSA will provide enough stamps so that each primary booth will be equipped with its own stamp.

CBP at primary booth will identify all X carriers involved in the demonstration project. FMCSA employees will not be allowed access to the primary booth. The manifests carried on board the vehicle for both (empty and loaded trucks) will be stamped with the “FMCSA HOLD” stamp.

The truck will then proceed to the mobile X- ray inspection.

After X-ray, if there are other CBP issues, the truck will proceed to the dock area.

Once cleared from the CBP dock, the truck will continue on to the FMCSA inspection areas.

When the FMCSA inspection is complete, FMCSA employees will stamp the manifest with a “FMCSA RELEASE” stamp. FMCSA staff members will be provided with the “CVSA Inspection Decal Compliance Check Record” and will use the record to document the check.

The truck must then return to the dock to submit to a final clearance to determine that all holds have been released.

Once the truck has a final release it continues on to the exit gate where it is again verified that all holds have been released.

FMCSA will continue to select non-demonstration carriers for inspection from the secondary and X-ray area as they currently do with consideration to inspector safety and traffic flow being of primary concern.

CBP issued their official guidelines to their staff on September 4, 2007.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Los Indios Port of Entry

Border Crossing Name: Brownsville – Free Trade – Los Indios Bridge

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: Michael Freeman

Number of Entries at Border Crossing: truck- 41,797 (annual)

Plan Description:

The Departments of Homeland Security and Transportation will partner in efforts to ensure that safety and security requirements are completely addressed and satisfied prior to a carrier being allowed to proceed to an interior location in the United States. Federal Motor Carrier Safety Administration (FMCSA) (Oscar Garza and Sherwood Hamilton) met with U.S. Customs and Border Protection (CBP) Port Director Michael Freeman to develop the plan.

On Friday, February 23, 2007, the Department of Transportation (DOT) announced a limited, year-long demonstration of the trucking provisions of the North American Free Trade Agreement, supported by Presidents George H.W. Bush and Bill Clinton and approved by Congress in 1993, that will permit up to 100 Mexican trucking companies to make deliveries beyond the commercial zones. An equal number of U.S. trucking companies will be able to cross the border and compete in the Mexican marketplace. Until 1982, trucks from Mexico could drive anywhere in the U.S. Since that time, Mexican trucks have been restricted to the border commercial zones in California, Arizona, New Mexico and Texas. At this time we anticipate the first Cross-Border Truck Demonstration Project participant to arrive at a CBP port of entry from Mexico on or about September 1, 2007.

CBP in cooperation with the Federal Motor Carrier Safety Administration must ensure that drivers and trucks participating in the Demonstration Project are referred to an FMCSA or State inspector on duty in a safe and efficient manner.

The inspectors will not be allowed access to the CBP primary booths nor will they be allowed to perform traffic control duties within the CBP compound in a manner that creates an unsafe environment or impedes CBP operations.

Mexican commercial vehicles with authority to operate beyond the commercial zones will be permitted to enter the United States only at commercial border crossings and only when an inspector is on duty.

Commercial truck drivers participating in the Demonstration Project, at a minimum, will be subject to large-scale non-intrusive inspection (NII) for the first arrival.

Each time a Demonstration Project participant arrives at a CBP port of entry; all system queries will be performed.

FMCSA will inspect each participating truck every time it crosses the border, regardless of whether the instant trip extends beyond the commercial zone.

CBP officers will be responsible for identifying participating trucks either by the DOT number on the cabs ending with an "X" or by the paperwork presented by the drivers for clearance. Any participating truck identified during primary processing will be referred for FMCSA inspection.

Truck drivers must meet the general entry requirements as a visitor for business (B-1 classification) set forth in section 101 (a)(15)(B) of the Immigration and Nationality Act (INA) and the Department of State regulations. Mexican nationals are required to present an entry document, which may be the Laser Visa (DSP-150, or Border Crossing Card) or a nonimmigrant visa (class B-1 or B-2) inside a Mexican passport.

Mexican nationals are required to present a Form I-94 if seeking admission to the U.S. beyond the 25 miles from the Mexican border and/or for more than 72 hours. Form I-94 will be issued to the applicant in accordance with US-VISIT standard operating procedures, which satisfy security, anti-fraud and biometric requirements. Drivers and crew will be issued a Form I-94 valid for multiple entries and for a period of time up to six months.

To qualify as a bona fide visitor for business, the driver must:

1. Have a residence in a foreign country of which he or she has no intention of abandoning;
2. Intend to depart the United States at the end of the authorized period of temporary admission;
3. Have adequate financial means to carry out the purpose of the visit to and departure from the United States;
4. Establish that he or she is not inadmissible to the United States under the provisions of section 212(a) of the INA.

FMCSA inspectors will conduct their inspections at their designated area. Once the inspection is completed, a Federal Inspection Report will be provided to the driver. FMCSA staff members will be provided with the **"CVSA Inspection Decal Compliance Check Record"** and will use the record to document the check.

The CBP Officer located at the Exit Gate will ensure that all participating trucks identified by the DOT number on the cabs ending in "X" have the required Federal Inspection Report in their possession.

1. If the driver does not present the required documentation the CBP officer will return the truck back to the FMCSA facility.

It should be noted that point-to-point hauling in the U.S. is not permissible B-1 activity. CBP Officers should reference 8 CFR 214.2 and the Inspector's Field Manual, Chapter 21, for general guiding principals on whether a movement is permissible B-1 activity versus an activity constituting cabotage or unlawful employment in the United States.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Lukeville-Sonoyta

Border Crossing Name: Lukeville

FMCSA Division: Arizona

FMCSA Division Administrator: Eric Ice

CBP Port Director: Dennis Doherty

Number of Entries at Border Crossing: 832 Trucks (annual)

Plan Description:

An agreement with the Arizona Department of Transportation, Motor Vehicle Division Enforcement Services (MVES) provides that personnel assigned at the Lukeville Port of Entry will conduct vehicle and driver verification inspections on commercial vehicles entering the United States from Mexico. Mexico-domiciled carrier's vehicles that have been identified and cleared by FMCSA and/or U.S. Customs and Border Protection (CBP) will be referred to MVES personnel for inspection at the Lukeville Port of Entry. MVES personnel will coordinate its findings directly with FMCSA including the information to be entered into the "CVSA Inspection Decal Compliance Check Record" to record verification assessments of current CVSA decal check; a driver's license query; vehicle marking; and driver English language proficiency as required by FMCSA Policies MC-ECE-0026-06 and MC-ECE-0005-07.

