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Contact: Bill Bronrott, 202-270-4415 and 301-896-0003; Email: SafeRoadsUSA@aol.com

OPENING THE BORDER – SHUTTING OUT SAFETY

Bush Administration Mexico-Domiciled Truck Pilot Program Endangers Safety, Disregards Federal Laws

U.S. DOT Flunks Safety Test as “Report Card” Spotlights Failing Grades; New Opinion Poll Shows Majority View Administration Plan as Dangerous

WASHINGTON, D.C. – Organizations representing highway and truck safety groups, labor, and independent truck drivers joined members of Congress today to criticize the Bush administration for ignoring federal safety laws concerning the implementation of a pilot program allowing trucks from Mexico to travel throughout the United States.

The groups – including Advocates for Highway and Auto Safety, the International Brotherhood of Teamsters, the Owner-Operator Independent Drivers Association, Public Citizen and the Truck Safety Coalition – released an analysis of the U.S. Department of Transportation’s (DOT) program showing the agency failing to comply with federal law. They also released a recent opinion poll revealing the public’s opposition to the plan.

In February, the administration announced plans to conduct a “pilot program” allowing up to 1,000 Mexico-domiciled trucks to travel beyond the current border zones. In 2001, Congress had passed legislation that put a premium on upgrading inspection facilities, computer databases and other safety-related requirements before opening the southern border for long-haul trucks. The Bush administration has still not finished implementing the safety requirements in that law, but decided this year to rush ahead with the pilot program in an attempt to open the border.

Hearings in the U.S. House and Senate, featuring testimony from Advocates and Public Citizen, identified serious safety problems with the program. On May 24, Congress approved provisions in a supplemental Iraq War funding bill to ensure that any pilot program to allow Mexico-domiciled trucks full access to the nation’s highways would not circumvent safety standards or congressional oversight. The provisions ordered the Federal Motor Carrier Safety Administration (FMCSA), which is responsible for implementing the administration’s cross-border pilot program, to obey a number of requirements that the agency is still ignoring.

These provisions, signed into law by the president, require: the U.S. Department of Transportation (DOT) to follow all applicable rules and regulations concerning the formulation of pilot programs and cross-border trucking; Mexico-based trucking companies and trucks to comply with all applicable U.S. laws; and the administration to ensure that the operation of these trucks within the United States would not have a negative impact on safety.

The groups today accused the administration of brazenly pressing forward without meeting many of the safety provisions directed by Congress. Less than three weeks after the legislation was signed into law, FMCSA published a notice in the Federal Register on June 8 that in effect declared that the agency had met all of the congressionally mandated safety requirements to open the southern border.

The report released today, however, identified every provision of law that FMCSA has failed to comply with, including: failure to provide sufficient opportunity for public notice and comments; failure to provide the public with information about the pilot project; failure to comply with the requirements of §350 of the FY2002 DOT Appropriations Act on the safety of cross-border trucking; failure to comply with requirements of the pilot program law to test innovative approaches and alternative regulations under 49 USC §31315(c); failure of

FMCSA to keep its promise to check every truck every time for compliance; and failure to establish criteria that are subject to monitoring during the pilot program.

“The Bush administration and the DOT have failed in all respects to meet congressional requirements to put safety first before forcing open the border to potentially dangerous long-haul trucks,” said Joan Claybrook, president of Public Citizen and chair of Citizens for Reliable and Safe Highways (CRASH). “The agency needs to obey the law and tell Congress how it plans to follow its requirements. The DOT should not implement any cross-border trucking pilot program until it can make the grade. In persisting with its current program, FMCSA is disregarding the will of Congress and the safety of the American people.”

A new poll released by the groups today and conducted by the nonpartisan Lake Research Partners found that a majority of Americans (56 percent) believe the Bush administration’s plan to allow Mexico-domiciled trucks to travel outside the current commercial zone and throughout the United States is dangerous. Majority agreement that this is dangerous for U.S. drivers transcends gender, age, political identification and region. Notably, self-identified independents (60 percent) are most likely to agree that the Bush proposal is dangerous, though majorities of Democrats (54 percent) and Republicans (58 percent) concur.

“The American public has good reason to be concerned,” stated Jackie Gillan, vice president of Advocates for Highway and Auto Safety (Advocates). “DOT has made it crystal clear that it intends to force open the U.S.-Mexico border despite all contrary evidence, despite the opposition of the American people and in open defiance of safety laws required by Congress.”

Bipartisan legislation included in Section 6901 of the Iraq War supplemental appropriations bill directs the DOT Office of Inspector General to report to Congress on whether or not the federal government is in full compliance with the truck safety law enacted in 2001. Unfortunately, the DOT continues to select parts of that law it wants to obey and those it chooses to ignore. These include provisions prohibiting cross-border trucking to occur unless the U.S. and Mexico have reached an agreement on hazardous materials, unless there are adequate inspection facilities available for passenger buses and unless there are cures for deficiencies in data systems used to monitor driving violations and convictions of Mexico-domiciled commercial operators.

Todd Spencer, a former truck driver and executive vice president of the Owner-Operator Independent Drivers Association (OOIDA), stated, “The administration is simply thumbing its nose at the safety and security concerns that have been raised by Congress and the American people.”

Safety groups and truck drivers called on the administration to comply with federal laws and provide the public with crucial information about the program that will affect safety. Advocates filed a Freedom of Information Act (FOIA) request for documents relating to the pilot program, but the agency continues to stonewall and refuses to release information detailing the origins of the pilot program, leaving the public unable to adequately evaluate it.

“This pilot program is a defiant and shameless attempt to ram through a major change in public safety policy regardless of the consequences,” said Gillan. “This is a dangerous policy that will ultimately threaten the lives of every motorist who travels our neighborhood streets and highways.”

The FMCSA Pilot Program “report card,” the Advocates report on “Opening the Border – Shutting Out Safety,” and a summary of the Lake Research Partners’ public opinion poll on trucks from Mexico driving throughout the U.S. can be found at <http://www.saferoads.org> and <http://www.citizen.org>.

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