ADDITIONAL VIEWS OF THE HON. DAVID R. OBEY, HON. MARTIN OLAV SABO, HON. JAMES CLYBURN AND HON. CAROLYN C. KILPATRICK

The Administration has announced its intention to open the border to allow Mexican motor carriers to operate throughout the United States beginning on January 1, 2002.

We have serious concerns that the Administration underestimates the threat to the public of unsafe motor carrier operations, and believe that it has the obligation to conduct meaningful safety reviews up front to ensure that individual Mexican motor carriers will operate safely in the United States.

The Mexican motor carrier safety oversight system is substantially different from those in the U.S. and Canada. In fact, Mexican motor carriers operate with virtually no safety oversight today. Mexico has no motor carrier hours of service regulations. Even though the Mexican government is now implementing a driver record database, there is currently no way to check the driving history of Mexican motor carrier drivers. In addition, Mexico has no roadside inspection program now and will not finalize its proposed roadside inspection program until October, 2001.

Mexican motor carrier out-of-service rates in Texas and Arizona--which currently account for over 76 percent of border crossings--were 40 percent in the year 2000. This means that when an inspector stops a truck to examine its safety condition and records, two out of five trucks cannot go back on the road because the equipment is faulty or the carrier does not have the correct authority to operate. This out-of-service rate is fifty percent higher than that for U.S. motor carriers. In testimony last year, the Department of Transportation (DOT) Inspector General said, `I don't think there is any reasonable person who can say that it is safe when you have an out of service rate, for safety reasons, in the neighborhood of 40 to 50 percent.'

The DOT currently plans to conduct a paper review of applications for Mexican motor carriers to operate beyond the commercial zones, and a safety compliance review within 18 months. This does not go far enough to ensure the safety of the American public. A safety review should be done first--before granting conditional operating authority, and DOT should continue to monitor these carriers closely after they receive this authority. DOT has estimated that a safety review will take less than one day per carrier. This is not too much to ask to help ensure safety on our roads.

In committee, an amendment was offered, but not adopted, that would have required such up-front safety reviews. That amendment would have restricted funding to process conditional operating authority applications of Mexican motor carriers, contingent on the Administration's implementation of a procedure to determine that these carriers are safe before they are allowed to travel beyond the 20-mile commercial zones.

Opponents of the amendment alleged that it would have resulted in a NAFTA violation. One need only read the NAFTA Panel's February 6, 2001 determination to realize that this is not so. The Panel concluded that `compliance by the United States with its NAFTA obligations would not necessarily require providing favorable consideration to all or to any specific number of applications from Mexican-owned trucking firms, when it is evident that a particular applicant or applicants may be unable to comply with U.S. trucking regulation when operating in the United States.'

It was also alleged that there is no way for DOT to conduct a safety review before issuing condition operating authority because, quoting DOT, `A reliable safety audit can only be accomplished when meaningful data on safety performance and compliance with U.S. safety standards are available for evaluation.'

This is a circular argument--we can't evaluate them because they are not operating, so we must allow them to operate before we can evaluate them. We strongly disagree. A number of Mexican motor carriers that will seek to operate throughout the U.S. have experience in the commercial zone. DOT certainly should be able to evaluate them based on their operations within the U.S. commercial zones over the past years. If DOT does not have safety data on these carriers, we should be worried about its ability to monitor *any* new motor carrier.

For those Mexican motor carriers that have no experience operating in the commercial zones and want access to operate throughout the United States, DOT contends that--with a total of five staff--it can ensure public safety with what is basically a paper review of applications. No reasonably person should be convinced by this argument.

It is difficult to believe that there is no value in sending U.S. motor carrier safety inspectors to the headquarters of a Mexican carrier seeking authority to operate beyond the commercial zones. Our inspectors can make sure that the carrier understands our laws and has policies in place to ensure that its drivers are qualified and its vehicles are maintained properly.

It is a shame that this bill contains no meaningful guidance to the Administration so that necessary steps will be taken to ensure that Mexican motor carriers will operate safely throughout the U.S. when the border opens in six months. We sincerely hope that this inaction will not result in needless

injuries and deaths.

David R. Obey.
Martin Olav Sabo.
Carolyn C. Kilpatrick.
James Clyburn.

ADDITIONAL VIEWS OF THE HON. JAMES P. MORAN

The committee adopted an amendment mandating that the Washington (DC) Metropolitan Area Transit Authority change all of its maps and signs so that the National Airport station is designated as the Ronald Reagan Washington National Airport station. WMATA is a local authority and is governed by a local, not federal, board. No other transit station in this country has been named by the Congress and that is for good reason--the Congress has no business dictating the names of local transit stations. When he was President, Ronald Reagan was a staunch believer in the rights of states and localities to determine what is best for them--this proposal, done in his name makes a mockery of his beliefs. It also places an unfunded mandate on a local entity.

JAMES P. MORAN.