

**September 20, 2011**

*Demands FMCSA address serious safety and inspection concerns identified in Inspector General report*

**WASHINGTON, DC** – Rep. Peter DeFazio (D-OR) sent a letter to the Federal Motor Carrier Safety Administration (FMCSA), demanding they address serious concerns about the safety of Mexican trucks on U.S. roads. The letter comes in response to a report published by the Inspector General (IG) on the cross border trucking “pilot” program. The IG’s report showed that FMCSA was not yet prepared to launch a pilot program with the strict level of scrutiny and monitoring of safety performance mandated by Congress. The agency has yet to transmit a report to Congress outlining the steps taken to address the shortfalls.

The letter DeFazio sent is below:

September 16, 2011

The Honorable Anne S. Ferro

Administrator

Federal Motor Carrier Safety Administration

1200 New Jersey Ave, SE

Washington, DC 20590

Dear Administrator Ferro:

I am writing to express my concern over the Federal Motor Carrier Safety Administration's (FMCSA) recent actions to move one step closer to allowing Mexican trucking companies to operate long-haul in the United States, in advance of fulfilling a statutory mandate to correct deficiencies in its proposed program and to report to Congress.

In 2007, in response to the previous Administration's attempt to rush into an ill-advised trucking pilot program, Congress required the Office of Inspector General (IG) to audit FMCSA's readiness to enforce compliance with U.S. safety rules and regulations before the agency could initiate any future pilot program (Section 6901, P.L. 110-28). The law requires FMCSA to take action to address any issues raised by the IG, and to report to Congress on the measures taken.

The IG completed its audit on August 19 and made the results available to the public on September 6, 2011. The report identified a number of areas that FMCSA must address. Specifically, the IG found that FMCSA did not yet have plans in place to: conduct on-site safety reviews in Mexico for at least half of participating carriers, as required by law; ensure that pilot program drivers and trucks are identified and inspected at each unique border crossing; verify driver and truck eligibility for the pilot program; acquire electronic monitoring devices for use in the pilot program; and train inspection and enforcement personnel at the border and within the United States.

To date, FMSCA has not sent a report to Congress or otherwise communicated plans to address the issues identified by the IG. Yet the agency is moving full speed ahead. On the same day the audit was made public, FMCSA published in the FMCSA Register the application of the first Mexican carrier to successfully complete a pre-authorization safety audit. This week, FMCSA published the name of another carrier. According to FMCSA's regulations, listing a carrier in the FMCSA register is a "preliminary grant of operating authority" (49 CFR 365.507). I fail to see how the agency is authorized to grant authority prior to meeting all statutory requirements.

This further reinforces my longstanding concern that the Administration is not launching a pilot program, but rather starting the full liberalization of cross-border trucking that will have

significant impacts on safety, security, and American jobs. Proceeding with the processing of Mexican carriers' applications on a separate track from meeting any requirements the agency believes apply to the pilot program confirms that FMCSA intends for this pilot program to

casually terminate and morph into an open border. This flies in the face of the limitation enacted by Congress.

I know you hold FMCSA's mission to protect the safety of the traveling public in the highest regard. I hope you will agree that addressing the deficiencies identified by the Inspector General in a meaningful way is the only prudent course before Mexican trucks can be permitted to operate long-haul in the U.S.

Sincerely,

Peter A. DeFazio

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