All commercial motor vehicles entering the United States will enter through the main entrance of the Lukeville Port of Entry. Once the vehicle enters the Lukeville Port of Entry it will be directed to the inspection area and checked every time it enters into the United States.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Naco

Border Crossing Name: Naco

FMCSA Division: Arizona

FMCSA Division Administrator: Eric Ice

CBP Port Director: Al Acuna

Number of Entries at Border Crossing: 3,997 trucks (annual)

Plan Description:

On August 13, 2007 FMCSA Border Inspector Manuel Duron met with Naco U.S. Customs and Border Protection (CBP) Port Director Al Acuna to discuss the cooperation of FMCSA and CBP on the implementation of the United States-Mexico Cross Border Demonstration Project.

It was discussed and agreed that FMCSA staff members will conduct vehicle and driver identification and verification after vehicles have cleared the CBP compound. Mexico-domiciled carrier's vehicles that have cleared the CBP compound will be referred for inspection by FMCSA staff members stationed near the exit gate of the CBP compound and, in some instances, by CBP officers. FMCSA staff members will be provided with the "**CVSA Inspection Decal Compliance Check Record**" to record verification assessments of current CVSA decal check; a driver's license query; vehicle marking; and driver English language proficiency as required by FMCSA Policies MC-ECE-0026-06 and MC-ECE-0005-07.

Every commercial motor vehicle must enter through the Customs and Border Protection Naco Cargo Port of Entry whether loaded or empty. All commercial motor vehicles entering the United States will enter through the main entrance of the Naco Customs Cargo Port of Entry. Once the vehicle clears CBP, it will be directed to cross through the FMCSA cargo compound facility; therefore, every vehicle will be checked every time it enters into the United States.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Mariposa – Nogales Commercial Crossing

Border Crossing Name: Nogales West (Mariposa) - Nogales III

FMCSA Division: Arizona

FMCSA Division Administrator: Eric Ice

CBP Port Director: James Tong

Number of Entries at Border Crossing: 288,144 Trucks (annual)

Plan Description:

On August 13, 2007, FMCSA Border Inspector Supervisors Monica S. Felix and Javier J. Hernandez spoke with U.S. Customs and Border Protection (CBP) Cargo Chief Jesus Cruz and discussed a cooperative effort of FMCSA and CBP for implementation of the United States-Mexico Cross Border Demonstration Project. An agreement was reached to implement a plan that will ensure every vehicle in the project will be inspected every time.

All commercial motor vehicles entering the United States at Nogales pass through the Nogales Port of Entry commercial compound Rapid Enforcement Lanes (RELs). Currently, because traffic volumes are low during the summer months, two (2) lanes are in operation. The CBP has installed digital variable overhead signs located immediately upon entering the United States. Those signs will communicate to the driver and direct those motor carriers' vehicles participating in the Demonstration Project to one lane that will be a predetermined lane for screening. An inspector from FMCSA will be present in the booth at that particular lane with CBP and MVD officers. It will be at the REL booth where all carriers that are operating under the demonstration program will have their manifest stamped "DOT" and then be referred into the FMCSA inspection area inside the joint use compound.

FMCSA staff members will be provided with the "CVSA Inspection Decal Compliance Check Record" to record verification assessments of current CVSA decal check; a driver's license query; vehicle marking; and driver English language proficiency as required by FMCSA Policies MC-ECE-0026-06 and MC-ECE-0005-07

Upon successful completion of the inspection process the stamped manifest will be signed by the inspector; that stamp and signature will alert the exit gate CBP officer that the vehicle has been cleared to leave the compound by FMCSA. During the "peak" season, when the traffic volume increases, plans have also been made for when four (4) lanes will be open for commercial motor vehicles. At that time, two of the REL lanes will be designated for those carriers participating in the Demonstration Project and will be staffed with FMCSA inspectors. The vehicles will be screened and directed into the compound for inspection as described above.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Otay Mesa

Border Crossing Name: Otay Mesa Cargo North

FMCSA Division: California

FMCSA Division Administrator: Terry D. Wolf

CBP Port Director: Paul Henning

Number of Entries at Border Crossing: 745,974 trucks (annual)

Plan Description:

FMCSA (Terry Wolf and Cecilio Crosby) met with U.S. Customs and Border Protection (CBP) Port Director Paul Henning to discuss the cooperation of FMCSA and CBP on the implementation of the Demonstration Project at the Otay Mesa Cargo North, all commercial motor vehicles entering the United States must enter through Otay Mesa Cargo Port of Entry.

U.S. Customs and Border Protection at Otay Mesa Port of Entry have agreed to a designated location, which consists of five dock spaces at the southwest end of their Otay Mesa inspection facility for FMCSA staff members to conduct vehicle and driver verification. Because of the complexity of their operation CBP Otay Mesa Port Director, Paul Henning has directed his staff to conduct a CBP level six inspection in their electronic system which will serve as a tracking mechanism to advise CBP officers at the exit gate that the vehicle is part of the Demonstration Project and must report to FMCSA's designated location. This plan will be cleared through CBP officials in Headquarters. FMCSA will have two staff members equipped with radios and the Decal Compliance Check Record to conduct verification assessments consisting of current CVSA decal, driver's license query, vehicle marking, and language proficiency.

If it is determined a commercial motor vehicle under the Demonstration Project requires further review such as a level 1 or level 2 inspection, FMCSA staff members at the CBP facility will radio-in FMCSA staff members located at the California Highway Patrol (CHP) Commercial Scale Facility and provide the vehicle's license plate number, company name, and DOT number for further inspection. Four FMCSA staff members will be located at CHP to conduct further investigation of drivers and vehicles needing inspections.

Every commercial motor vehicle must enter through U.S. Customs and Border Protection Otay Mesa Cargo Port of Entry whether loaded or empty. Once the vehicle exits CBP, it must cross through the California Highway Patrol Commercial Scale Facility; therefore, every vehicle will be checked every time it enters into the United States.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Pharr

Border Crossing Name: Pharr-Reynosa International Bridge III on the Rise

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: David P. Higginson

Number of Entries at Border Crossing: Truck: 471,224 (annual)

Plan Description:

Federal Motor Carrier Safety Administration (FMCSA) (Oscar Garza, Jose Villarreal) met with U.S. Customs and Border Protection (CBP) Port Director David Higginson to develop the plan.

CBP at Pharr, Texas will be working with FMCSA on the implementation of the Demonstration Project.

Drivers and trucks participating in the program will be referred to an FMCSA or State inspector each time they cross the border.

FMCSA and CPB will meet periodically to resolve issues that may surface during the project roll out.

CBP in cooperation with the FMCSA must ensure that drivers and trucks participating in the Demonstration Project are referred to the motor safety inspector on duty in a safe and efficient manner.

The motor safety inspectors will not be allowed access to the CBP primary booths nor will they be allowed to perform traffic control duties within the CBP compound in a manner that creates an unsafe environment or impedes CBP operations.

