

ACTION ALERT

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FMCSA Proposed Pilot Sets up Resolution to Long-Standing Cross-Border Trucking Dispute

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Recently, the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation (FMCSA) published in the [Federal Register](#) a proposal for the implementation of a cross-border long-haul pilot program. Because the United States is not currently meeting its NAFTA obligations to allow a pilot program of Mexican trucks entering the U.S., Mexico has placed retaliatory tariffs on many American goods including fresh produce items entering Mexico. Given the economic impact upon the fresh produce industry and the damage caused to U.S.-Mexico trade, this crisis must be resolved.

Under the *Omnibus Appropriations Act of 2009*, Congress blocked funding for the Mexican Cross-Border Truck Safety Program. This was a pilot program allowing a small number of Mexican trucks to enter the U.S. while operating in international commerce. Though this program did not provide the full access that the Mexicans were entitled to under our NAFTA obligations, the program had been in operation without retaliation since 2007. By removing this program, the United States is now in violation of its NAFTA commitments and excessive tariffs have been placed on U.S. products totaling more than \$2 billion.

In 2010, Congress removed the prohibition on funding allowing the administration to move forward with a new pilot program. Also in 2010, U.S. Transportation Secretary Ray LaHood and his counterpart in Mexico announced the establishment of a working group to consider next steps in the process. Early in 2011, Secretary LaHood released a concept document for a cross-border trucking program that prioritizes safety while satisfying the United States' international obligations. Also, earlier this year, President Obama and Mexican President Calderon announced agreement on a proposal for a pilot program that provides a path forward to resume cross-border trucking and end the retaliatory tariffs. The U.S. Federal Motor Carrier Safety Administration (FMCSA) has now published the full pilot program proposal for public comment.

Specifically, the proposed pilot program:

- Would be three years in duration
- Would require Mexican-domiciled motor carriers to complete a 3-stage process to qualify for permanent operating authority

- Would not grant operating authority to Mexican-domiciled motor carriers without reciprocity for U.S.-domiciled motor carriers
- Would require all Mexican-domiciled carriers and drivers to comply with all applicable U.S. laws
- Would require applicant motor carriers and drivers to pass a Department of Homeland Security screening

The purpose of the pilot program is to evaluate the safety performance of Mexico-domiciled carriers. United Fresh supports the pilot proposal and is partnering with other industry representatives to urge its adoption.

Please share your views with DOT

FMCSA is accepting public comments on the pilot program until **May 13**. We urge you to share your views with the agency.

Sample letter to DOT

Please [click here for a sample letter](#) containing suggestions on items you might want to mention in your comments. You can simply copy our sample letter, use our sample letter and edit to add your specific comments or draft your own letter.

To Submit Comments

If you prefer, simply cut and paste the sample letter into the [online government comment form](#), or save the letter and upload it using the “browse” tab. Complete your contact information and select “submit”.

Remember, FMCSA is accepting public comments on the proposed pilot program until **May 13**. The proposed pilot is a key step in resolving a years-long dispute that has had highly negative consequences for the produce industry and many other business sectors.

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