

DeFazio writes LaHood about his legislation limiting administration's authority to implement program

July 6, 2011 □

WASHINGTON, DC – Today, Rep. Peter DeFazio (D-OR), Ranking Member of the House Subcommittee on Highways and Transit, wrote Secretary of Transportation Ray LaHood challenging the administration's cross-border trucking "pilot" program that opens the U.S.-Mexico border to the free flow of truck traffic. He also submitted legislation to limit the administration's authority to implement the program. This agreement will have a significant impact on the safety of American drivers, security on the border, and American jobs.

"As I have said many times, three issues must be addressed in the cross-border trucking program: safety, security and job loss," said DeFazio. "I have sent several letters to DOT asking them to address these issues. My calls for caution have gone unanswered. My legislation puts the brakes on a bad deal for American truck drivers and the traveling public."

DeFazio's bill will limit the use of scarce Highway Trust Fund dollars to pay for the Electronic On-Board Recorders (EOBR) for Mexican trucks.

"As we debate deep and harsh cuts to programs that help middle class families, it is outrageous that taxpayers are being told to foot the bill for the Mexican trucking industry to comply with American safety standards. My bill would stop the Department of Transportation from raiding the Highway Trust Fund to pay for equipment on Mexican trucks. Let the Mexican government or the Mexican carriers pay for their equipment and let's use U.S. gas tax revenue for its intended purpose of putting Americans to work rebuilding our roads and bridges," said DeFazio.

In March, DeFazio sent a letter to Secretary of Transportation Ray LaHood requesting additional details regarding the proposed pilot program the U.S. negotiated with Mexican officials.

The pilot allows Mexican trucks to operate on U.S. highways beyond the current border commercial zone and it allows Mexican carriers to obtain permanent operating authority from the U.S. Department of Transportation (DOT) after 18 months in the pilot program. That permanent authority could not be rescinded were Congress or the Administration to terminate the Mexican truck pilot program.

DeFazio continues to question the legal authority of DOT to implement a permanent program.

Full text of the letter is below:

July 6, 2011

The Honorable Ray LaHood

Secretary

U.S. Department of Transportation

1200 New Jersey Ave, SE

Washington, DC 20590

Dear Secretary LaHood:

Today, the U.S. Department of Transportation (DOT) announced a final agreement with Mexico to allow motor carriers domiciled in Mexico to operate long-haul in the United States.

This agreement marks the first step in a full opening of the U.S.-Mexico border to the free flow of truck traffic and will have significant impacts on safety, security, and American jobs.

Under this agreement, DOT will allow Mexican trucking companies to operate permanently in the U.S., even if the pilot program is eventually terminated. Allowing a pilot program to casually morph into an open border exceeds DOT's authority under the law and flies in the face of the limitation enacted by Congress under Section 6901 of P.L. 110-28.

Further, under this agreement, DOT will use scarce Federal Highway Trust Fund dollars to purchase Electronic On-Board Recorders (EOBRs) for Mexican carriers. It is outrageous that U.S. truckers, through the Federal fuel tax, will subsidize the cost of doing business for these Mexican carriers.

On April 15, 2011, I sent a letter to Federal Motor Carrier Safety Administration Administrator Ferro urging caution and highlighting my concerns with DOT's proposal. Unfortunately, these calls for caution have gone unanswered.

This agreement is a bad deal for American truck drivers and the traveling public. I continue to believe that the U.S. should renegotiate U.S. NAFTA Annex I (I-U-21), the U.S. commitment to liberalize cross-border trucking, and eliminate the requirement to open our borders to Mexican trucks. A successful renegotiation of NAFTA is a sure way to eliminate the retaliatory and illegal tariffs which Mexico slapped on U.S. goods in response to termination of the last pilot program, and it is consistent with President Obama's past position on this issue.

As a candidate in 2007, President Obama pledged "[o]ne of the first things [he would] do as President [would] be to call the Prime Minister of Canada and the President of Mexico and work with them to fix NAFTA." In 2007, then Senator Obama also cosponsored the Dorgan amendment that blocked the Mexican Truck Pilot Program. However, it does not appear that this Administration has any intention of reopening NAFTA, and is committed to moving ahead with a cross-border trucking program as a way out of this trade dispute.

Therefore, I am introducing legislation today to provide DOT the authority to conduct a limited pilot program. This bill ensures DOT can move ahead with a true test of the impact of Mexican truck traffic on our roads, but cannot unilaterally decide how and when to open the U.S.-Mexico

border without input from Congress.

I look forward to continuing our discussions on this issue of critical importance to the U.S. economy and its citizens.

Sincerely,

Peter DeFazio

Member of Congress

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c: Honorable Anne Ferro

To access the radio actuality:

For Internet Explorer users:

1. Go to the following website: www.defazio.house.gov
2. Select "radio actualities" from the "press" drop down menu on the top right hand side.

Right click on the file entitled "[7.06.11 DeFazio Fights Cross-Border Trucking "Pilot" Program](#)"

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Right click on the file entitled "[7.06.11 DeFazio Fights Cross-Border Trucking "Pilot" Program](#)" from the menu to save the file on your computer.

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- 30 -