Mexican commercial vehicles with authority to operate beyond the commercial zones will be permitted to enter the United States only at commercial border crossings and only when an FMCSA or State inspector is on duty.

Commercial truck drivers participating in the Demonstration Project, at a minimum, will be subject to large-scale non-intrusive inspection (NII) for the first arrival.

Each time a Demonstration Project participant arrives at a CBP port of entry; all system queries will be performed.

FMCSA will inspect each participating truck every time it crosses the border, regardless of whether the instant trip extends beyond the commercial zone.

CBP officers will be responsible for identifying participating trucks either by the DOT number on the cabs ending with an "X" or by the paperwork presented by the drivers for clearance. Any participating truck identified during primary processing will be referred for FMCSA inspection.

Truck drivers must meet the general entry requirements as a visitor for business (B-1 classification) set forth in section 101 (a) (15) (B) of the Immigration and Nationality Act (INA) and the Department of State regulations. Mexican nationals are required to present an entry document, which may be the Laser Visa (DSP-150, or Border Crossing Card) or a nonimmigrant visa (class B-1 or B-2) inside a Mexican passport.

Mexican nationals are required to present a Form I-94 if seeking admission to the U.S. beyond the 25 miles from the Mexican border and/or for more than 72 hours. Form I-94 will be issued to the applicant in accordance with US-VISIT standard operating procedures, which satisfy security, anti-fraud and biometric requirements. Drivers and crew will be issued a Form I-94 valid for multiple entries and for a period of time up to six months.

To qualify as a bona fide visitor for business, the driver must:

1. Have a residence in a foreign country of which he or she has no intention of abandoning;
2. Intend to depart the United States at the end of the authorized period of temporary admission;
3. Have adequate financial means to carry out the purpose of the visit to and departure from the United States;
4. Establish that he or she is not inadmissible to the United States under the provisions of section 212(a) of the INA.

FMCSA inspectors will conduct their inspections at their designated area. Once an inspection is completed, a Federal Inspection Report will be provided to the driver. FMCSA staff members will be provided with the "CVSA Inspection Decal Compliance Check Record" and will use the record to document the check.

The CBP Officer located at the Exit Gate will ensure that all participating trucks identified by the DOT number on the cabs ending in "X" have the required Federal Inspection Report in their possession.

1. If the driver does not present the required documentation the CBP officer will return the truck back to the FMCSA facility.

It should be noted that point-to-point hauling in the U.S. is not permissible B-1 activity. CBP officers should reference 8 CFR 214.2 and the Inspector's Field Manual, Chapter 21, for general guiding principals on whether a movement is permissible B-1 activity versus an activity constituting sabotage or unlawful employment in the United States.

CBP, although willing to assist, does not want to impose any extra duties on their personnel due to a shortage of manpower within their ranks.

FMCSA has ultimate responsibility for ensuring that every demonstration project truck is inspected every time.

FMCSA and CBP will have periodic meetings throughout the demonstration project to discuss mutual areas of concern as the project evolves.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Presidio Port of Entry

Border Crossing Name: Presidio International Bridge

FMCSA Division: Texas

FMCSA Division Administrator Joanne Cisneros

CBP Port Director: John T. Prewit, Port Director

Number of Entries at Border Crossing: 7,284 (annual)

Plan Description:

The Federal Motor Carrier Safety Administration (FMCSA) (Ruben Torres and Guillermo Quezada) met with U.S. Customs and Border Protection (CBP) Port Director John Prewit to develop the plan.

The Presidio Port of Entry is a small low traffic volume bridge. The set up of the bridge is such that there is no way to miss a truck as it exits. All vehicles entering into the compound must exit by passing the FMCSA inspector. The inspector has full view of all vehicle traffic. Traffic is at an average of 2 to 3 trucks per hour.

The bridge is open Monday through Friday 10 am to 6 pm. FMCSA has an inspector present during the bridge's work hours. If the FMCSA inspector is not available, a Texas Department of Safety (DPS) inspector is present to make sure all vehicles get inspected. However, during the months of September through January the Presidio Bridge opens for the Pecan season on Saturdays. FMCSA and DPS alternate working Saturdays during this season, so there will always be coverage at the Bridge.

All vehicles exiting the Presidio Bridge must pass by the inspector located by the exit gate. This ensures all vehicles participating in the Demonstration Project will be checked every time they enter the U.S.

FMCSA and CBP have a very good relationship and CBP stated they would assist FMCSA with whatever was needed.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Progreso Port of Entry

Border Crossing Name: Progreso International – Nuevo Progreso Bridge

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: Noel Sanchez

Number of Entries at Border Crossing: truck- 30,390 (annual)

Plan Description:

FMCSA (Oscar Garza and Sherwood Hamilton) met with U.S. Customs and Border Protection (CBP) Port Director Noel Sanchez to develop the plan.

The Progreso POE has developed a plan in cooperation with the Federal Motor Carrier Safety Administration (FMCSA) to ensure that drivers and trucks participating in the Demonstration Project will be referred to the FMCSA safety inspector on duty in a safe and efficient manner.

Commercial trucks will apply for entry via track lane in the Progreso Import Lot.

Once a commercial truck enters the Progreso Import Lot, the CBP officer will process the truck through ACE and query the tractor/trailer plates as well as the driver. If a truck participating in the Demonstration Project is found to be entering the US, such truck will be referred to FMCSA. Mexican commercial trucks with authority to operate beyond the commercial zones, (identified by the suffix X in their USDOT number) will be permitted to enter the United States only when an FMCSA or State inspector is on duty. Truck drivers will be required to meet the general entry requirements.

An FMCSA inspector will be on duty at all times during import lot operating hours (Monday-Friday, 0800-1700 and Saturday 1000-1200). In the event that the local FMCSA inspector is not available, FMCSA will replace that inspector with an inspector from a neighboring port. FMCSA staff members will be provided with the "CVSA Inspection Decal Compliance Check Record" and will use the record to document the check.

As the Department of Transportation selects those 100 companies who are to participate in the project, the local FMCSA inspectors will advise Progreso CBP which Mexican trucking companies have been accepted into the demonstration project. Also, CBP Officers will be able to identify participating trucks either by DOT number on cabs ending with "X" or by the paperwork presented by the drivers for clearance.

The FMCSA inspectors will not be allowed access to CBP primary booths, nor will they be allowed to perform traffic control duties within the CBP compound in a manner that creates an unsafe environment or impedes CBP operations.

