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House Votes to Require Bush Administration's NAFTA Trucks Proposal to Comply With Congressional Safety Mandates

Bill Requires That Plan To Give Mexico-Domiciled Trucks Access to U.S. Roads Must Address Safety Issues

WASHINGTON, D.C. – The U.S. House of Representatives today approved a bill to ensure that the Bush administration's attempt to implement a demonstration project to allow Mexico-domiciled trucks full access to the nations' highways does not circumvent safety standards or congressional oversight.

The House overwhelmingly passed HR 1773, the Safe American Roads Act of 2007, to ensure that any pilot or demonstration program conducted by the U.S. Department of Transportation (DOT) to allow Mexico-domiciled trucks to travel throughout the country does not jeopardize or degrade the safety of the American public. The bill passed 411 to 3.

“This bill limiting the authority of the Department of Transportation is a stunning repudiation of the Bush administration's attempt to force open the border to potentially dangerous NAFTA trucks before addressing significant safety concerns,” said Joan Claybrook, president of Public Citizen and a former administrator of the National Highway Traffic Safety Administration. “Complying with NAFTA requirements for opening the border does not mean safety has to be sacrificed.”

“The vote was a bipartisan check on a runaway demonstration project that lacked any public input and violated current law,” said Jacqueline Gillan, vice president of Advocates for Highway and Auto Safety.

On February 23, the DOT announced that it would implement a demonstration project to allow up to 100 motor carriers from Mexico full access to U.S. highways. The plan clearly violated federal laws governing the conduct of pilot programs and the 2001 congressional mandate that required Mexico-domiciled trucking companies to meet U.S. safety standards – such as regulating hours of service, driver training and licensing, and vehicle safety – before they are allowed access to the nation's roadways.

Shortly after the DOT's announcement, Gillan testified before a House transportation subcommittee and Claybrook testified before a Senate appropriations subcommittee about the legal problems with the Bush plan and the safety improvements needed before allowing full, cross-border trucking from Mexico. A measure was included in the conference agreement on H.R. 1591, the War Supplemental Appropriations bill,

directing the DOT to comply with existing law governing how pilot programs are conducted. The Senate voted on March 29 to require the DOT to meet all existing U.S. legal requirements governing entry of Mexico-domiciled trucks and to publish details about its demonstration project and allow time for public comment. This bill was vetoed and the Senate is working on a new supplemental.

The freestanding HR 1773 that passed today complements and expands the Senate language by requiring the DOT inspector general to monitor and review this program for legal adequacy and enforcement and to report to Congress. It also extends the pilot program for three years and requires the Secretary of Transportation to submit a final report to Congress before the border can be opened generally to all NAFTA trucks.

Starting in October 2006, Public Citizen and Advocates for Highway and Auto Safety have tried repeatedly to obtain details about the administration's plan to open the southern border to long-haul, Mexico-domiciled trucks. Advocates filed a Freedom of Information request which the law required to be answered in ten days. After not receiving an adequate response, the groups finally sued the DOT and the Federal Motor Carrier Safety Administration on March 13 to force the agencies to provide more details about the secretive program. They still have not received any of the information requested.

On April 23, Public Citizen also joined environmental and labor groups in a lawsuit against the agencies to require them to follow federal law by publishing details about the demonstration project and seeking citizen input – or stop the program altogether. The DOT announced on April 30 that it would adhere to the law by posting information about its plan in the Federal Register on May 1 and allowing the required 30 days for public comment.

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Advocates for Highway and Auto Safety (www.saferoads.org) is an alliance of consumer, health and safety groups and insurance companies and agents working together to make America's roads safer. Public Citizen (www.citizen.org) is a national, nonprofit consumer advocacy organization based in Washington, D.C.