

**THE SAFETY AND SECURITY OF TRANSPORTATION
INTO THE UNITED STATES BY MEXICO-DOMICILED MOTOR CARRIERS
IN FISCAL YEAR 2009 ANNUAL REPORT**

Pursuant to Section 135 of the Transportation, Housing and Urban Development,
and Related Agencies Appropriations Act, 2009
Public Law 111-8, Division I
June 2012

Background

Since the early 1990s, the U.S. Department of Transportation (DOT) has actively pursued increased compliance with the Federal Motor Carrier Safety Regulations (FMCSR) by Mexico-domiciled motor carriers. Since 1995, DOT has supplemented basic Motor Carrier Safety Assistance Program funds with additional grant monies for border enforcement activities. In Fiscal Year (FY) 2009, that amounted to \$27.96 million of Border Enforcement Grant funds directed to the southern border States to conduct vehicle and driver inspections as a complement to the enforcement activities of Federal inspectors.

In September 2007, the Federal Motor Carrier Safety Administration (FMCSA) initiated a demonstration project to test the operational and safety performance of Mexico-domiciled motor carriers operating beyond the municipalities and commercial zones on the United States-Mexico border. The demonstration project ended on March 11, 2009, upon enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009.

The primary mission of FMCSA is to reduce crashes, injuries, and fatalities involving commercial motor vehicles (CMV). However, FMCSA also supports the programs of other Federal agencies whose primary focus is security. The FMCSA works closely with the U.S. Customs and Border Protection (CBP) to ensure that southern border safety inspection activities are coordinated with border security and other CBP responsibilities. The FMCSA assists the Transportation Security Administration in implementing Section 1012 of the USA PATRIOT Act regarding the issuance of licenses to operate CMVs transporting hazardous materials. Other security-related actions include training FMCSA personnel and border inspectors to assess a motor carrier's security practices and providing the Trucks and Terrorism Seminar/Workshop for law enforcement and industry representatives. In FY 2009, FMCSA conducted one Trucks and Terrorism course attended by 34 officials. The Agency also provides industry outreach for developing effective security plans for highway transportation of hazardous materials as well as company and driver anti-terrorism tips on its public Web site.

FY 2009 Accomplishments

In August 2009, the Office of Inspector General (OIG) released a "Follow-up Audit on the Implementation of the North American Free Trade Agreement's Cross-Border Trucking Provisions" (MH-2009-068). The audit found that FMCSA continues to make improvements to

the border safety program, substantially addressing all of the recommendations from the prior OIG reports. The audit included recommendations that guide FMCSA to improve the monitoring of Mexican Federal commercial driver's license holders operating in the United States and improve the capacity to perform bus inspections at United States-Mexico border bus crossings. The FMCSA concurred with the OIG recommendations.

Safety Performance Data

This report serves to summarize information drawn from the major safety activities conducted at the southern border to ensure that Mexico-domiciled motor carriers are operating safely within the United States. These activities include inspections of Mexico-domiciled motor carriers and Federal license checks of Mexico-domiciled drivers conducted during border facility and other roadside safety inspections. Federal and State personnel perform inspections and driver's license checks within the Federal inspection compounds, at State inspection facilities adjacent to these compounds, and in the surrounding counties.

The percentages of inspected drivers and vehicles placed out of service are FMCSA's primary measures of motor carrier, vehicle, and driver safety performance. Low and decreasing out-of-service (OOS) rates indicate greater compliance with FMCSRs, leading to safer operation on the Nation's highways. Driver and vehicle OOS rates are quantifiable and comparable over time.

The following table presents OOS rates for Mexico-domiciled CMVs from FY 1993 through FY 2009. This table indicates that driver and vehicle OOS rates for Mexico-domiciled CMVs inspected along the southern border decreased from 24.73 percent and 50.17 percent, respectively, in FY 1993, to 8.10 percent and 39.43 percent, respectively, in FY 2009. The comparable national averages (based on all inspections performed throughout the United States) of driver and vehicle OOS rates in FY 2009 were 5.74 percent and 21.59 percent, respectively. The number of inspections performed increased markedly between FY 1993 and FY 2009 as additional safety compliance resources were directed to the southern border. In the same period, truck and bus entries from Mexico into the United States increased 80 percent, from 2.51 million in FY 1993 to 4.51 million in FY 2009.