Commercial truck drivers participating in the Demonstration Project will be subject to large-scale non-intrusive inspection (NII) for the first arrival at minimum.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Rio Grande Port of Entry

Border Crossing Name: Rio Grande City - Camargo Bridge

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: Joseph A. Mongiello

Number of Entries at Border Crossing: truck- 45,812 (annual)

Plan Description:

The Department of Transportation has announced a Demonstration Project that will permit 100 Mexican carriers to make commercial deliveries beyond the border commercial zones. It is anticipated the first carriers in this demonstration project will be arriving at the border on September 1, 2007. DOT has stated that they will be conducting a safety inspection on every conveyance identified as a project participant every time they arrive at the border and has asked U.S. Customs and Border Protection (CBP) for assistance to accomplish this task.

FMCSA (Oscar Garza and Jose Villarreal) met with CBP Port Director Joseph A. Mongiello to develop the plan.

The Port of Rio Grande City will process these carriers as follows:

- The Super booth officer will determine if the carrier is a Demonstration Project participant by verifying the carrier's DOT number ends in an "X".
- If the carrier is a participant the CBP officer will verify the driver has the required immigration entry documents. If he requires an I-94 permit he will be referred to the processing counter for further processing.
- Drivers and crew will be issued a Form I-94 valid for multiple entries and for a period of time up to six months. To qualify as a bona fide visitor for business, the driver must:
 - Have a residence in a foreign country which he or she has no intention of abandoning;
 - Intend to depart the United States at the end of the authorized period of temporary admission;
 - Have adequate financial means to carry out the purpose of the visit to and departure from the United States; and
 - Establish that he or she is not inadmissible to the United States under the provisions of section 212(a) of the INA.
- After the driver's immigration status has been established and any required permits issued, the conveyance will be referred to the Gamma Ray scanner for inspection. Once the scan has

been completed, the conveyance will be referred to the enforcement dock for either further inspection or final release.

Once all processing in ACE has been completed, the enforcement dock officer will direct the conveyance to the FMCSA or State inspection station via the east side exit gate. The FMCSA or State inspector will be made aware of the conveyance's presence and he will assume responsibility for completing any further processing. FMCSA staff members will be provided with the **"CVSA Inspection Decal Compliance Check Record"** and will use the record to document the check.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Roma Port of Entry

Border Crossing Name: Roma – Ciudad Miguel Aleman Bridge

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: Crescencio Cantu

Number of Entries at Border Crossing: truck- 8,506 (annual)

Plan Description:

The purpose of this action plan is to determine what course of action U.S. Customs and Border Protection (CBP) Officers at the Roma Port of Entry will take when encountering a truck that is a participant of the Demonstration Project. This action plan will cover the steps CBP officers will take to process the driver, vehicle entry documents if applicable and the referral process to the Federal Motor Carriers Safety Administration (FMCSA).

FMCSA (Oscar Garza and Jose Villarreal) met with CBP Port Director Crescencio Cantu to develop the plan.

CBP officers will follow the following steps to ensure the vehicle is processed and inspected in a safe and efficient manner as per CBP Memorandum entitled “Department of Transportation Cross-Border Pilot Program”.

- The CBP Officer manning “first stop” will identify any Demonstration Project participant by the DOT number on the tractor cab which will end with an “X” or by the manifest presented by the master of the conveyance.
- At primary, the driver’s name, vehicle plates and entry will undergo all available queries.
- An issue will be created in Automated Commercial Environment (ACE) under the issue category “trade enforcement” with the issue type being “FMCSA Concerns”.
- If the driver will be traveling further than the 25 mile threshold, he or she will be referred to admissibility secondary for the issuance of an I-94.
- The vehicle will be referred to a Large Scale Non-Intrusive Inspection (NII) which would be the Mobile Truck Gamma Ray (MTGR).

- After all CBP processing is completed, the FMCSA or State inspector will be notified in person or telephonically that a Demonstration Project participant has been cleared by CBP and is available for inspection. If an FMCSA or State inspector is not available, the Rio Grande Port of Entry, FMCSA division will be contacted at (956) 716-8747 or Inspector Ricardo Escobar at (956) 208-7578 or Inspector Jorge Garcia at (956) 500-6700. The FMCSA inspector will make arrangements to ensure the vehicle is checked.
- FMCSA staff members will be provided with the “**CVSA Inspection Decal Compliance Check Record**” and will use the record to document the check.
- The FMCSA Inspector will notify a CBP Officer of his or her findings.

Note: Both CBP Officers and FMCSA Inspectors will be responsible in determining that the carrier will not be conducting any point to point hauling contrary to 8CFR214.2

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: San Luis

Border Crossing Name: San Luis - San Luis Rio Colorado

FMCSA Division: Arizona

FMCSA Division Administrator: Eric Ice

CBP Port Director: Mike Freeman

Number of Entries at Border Crossing: 46,184 trucks (annual)

Plan Description:

On August 14, 2007 FMCSA Border Inspector Supervisor Mary Hernandez met with San Luis U.S. Customs and Border Protection (CBP) Customs Commercial Operations Supervisor Cliff Bradley to discuss the cooperation of FMCSA and CBP on the implementation of the Demonstration Project.

It was discussed and agreed that FMCSA staff members will conduct vehicle and driver identification and verification after vehicles have cleared the CBP compound. Mexico-domiciled motor carriers' vehicles participating in the Demonstration Project will be referred for inspection by FMCSA staff members stationed near the exit gate of the CBP compound and, in some instances, by CBP officers. FMCSA staff members will be provided with the "**CVSA Inspection Decal Compliance Check Record**" to record verification assessments of current CVSA decal check; a driver's license query; vehicle marking; and driver English language proficiency as required by FMCSA Policies MC-ECE-0026-06 and MC-ECE-0005-07

Every commercial motor vehicle must enter through the CBP San Luis Cargo Port of Entry whether loaded or empty. All commercial motor vehicles entering the United States will enter through the main entrance of the San Luis CBP Cargo Port of Entry. Once the vehicle clears CBP, it will be directed to enter the FMCSA cargo compound facility; therefore, every vehicle will be checked every time it enters into the United States.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Santa Teresa

Border Crossing Name: Santa Teresa – San Jeronimo

FMCSA Division: New Mexico

FMCSA Division Administrator: John Francis

CBP Port Director: Guillermo Rivas

Number of Entries at Border Crossing: 36,950 trucks (annual)

Plan Description:

On August 13, 2007, FMCSA Border Inspector Supervisor Rodolfo Marrufo met with Santa Teresa, U.S. Customs and Border Protection (CBP), Port Director, Guillermo Rivas to discuss the cooperation of FMCSA and CBP on the implementation of the Demonstration Project. The following was discussed and agree upon at this meeting.

