



FMCSA U.S. and Mexico Long-Haul Pilot Program

Mexico-Domiciled CMV Advisory

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Background

The FMCSA published notices in the Federal Register, ***Pilot Program on NAFTA Long-Haul Trucking Provision (76 FR 20807)*** on April 13, 2011 and July 8, 2011, that outlined the proposal to implement a pilot program which will allow Mexico-domiciled motor carriers to obtain authority to operate beyond the municipalities and commercial zones along the U.S.-Mexico border.



Purpose

- This pilot program allows approved Mexico-domiciled motor carriers to operate throughout the United States for up to 3 years and for U.S.-domiciled motor carriers to be granted reciprocal rights to operate in Mexico for the same period.
- This advisory intends to help you prepare for encountering the approved Mexican carriers, drivers, and vehicles that will begin operating into your jurisdictions in the near future.



Compliance with U.S. Laws

- Approved Mexican carriers and drivers are required to comply with all applicable U.S. laws and regulations, such as those concerned with:
 - Motor Carrier Safety
 - Customs Laws
 - Immigration Laws
 - Vehicle Registration Requirements
 - Fuel Taxation
 - Other Laws Applicable to U.S.-Domiciled Carriers



Limitations on Participants

- Hazardous materials may be transported in the pilot but are limited to only quantities that do not require placards by 49 C.F.R. Part 172, Subpart F.
- Pilot participants may not transport oversized or overweight goods (this includes LCVs), industrial cranes, engage in vehicle towing or courier services.
- Approved Mexican carriers' operating authority will be limited only to the transportation freight that is entering or leaving Mexico; domestic point-to-point transportation of freight with origin and destination wholly within the United States (cabotage) is prohibited.



Approved Carriers

- Will be granted an OP-1 (MX) operating authority and be published in the Federal Register as well as in FMCSA databases and the FMCSA Pilot Program website.
- Must maintain Active OP-1 (MX) operating authority to operate beyond the municipalities and commercial zones along the U.S.-Mexico border.
- Will designate specific vehicles they wish to use in the pilot. FMCSA will determine the approval of drivers for participation.
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English Language Proficiency

- Drivers approved for use in the pilot must be in compliance with English language proficiency requirements (ELP).
- Since the drivers in the pilot program have been pre-selected by their companies for approval by FMCSA, they will be evaluated as for English language proficiency before approval to be participants in the pilot.
- ELP is explained in FMCSA's English Language Proficiency Memo (MC-ECE-0005-07) and supplemental ELP memo dated 02/01/08.



Vehicles Approved for Use in the Pilot

- Power unit vehicles approved for participation in the pilot must display a current CVSA inspection decal and a U.S. DOT number with an “X” suffix at all times.
- Vehicles approved for use in the pilot have been pre-evaluated for EPA and FMVSS compliance before approval to participate in the pilot program.
- Vehicles are equipped with FMCSA-issued electronic monitoring devices with GPS capabilities to monitor the driver’s hours of service and record the vehicle location.



Non-approved Drivers/Vehicles

- Use of drivers and vehicles by any approved carrier that have not been approved is strictly prohibited.
- Approved carriers will have already been made aware of this program requirements during their Pre-authorization Safety Audit process.
- FMCSA is responsible for monitoring approved carriers and tracking any pilot program requirement violations.



What does FMCSA need from you?

- FMCSA is tasked to monitor approved participants carriers for compliance in accordance with the U.S.-Mexico agreement but your assistance at the roadside is essential.
- As state agencies responsible for oversight of commercial vehicle compliance and commercial motor vehicle inspection should, your officers should follow normal procedures for conducting North American Standard inspections.
- As approved Mexican carriers are inspected in your jurisdictions, you will need to verify that the specific motor carrier, their vehicles and drivers are approved for participation in the pilot.



Important Items to Check

- Verify that the motor carrier is in the pilot and has active operating OP-1 (MX) operating authority.
 - When doing an inspection, Approved motor carriers, drivers, and vehicles should be searched on the FMCSA Query Central website directly at <http://qc.fmcsa.dot.gov> or through the FMCSA portal at <http://portal.fmcsa.dot.gov>
 - Drivers and vehicles must be found on the lists of approved participant drivers and vehicles in the above websites.
 - Drivers and vehicles will only be allowed to operate beyond the commercial zone when operated by the specific motor carrier with which they are associated.



More Important Items to Check

- Drivers approved in the pilot program must have a Mexican “Licencia Federal de Conductor”. The license is a valid CDL in the United States and should be verified as valid through a routine NLETS check.
- ELP: Pre-approved drivers making a good faith effort to respond to official inquiries in English should be deemed to be compliant. However, if the driver is not responding to official inquires, they should be deemed to be in non-compliance.
- Drivers may be re-evaluated if it becomes evident that the driver cannot communicate in English in accordance with the English Language Proficiency Memorandum (MC-ECE-0005-07).
- State partners should conduct North American Standard inspections in the usual manner and cite driver/vehicle violations discovered on driver/vehicle inspection reports if discovered.



Recording the Results of the Inspection

- Inspections Reports will record the following:
 1. Select “PASA Inspection” box in ASPEN inspection software on Start page Special Check field
 2. Special Studies-Field 1: Existing valid CVSA decal number for power unit
 3. Special Studies-Field 2: Existing valid CVSA decal number for trailer
 4. Special Studies-Field 3: Driver License Check completed (Yes or No)
 5. Special Studies-Field 4: Vehicle Equipped with Required Electronic Monitoring equipment (Yes or No)



Violations and Notifications

- If a CVSA decal is removed due to violations discovered in your inspections, please advise the driver of local procedures for how to request a subsequent inspection so a new CVSA decal may be obtained.
- Customary enforcement action should be pursued on discovered violations according to local procedure.
- CMV-inspecting agencies should notify the FMCSA division office within their state by telephone or email when encountering a Mexican carrier, driver or vehicle operating outside the U.S./Mexico border commercial zones that is not approved.



Non-CMV Law Enforcement

- FMCSA requests your assistance to serve as a liaison with other non-CMV inspecting law enforcement agencies so they can be informed about the pilot program and understand how it affects them.
- Non-CMV law enforcement officers will not be able to access the list of approved drivers and may request your assistance.
- Non-CMV law enforcement officers **will** have a different, public site where they will be able to verify if a carrier and vehicle is approved in the pilot program. It will be located at <http://www.fmcsa.dot.gov/MX-pilot-program>
- If a violation of the pilot program requirements is discovered, FMCSA would like for law enforcement to contact their local agency responsible for oversight of CMV inspection so that an inspection can be done and the violations can be captured so that FMCSA can track discovered program violations.



Crashes

- Approved Mexican Carriers whose drivers/vehicles are involved in a crash while in the United States need to be identified to FMCSA as soon as possible.

Your assistance will be to prepare your jurisdiction's accident report form and send a copy to the FMCSA Division office in your state.

In ANY instance of a crash, recordable or non-recordable crashes involving one of the participating carriers, immediate notification by telephone or email to the FMCSA Division office in your state is required.



QUESTIONS?

Sites to verify approved carriers, drivers, & vehicles:

<http://qc.fmcsa.dot.gov> or <http://portal.fmcsa.dot.gov>

For Non-CMV law enforcement officers:

<http://www.fmcsa.dot.gov/MX-pilot-program>

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