**Mexico-Domiciled (MX) Motor Carrier
Driver and Vehicle Out-of-Service (OOS) Rates – FY 1993 through FY 2009**

| Federal Fiscal Year | Truck & Bus Entries from Mexico (millions) | Total Border Zone Inspections | MX Carrier Inspections | Percent of Total | MX Driver OOS Rate Percentage | MX Vehicle OOS Rate Percentage |
|----------------------------|---|--------------------------------------|-------------------------------|-------------------------|--------------------------------------|---------------------------------------|
| 1993 | 2.51 | 11,222 | 2,395 | 21.34% | 24.73% | 50.17% |
| 1994 | 2.83 | 11,462 | 2,819 | 24.59% | 22.47% | 60.33% |
| 1995 | 2.99 | 13,189 | 4,274 | 32.41% | 20.83% | 54.57% |
| 1996 | 3.18 | 34,457 | 7,597 | 22.05% | 17.68% | 47.25% |
| 1997 | 3.76 | 59,432 | 23,457 | 39.47% | 11.41% | 43.58% |
| 1998 | 4.15 | 62,185 | 24,305 | 39.08% | 9.90% | 41.90% |
| 1999 | 4.56 | 107,158 | 31,099 | 29.02% | 8.10% | 39.43% |

| Federal Fiscal Year | Truck & Bus Entries from Mexico (millions) | Total Border Zone Inspections | MX Carrier Inspections | Percent of Total | MX Driver OOS Rate Percentage | MX Vehicle OOS Rate Percentage |
|----------------------------|---|--------------------------------------|-------------------------------|-------------------------|--------------------------------------|---------------------------------------|
| 2000 | 4.81 | 161,724 | 52,291 | 32.33% | 6.89% | 36.76% |
| 2001 | 4.61 | 211,999 | 72,470 | 34.18% | 7.70% | 33.88% |
| 2002 | 4.71 | 233,699 | 102,039 | 43.66% | 7.29% | 27.08% |
| 2003 | 4.58 | 306,131 | 160,864 | 52.55% | 3.47% | 23.57% |
| 2004 | 4.74 | 320,707 | 165,770 | 51.69% | 1.97% | 23.29% |
| 2005 | 4.84 | 356,929 | 192,835 | 54.03% | 1.12% | 20.43% |
| 2006 | 5.07 | 427,353 | 210,881 | 49.35% | 1.26% | 20.94% |
| 2007 | 5.11 | 424,480 | 214,870 | 50.62% | 1.03% | 21.57% |
| 2008 | 5.24 | 430,648 | 221,221 | 51.37% | 1.24% | 21.20% |
| 2009 | 4.51 | 450,127 | 234,064 | 52.00% | 1.61% | 17.95% |

Sources: The CBP national and field offices data, FY 1993 through 2009; FMCSA Motor Carrier Management Information System analyses, through December 2009.

Driver's license check data are provided for FY 2004 through FY 2009. These checks were conducted through Mexico's Federal commercial driver's license system, Licencia Federal Information System, the Commercial Driver's License Information System, and the International Justice and Public Safety Network, during the course of roadside or border facility inspections. During FY 2009, there were 239,206 driver's license checks conducted for Mexico-domiciled drivers entering or operating in the United States. The percentage of valid licenses presented in FY 2009 was 96.6 percent, and 3.4 percent of the licenses presented were expired. Less than 0.1 percent (41 of the licenses presented) were from disqualified drivers.

**Mexico-Domiciled Commercial Drivers' License Checks from CDLIS and International Justice and Public Safety Network
FY 2004 to FY 2009**

| Federal Fiscal Year | Status | | | | | | Total Checks |
|----------------------------|---------------|----------|----------------|----------|---------------------|----------|---------------------|
| | Valid | | Expired | | Disqualified | | |
| | count | % | count | % | count | % | |
| 2004 | 98,141 | 95.1% | 5,010 | 4.9% | 58 | 0.1% | 103,209 |
| 2005 | 113,067 | 96.7% | 3,881 | 3.3% | 25 | 0.0% | 116,973 |
| 2006 | 178,189 | 97.7% | 4,157 | 2.3% | 25 | 0.0% | 182,371 |
| 2007 | 180,163 | 98.3% | 2,999 | 1.6% | 174 | 0.1% | 183,336 |
| 2008 | 188,231 | 98.6% | 2,658 | 1.4% | 82 | 0.0% | 190,971 |
| 2009 | 231,120 | 96.6% | 8,045 | 3.4% | 41 | 0.0% | 239,206 |

Source: The FMCSA Gateway to LIFIS, TML Information Services, Inc., through November 2009.

The FMCSA maintains a dynamic enforcement program based on motor carrier inspection and compliance review data. Carriers with poor inspection records are directed to improve performance and may be ordered to pay a fine or be placed out of service. These actions by FMCSA prevent noncompliant and unsafe carriers from operating in the United States, thereby improving the safety of motor carrier transportation at the southern border.