This Demonstration Project requires that every vehicle of every Mexican motor carrier that is in the Project be inspected every time it enters the United States. Demonstration Project vehicles can be identified by an X at the end of their USDOT number. CBP will inform FMCSA border staff or State personnel of Demonstration Project vehicles upon entering CBP primary, and will record time, date, carrier and truck information. The driver of the Demonstration Project vehicle will be instructed to report to FMCSA inspectors or New Mexico Motor Transportation (MTD) officers upon clearing CBP. The FMCSA/MTD vehicle inspection area is approximately ¼ mile north of the exit from the CBP commercial vehicle compound on a private access road. FMCSA/MTD will have been alerted to the approaching Demonstration Project vehicle and will be prepared to inspect the vehicle/driver as required, and to ensure it does not by-pass the inspection area. It is possible to turn off of the access road to by-pass the inspection area, but uniformed MTD offices visually monitor the by-pass route and pursue any CMVs that do not come through for inspection. The “CVSA Inspection Decal Compliance Check Record” will be used to record verification assessments of current CVSA decal check; a driver’s license query; vehicle marking; and driver English language proficiency as required by FMCSA Policies MC-ECE-0026-06 and MC-ECE-0005-07.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Sasabe

Border Crossing Name: Sasabe

FMCSA Division: Arizona

FMCSA Division Administrator: Eric Ice

CBP Port Director: Eric Ludwig

Number of Entries at Border Crossing: 408 trucks (annual)

Plan Description:

An agreement with the Arizona Department of Transportation, Motor Vehicle Division Enforcement Services (MVES) provides for personnel assigned at the Sasabe Port of Entry to conduct vehicle and driver verification inspections on commercial vehicles entering the United States from Mexico. Mexico-domiciled carrier's vehicles participating in the Demonstration Project that have been identified and cleared by FMCSA and/or U.S. Customs and Border Protection (CBP) will be referred to MVES personnel for inspection at the Sasabe Port of Entry. MVES personnel will coordinate its findings directly with FMCSA including the information to be entered into the "CVSA Inspection Decal Compliance Check Record" to record verification assessments of current CVSA decal check; a driver's license query; vehicle marking; and driver English language proficiency as required by FMCSA Policies MC-ECE-0026-06 and MC-ECE-0005-07.

All commercial motor vehicles entering the United States will enter through the main entrance of the Sasabe Port of Entry. Once the vehicle enters the Sasabe Port of Entry it will be directed to the inspection area and checked every time it enters into the United States.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Tecate

Border Crossing Name: Tecate

FMCSA Division: California

FMCSA Division Administrator: Terry D. Wolf

CBP Port Director: Rosa Hernandez

Number of Entries at Border Crossing: 72,617 (annual)

Plan Description:

On August 7, 2007 FMCSA (Isabel Lopez, John Urias, Terry Wolf and Cecilio Crosby) met with U.S. Customs and Border Protection (CBP) Port Director Joe Misenhelter and Assistant Director Michael Cante to discuss the cooperation of FMCSA and CBP on the implementation of the Demonstration Project. At the Tecate Port of Entry, all commercial motor vehicles entering the United States must enter through the Tecate Port of Entry.

Vehicles entering the CBP compound operating under the Demonstration Project will be referred to a designated location at the cargo inspection facility located approximately 1,000 feet from the entrance gate. One FMCSA inspector will be equipped with radios and the decal compliance check record to conduct verification assessments consisting of a current CVSA decal, driver's license query, vehicle marking and English proficiency.

If it is determined a commercial motor vehicle under the Demonstration Project requires further review, FMCSA inspectors at the CBP facility will radio to other FMCSA inspectors located at the California Highway Patrol (CHP) facility to provide the vehicles license plate number, company name and DOT number for further inspection. Two FMCSA inspectors will be located at CHP to conduct further inspections of drivers and vehicles. FMCSA staff members will be provided with the "CVSA Inspection Decal Compliance Check Record" and will use the record to document the check.

Every commercial motor vehicle must enter through the CBP Tecate Port of Entry whether loaded or empty. Once the vehicle exits CBP, it must come through the CHP commercial scale facility. This will ensure that every vehicle will be checked every time it enters into the United States.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Brownsville Port of Entry

Border Crossing Name: Veteran's International – Los Tomates Bridge

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: Michael Freeman

Number of Entries at Border Crossing: truck- 204,327 (annual)

Plan Description:

The Departments of Homeland Security and Transportation will partner in efforts to ensure that safety and security requirements are completely addressed and satisfied prior to a carrier being allowed to proceed to an interior location in the United States. Federal Motor Carrier Safety Administration (FMCSA) (Oscar Garza and Sherwood Hamilton) met with U.S. Customs and Border Protection (CBP) Port Director Michael Freeman to develop the plan.

On Friday, February 23, 2007, the Department of Transportation (DOT) announced a limited, year-long demonstration of the trucking provisions of the North American Free Trade Agreement, supported by Presidents George H.W. Bush and Bill Clinton and approved by Congress in 1993, that will permit up to 100 Mexican trucking companies to make deliveries beyond the commercial zones. An equal number of U.S. trucking companies will be able to cross the border and compete in the Mexican marketplace. Until 1982, trucks from Mexico could drive anywhere in the United States. Since that time, Mexican trucks have been restricted to the border commercial zones in California, Arizona, New Mexico and Texas. At this time we anticipate the first Demonstration Project participant to arrive at a CBP port of entry from Mexico on or about September 1, 2007.

CBP in cooperation with the FMCSA must ensure that drivers and trucks participating in the Demonstration Project are referred to an FMCSA or State inspector on duty in a safe and efficient manner.

The inspectors will not be allowed access to the CBP primary booths nor will they be allowed to perform traffic control duties within the CBP compound in a manner that creates an unsafe environment or impedes CBP operations.

Mexican commercial vehicles with authority to operate beyond the commercial zones will be permitted to enter the United States only at commercial border crossings and only when an FMCSA or State inspector is on duty.

Commercial truck drivers participating in the Demonstration Project, at a minimum, will be subject to large-scale non-intrusive inspection (NII) for the first arrival.

Each time a Demonstration Project participant arrives at a CBP port of entry; all system queries will be performed.

FMCSA will check each participating truck every time it crosses the border, regardless of whether the instant trip extends beyond the commercial zone.

CBP officers will be responsible for identifying participating trucks either by the DOT number on the cabs ending with an "X" or by the paperwork presented by the drivers for clearance. Any participating truck identified during primary processing will be referred for FMCSA inspection.

Truck drivers must meet the general entry requirements as a visitor for business (B-1 classification) set forth in section 101 (a) (15) (B) of the Immigration and Nationality Act (INA) and the Department of State regulations. Mexican nationals are required to present an entry document, which may be the Laser Visa (DSP-150, or Border Crossing Card) or a nonimmigrant visa (class B-1 or B-2) inside a Mexican passport.

Mexican nationals are required to present a Form I-94 if seeking admission to the U.S. beyond the 25 miles from the Mexican border and/or for more than 72 hours. Form I-94 will be issued to the applicant in accordance with US-VISIT standard operating procedures, which satisfy security, anti-fraud and biometric requirements. Drivers and crew will be issued a Form I-94 valid for multiple entries and for a period of time up to six months.

To qualify as a bona fide visitor for business, the driver must:

1. Have a residence in a foreign country of which he or she has no intention of abandoning;
2. Intend to depart the United States at the end of the authorized period of temporary admission;
3. Have adequate financial means to carry out the purpose of the visit to and departure from the United States;
4. Establish that he or she is not inadmissible to the United States under the provisions of section 212(a) of the INA.

FMCSA inspectors will conduct their inspections at their designated area. Once inspection is completed, a Federal Inspection Report will be provided to the driver. FMCSA staff members will be provided with the "CVSA Inspection Decal Compliance Check Record" to document the check.

The CBP Officer located at the Exit Gate will ensure that all participating trucks identified by the DOT number on the cabs ending in "X" have the required Federal Inspection Report in their possession.

If the driver does not present the required documentation the CBP officer will return the truck back to the FMCSA facility.

It should be noted that point-to-point hauling in the U.S. is not permissible B-1 activity. CBP officers should reference 8 CFR 214.2 and the Inspector's Field Manual, Chapter 21, for general guiding principals on whether a movement is permissible B-1 activity versus an activity constituting sabotage or unlawful employment in the United States.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Laredo

Border Crossing Name: World Trade Bridge

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: Eugenio Garza Jr.

Number of Entries at Border Crossing: trucks – 1,129,890 (annual)

Plan Description:

Federal Motor Carrier Safety Administration (FMCSA) (Santos Pecina, Jose Cortez and Marco Fuentes) met with U.S. Customs and Border Protection (CBP) Port Director Eugenio Garza Jr. to develop the plan.

FMCSA will provide CBP with a list of all carriers participating in the Demonstration Project.

FMCSA will provide CBP with self inking stamps that say “FMCSA HOLD.” FMCSA will provide enough stamps so that each primary booth will be equipped with its own stamp.

CBP at primary booth will identify all X carriers involved in the Demonstration Project. FMCSA employees will not be allowed access to the primary booth. The manifests carried on board the vehicle for both (empty and loaded trucks) will be stamped with the “FMCSA HOLD” stamp.

The truck will then proceed to the mobile X- ray inspection.

After X-ray, if there are other CBP issues, the truck will proceed to the dock area.

Once cleared from the CBP dock, the truck will continue on to the FMCSA inspection areas.

When the FMCSA inspection is complete, FMCSA employees will stamp the manifest with a “FMCSA RELEASE” stamp. FMCSA staff members will be provided with the “CVSA Inspection Decal Compliance Check Record” and will use the record to document the check.

The truck must then return to the dock to submit to a final clearance to determine that all holds have been released.

Once the truck has a final release it continues on to the exit gate where it is again verified that all holds have been released.

FMCSA will continue to select non-demonstration carriers for inspection from the secondary and X-ray area as they currently do with consideration to inspector safety and traffic flow being of primary concern.

CBP issued their official guidelines to their staff on September 4, 2007.

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Implementation Plan**

Port of Entry Name: Ysleta Port of Entry

Border Crossing Name: Ysleta International Bridge

FMCSA Division: Texas

FMCSA Division Administrator: Joanne Cisneros

CBP Port Director: Acting Port Director Polly Figueroa

Number of Entries at Border Crossing: 337,704 trucks (annual)

Plan Description:

The Ysleta Port of Entry and the Federal Motor Carrier Safety Administration (FMCSA) have developed a plan to implement and ensure that drivers and trucks participating in the Demonstration Project are checked “every vehicle every time.” The FMCSA (Ruben Torres and Guillermo Quezada) met with U.S. Customs and Border Protection (CBP) Acting Port Director Polly Figueroa to develop the plan.

When a vehicle enters the Ysleta Port of Entry it will be allowed to process through all the channels that CBP designates for the vehicle. Upon the vehicle going through all its requirements that CBP has mandated, when the vehicle is heading toward the exit gate, a FMCSA inspector will be stationed prior to the exit to identify all vehicles with an “X” marking.

At the Ysleta Port of Entry, there is only one exit gate where all vehicles can exit. Approximately 80 yards before reaching the exit booth, the road bottlenecks and becomes one lane, only one vehicle can exit at a time. FMCSA will place an inspector about 100 yards from the exit booth to identify participating vehicles and direct them to the FMCSA inspection facility for an appropriate check/inspection. By placing the inspector 20 yards before the vehicles began to bottleneck, it would not interfere with traffic or with the vehicles having to wait for a turnaround. Where FMCSA inspectors will be placed, allows for the vehicle that is directed to the FMCSA inspection facility to turn around without halting or slowing down traffic and ensures the smooth flow of the other vehicles.

FMCSA inspectors will be alternated throughout the day to work the exit gate. They will be on 2 hour rotations and they are under strict order that they are not to leave their posts while serving their two hours. They have also been advised that they cannot leave their post until their replacements shows up. FMCSA has very dependable, dedicated and hard working individuals so this will not be an issue. FMCSA decided that 2 hour shifts were more appropriate because of the exposure to heat and cold so this way the individual is not exposed to the elements for too much time.

CBP did state that while they would assist us. They were concerned as to who's responsibility it would be if their agent missed a vehicle with an "X" marking. I assured them it was FMCSA's responsibility to make sure every vehicle was inspected and that we would guarantee this by having an FMCSA inspector situated prior to reaching the exit gate. CBP agreed that this would be the best plan and asked to meet with them again in the future to iron out any new concerns that may come up.

Enclosure 4

Quality Control Plan for implementing the enforcement policy memorandum entitled “Requirements for Inspection of Mexico-domiciled Carriers Operating under the Demonstration Project”

**Federal Motor Carrier Safety Administration
MC-ECE-0026-06 Policy Quality Control Plan**

Port of Entry Name: All Southern Border Ports of Entry

Border Crossing Name: All 25 Commercial Truck Crossings

FMCSA Division: Arizona, California, New Mexico, and Texas

FMCSA Associate Administrator: Dan Hartman

Number of Entries at Border Crossings: Trucks – 4,813,472 (2006)

Purpose:

The purpose of the Quality Control Plan is to document the extent to which FMCSA is able to achieve its goal of checking every Mexico-domiciled vehicle participating in the border demonstration program each time it enters the United States from Mexico, and to identify and resolve issues relating to checking every vehicle every time it enters the U.S. from Mexico.

Plan Description:

1. The FMCSA will acquire truck crossing data from CBP related to motor carrier participating in the Demonstration Project.
2. On a monthly basis, FMCSA will perform an analysis of the CBP truck crossing data and FMCSA CVSA Inspection Decal Compliance Check data.
 - a. A random 10% sample of the CBP truck crossing data will be utilized.
 - b. The CBP sample will be reconciled against FMCSA CVSA Inspection Decal Compliance Check data.
3. A monthly report of the results of the analysis will be submitted to the FMCSA Chief Safety Officer.
 - a. The report will detail the results by border crossing.
 - b. The report will identify any issues relating to checking every vehicle every time and include strategies to address those issues.

Enclosure 5

Demonstration Program State Outreach Plan

Demonstration Project State Outreach Plan

The FMCSA realizes that guidance and training are not static, but rather continual activities. In preparing for the Demonstration Project, FMCSA has issued new enforcement guidance – for example, concerning English language proficiency – and will expect our State partners to enforce provisions of the Federal Motor Carrier Safety Regulations (regulations) they have not previously had to enforce due to the current limitation on transportation by Mexican carriers. As FMCSA approached the various aspects of the cross-border demonstration project, we recognized that participating carriers and drivers may encounter law enforcement personnel as they move into the interior of the U.S. We therefore developed strategies to train federal and state enforcement officials in enforcement regulations such as Operating Authority, English Language Proficiency, Cabotage, and generally educate them about the provisions of the Demonstration Project and law enforcement's role in the initiative.

State Outreach and Training Conducted To Date

The items below outline specific training and outreach provided to both Federal and State law enforcement officers since 2006.

October 2006 - International Association of Chiefs of Police (IACP) Annual Conference

On Saturday, October 14, 2006, FMCSA Administrator John Hill attended the IACP 113th Annual Conference Law Enforcement Education and Technology Exposition at the Boston Convention and Exhibition Center in Boston, Massachusetts. Attendees to the conference include an estimated 15,000 representatives from law enforcement organizations from across the United States. Administrator Hill spoke at the State and Provincial Business meeting regarding the upcoming Foreign Commercial Motor Vehicle Awareness Training, and the sessions to be conducted in November and December 2006. The objective of the presentation was to provide IACP members an overview of the Federal Motor Carrier Safety Administration's commitment to safety, the Agency's interest in reauthorization legislation, and the status of key safety programs. Emphasis was placed on Local Law Enforcement Officer Awareness Training focusing on foreign based motor carriers, drivers and vehicles to be deployed nationally, and the Law Enforcement community's ability to apply for and use Motor Carrier Safety Assistance Project funding for traffic enforcement activities related to foreign based motor carriers, drivers and vehicles. FMCSA has a long standing and active relationship with IACP and use this critical organization to communicate our program changes and policy directions down to the patrol officer levels.

UPDATE: IACP and the Foreign CMV Awareness Training program

As a result of the four IACP Foreign Commercial Motor Vehicle (CMV) Awareness Training sessions conducted in the last quarter of 2006, approximately 245 officers were certified to train other law enforcement officers throughout the United States. During the months of August and September 2007, it is anticipated that six more Foreign CMV Awareness training sessions will be conducted, training an additional 90 trainers. The purpose of the Foreign CMV Awareness training program is to inform patrol officers of potential safety and enforcement issues involving foreign-based CMVs and drivers operating outside the border commercial zones.

November – December 2006 - NAFTA International Registration Plan /International Fuel Tax Agreement (IRP/IFTA) Training Sessions for Mexican Motor Carriers.

These Training Sessions were held on November 28 – December 1, 2006, in San Diego, California; El Paso, Texas; Tucson, Arizona; and Laredo, Texas, respectively. There were approximately 166 attendees in total in the four sessions. The attendees included the following groups: Mexican Motor Carriers, Representatives from Mexico's Secretariat of Communications and Transportation (SCT), IRP/IFTA Representatives and other State Government Officials from the border states of California, Texas, New Mexico and Arizona. Training was presented by representatives from TML Information Services/North American Driver Safety Foundation (NADSF) (private contractors to FMCSA) and the Federal Motor Carrier Safety Administration (FMCSA). The training sessions provided an IRP/IFTA overview as well as State specific IRP/IFTA processes, forms and contact information, in preparation for the southern border opening to Mexican motor carrier traffic beyond commercial zones. This training ensures that Mexican motor carriers have the same registration and fuel tax credentials as U.S. trucks making it possible for law enforcement officers to identify carriers violating these regulations.

January-February 2007 – International Registration Plan – International Fuel Tax Agreement (IRP/IFTA) Board Meeting

At the IRP/IFTA Board Meeting on January 30-Feb 1, in New Orleans, LA, a presentation was provided to the IRP/IFTA Representatives on the cross-border demonstration project. Topics covered range from the number of demonstration participants, duration of the project, requirements of Mexico-domiciled motor carriers participating in the project, and IRP/IFTA issues as they apply to Mexico-domiciled motor carriers, and the current status of IRP/IFTA in the four southern Border States.

February 2007 - Pre-Authorization Safety Audit (PASA)

In January 2007, approximately 45 FMCSA employees received training in conducting PASAs on Mexico-domiciled motor carriers applying to operate in the United States beyond the commercial zones. The training included guidance and procedures for conducting PASAs in accordance with enforcement memorandum issued by the Associate Administrator for Enforcement and Program Delivery, titled "Conducting the Pre-Authorization Safety Audit." FMCSA employees who received PASA training range from Safety Auditors, Supervisors, Service Center New Entrant Specialists, Division Administrators, Field Administrators, FMCSA Attorneys, Associate Administrators for Field Operations and Enforcement and Program Delivery, the FMCSA Chief Safety Officer, the FMCSA Deputy Administrator, and the FMCSA Administrator.

April 2007 - NAFTA Tri Lateral Insurance Working Group

On April 23-25, a meeting of the NAFTA Tri-Lateral Insurance Working Group was convened in Vancouver, British Columbia. Representatives at the meeting were from Canada, Mexico and the United States. The NAFTA Insurance Working Group met to discuss the various issues that deal with providing and obtaining insurance for the carriers that participate in the project. It included updates of the financial responsibility requirements in each country, the issues that insurance companies face when providing insurance and other similar issues. Also provided during the meeting was an update of information related to the demonstration project and a status report of progress.

May 2007 - IACP Border States Steering Group

On 05/11/07, a meeting of the Southern Border Crossing Steering Committee occurred in Phoenix, AZ. The meeting was convened to bring together the senior leadership of the four law enforcement agencies in the four southern Border States (CA, AZ, NM and TX) to discuss the Cross Border Demonstration Project and enforcement activities on international traffic on international corridors in or around the United States and the Mexico border areas. The meeting also entailed an in-depth discussion between FMCSA and law enforcement leaders from CA, AZ, NM and TX on each agency's respective role in the Cross Border Demonstration Project and the necessary partnerships, enforcement initiatives and activities needed to be established in the upcoming months. Represented were officials from The California Highway Patrol, Arizona Department of Public Safety, New Mexico Department of Public Safety, and Texas Department of Public Safety. Also in attendance were representatives from the Commercial Vehicle Safety Alliance and the International Association of Chiefs of Police. The FMCSA representatives included: The Administrator, the Associate Administrator for Enforcement and Program Delivery, Field Administrators from the Southern and Western Service Centers, four southern Border States Division Administrators and a member of the North American Borders Division.

May 2007 – Meeting with the FMCSA/OST and Mexico Secretariat of Communications and Transportation

On May 30-31, representatives from FMCSA (including a FMCSA contractor), the Office of the Secretary of Transportation and the US Embassy in Mexico City participated in a meeting hosted by twelve officials from the Mexican Secretariat of Communications and Transportation (SCT) in Mexico City. The subject of the meeting was the US-Mexico border demonstration project. The purposes of the meeting were twofold: (1) to provide feedback and seek clarification on Mexico's proposed application form and process for US motor carriers to participate in the Border Demonstration Project; and (2) to discuss the possibility of requiring vehicles participating in the project to be equipped with tracking technology for the purposes of cabotage enforcement.

As a result of the meeting, SCT will revise the application form and manual to incorporate clarifications and other recommended changes. Additionally, SCT was very receptive to the idea of providing a tracking mechanism for participants in the demonstration project, both US and Mexican vehicles. However, they asked FMCSA to provide additional information on the technologies to be used.

July 2007- English Language Proficiency Training and Communication

During the drafting of the English Language Proficiency (ELP) policy memorandum, FMCSA personnel consulted with the Commercial Vehicle Safety Alliance's senior management officials regarding implementation of the upcoming release of the ELP memorandum. During the weeks of July 23, 2007 and July 30, 2007, the FMCSA Southern and Western Service Center personnel attended their annual in-service training. During the two one-week in-service training sessions, approximately 600 FMCSA employees were trained in the applicability and enforcement of a memorandum issued by the Acting Associate Administrator for Enforcement and Program Delivery on July 20, 2007, titled "Placing Drivers Out of Service for Violation 49 CFR Section 391.11(b)(2) English Language Proficiency". FMCSA employees trained during the in-service training include, but are not limited to Safety Auditors, Safety Inspectors, Safety Investigators, Supervisors, Program Managers, Service Center Specialists, Division Administrators and Field Administrators. FMCSA's Deputy Administrator and Chief Safety Officer personally attended

the training to meet with FMCSA border personnel to answer questions and ensure a clear understanding of Agency policies and expectations of their performance.

August 2007 – Operating Authority and Cabotage Presentation

On August 22, at the North American Inspectors Championship, commercial motor vehicle (CMV) inspectors from throughout the United States were provided a presentation on applicability and enforcement of Operating Authority and Cabotage. The intent of the presentation was to promote uniformity of inspections procedures relating to Operating Authority and Cabotage through education. There were over 50 CMV inspectors is anticipated to be represented from across the United States, Canada and Mexico.

Future Outreach and Training Efforts

In addition to the activities described above, FMCSA will continue to engage our State partners and other law enforcement officials regarding the Demonstration Project and our policies and procedures to ensure the safe operation of commercial vehicles by Mexico-domiciled motor carriers.

September 2007, Commercial Vehicle Safety Alliance (CVSA) Annual Conference

On 09/17/07, at the annual conference of the CVSA in Pittsburgh, PA, FMCSA Associate Administrator for Enforcement and Program Delivery will present during the general session a briefing to approximately 500 attendees representing commercial vehicle law enforcement agencies throughout the United States specific information on the Cross Border Demonstration Project and enforcement activities on international traffic on international corridors in or around the United States and the Mexico border areas. The presentation will include an in-depth briefing on FMCSA programs and policies to be implemented once cross border transportation beyond the commercial zones is permitted under the land provisions of NAFTA. CVSA is FMCSA's principal law enforcement partner representing the State agencies that conduct commercial motor vehicle safety activities.

September 2007 – International Registration Plan – International Fuel Tax Agreement (IRP/IFTA) Board Meeting

At the IRP/IFTA Board Meeting in September, in Louisville, KY, a presentation will be provided to the IRP/IFTA Representatives on the cross-border demonstration project. Topics to be covered range from ongoing congressional mandates we (FMCSA) must meet, the current number of demonstration participants, requirements of Mexico-domiciled motor carriers participating in the project, and IRP/IFTA issues as they apply to Mexico-domiciled motor carriers and the current status of IRP/IFTA in the four southern border states.

September/October 2007 – FMCSA/State meetings

Each FMCSA Division Administrator will meet with their State partners to discuss the Mexican Demonstration Project and the policies and procedures unique to this project that FMCSA would like them to be aware of and enforce. At these meetings, FMCSA will identify additional training needs for each State. Following these meetings, FMCSA will work with each State to address any information gaps regarding Mexican trucks that may exist.

October 2007 – International Association of Chiefs of Police Annual Conference & Exposition

At the annual conference of the IACP, FMCSA will present during the general session a briefing to approximately 140 attendees representing the law enforcement communities throughout the United States specific information on the Cross Border Demonstration Project and enforcement activities on international traffic on international corridors in or around the United States and the Mexico border areas. The presentation will include an in-depth briefing on FMCSA programs and policies to be implemented once cross border transportation beyond the commercial zones is permitted under the land provisions of NAFTA.

Law Enforcement Outreach Materials

In addition to the training and outreach sessions outlined above, FMCSA has developed for distribution by the IACP and FMCSA educational brochures relating to the Foreign CMV Awareness training, Cabotage (in both English and Spanish), requirements for Operating Authority and English Language Proficiency. These brochures will be distributed by IACP to all law enforcement agencies in September and October of 2007.

Throughout the Demonstration Project, FMCSA will continue to work collectively with our State law enforcement partners and our stakeholders to ensure effective communication, training and outreach. FMCSA will also develop mechanisms to elicit and receive regular feedback on our training efforts and the level of knowledge and awareness the among law enforcement, particularly roadside enforcement officers, regarding the rules and regulations applying to Mexico-domiciled trucks. As in all programs implemented by the FMCSA in partnership with our State law enforcement agencies, our goal is to ensure a common understanding of policies and procedures is provided and encourage uniformity throughout the United States in the anticipated implementation of the land provisions of the North American Free Trade Agreement .