

## Compliance Matrix Implementation of Section 350 of the Department's FY'02 Appropriation Act

ACTION	STATUS
<p><b>1) Rule:</b> Rule issued to establish the safety audit 350(a)(1)(A)</p>	<p><b>Completed:</b> On March 19, 2002, the Department issued an Interim Final Rule (IFR) titled "Safety Monitoring and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the U.S.". This rule not only established the safety audit as an additional safety compliance tool but also outlined a comprehensive program for tracking the safety performance of carriers once they have received provisional authority and/or certificate of registration.</p>
<p><b>2) Policy:</b> Mexican carriers with 3 or fewer vehicles need not undergo on-site safety audit, however FMCSA must ensure 50% of all audits are on site and on-site inspections must cover 50% of estimated truck traffic in any year. 350(a)(1)(C)</p>	<p><b>Completed:</b> On April 3, 2002 FMCSA issued a policy titled, "Selection Process for Safety Audits and Compliance Reviews of Mexico-Domiciled Carriers Operating Beyond the Commercial Zones" that goes beyond the 50% on-site review mandate by requiring FMCSA safety auditors and safety investigators to conduct on-site, pre-authority safety audits on at least 85% of all Mexico-domiciled carriers that apply for operating authority beyond the commercial zones.</p>
<p><b>3) Rule:</b> Rule issued to require compliance review and to ensure Mexican carrier receives satisfactory rating prior to permanent authority. 350(a)(2)</p>	<p><b>Completed:</b> On March 19, 2002, the Department issued an IFR titled "Safety Monitoring and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the U.S." The IFR modifies the FMCSRs to include section 385.109 that requires compliance reviews of Mexico-domiciled long-haul operations to be conducted consistent with our existing safety fitness evaluation procedures in part 385 and that the carrier receive a Satisfactory safety rating.</p>
<p><b>4) Policy:</b> Compliance reviews for 3 or fewer vehicle carriers need not be done on-site, however FMCSA must ensure (1) 50% of all compliance reviews are on site and (2) any Mexican carrier with 4 or more vehicles that did not undergo an on-site safety audit receives an on-site compliance review. 350(a)(2)(A).(B)</p>	<p><b>Completed:</b> On April 3, 2002, FMCSA issued a policy titled, "Selection Process for Safety Audits and Compliance Reviews of Mexico-Domiciled Carriers Operating Beyond the Commercial Zones" requiring an on-site compliance review within 18 months on at least 50% of all Mexico-domiciled carriers that have been granted provisional operating authority to operate beyond the commercial zones.</p>
<p><b>5) Policy and Agreements:</b> Federal &amp; State inspectors to electronically verify the license of all hazardous materials drivers, all undergoing a level I inspection, and 50% of all other long haul drivers. 350(a)(3)</p>	<p><b>Completed:</b> On April 3, 2002, FMCSA issued a policy titled, "Driver's License Verification", that goes beyond the Section 350 mandate by requiring all Federal and State inspectors to electronically verify the licenses of all (100%) Mexico-domiciled drivers operating commercial motor vehicles beyond the commercial zones until such time as base traffic volume can be ascertained.</p>

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<p><b>6) Rule:</b> Gives a distinct DOT # to long haul vs. commercial zone carriers 350(a)(4)</p>	<p><b>Completed:</b> On March 19, 2002, the Department issued two IFR titled "Revision of Regulations and Application Form for Mexico-Domiciled Motor Carriers to Operate in the US Municipalities and Commercial Zones on the US-Mexico Border" and "Application by Certain Mexico-Domiciled Motor Carriers to Operate Beyond US Municipalities and Commercial Zones on the US-Mexico Border". Each of these rules require the FMCSA to assign distinctive USDOT numbers that distinguishes a carrier as a commercial zone or long haul motor carrier by adding a "Z" or "X" suffix after the USDOT number.</p>
<p><b>7) Rule And Agreements:</b> Requires inspection of all long haul Mexican commercial vehicles that do not display a valid CVSA decal (until carrier has permanent authority for 3 years). 350(a)(5)</p>	<p><b>Completed:</b> On March 19, 2002, the Department issued an IFR titled "Safety Monitoring and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the U.S.," that modifies Part 385 of the FMCSRs to include section 385.103 CVSA decal. Section 385.103 requires each Mexico-domiciled carrier granted provisional operating authority to operate beyond the commercial zone to have a current decal attesting to a satisfactory inspection by a CVSA inspector on every commercial motor vehicle operated in the US. In addition, FMCSA has entered into cooperative agreements with the lead MCSAP agencies from the 4 border states to provide the resources necessary to implement this requirement.</p>
<p><b>8) Agreements:</b> Requires State inspectors to enforce FMCSRs or notify FMCSA staff of violations. 350(a)(6)</p>	<p><b>Completed:</b> FMCSA has entered into cooperative agreements with State enforcement representatives from the 4 border states to provide the resources necessary to implement this requirement.</p>
<p><b>9) Agreements:</b> 5 of 10 highest volume crossings are to have WIMS and requires inspectors to verify weight of long hauls where present and equip all crossings with scales suitable for enforcement. 350(a)(7)(A)</p>	<p><b>Completed:</b> On June 24, 2002, WIM systems are operational in eight of the 10 highest volume crossings (Otay Mesa, Calexico, Nogales, Columbia, Brownsville, Pharr, El Paso (Ysleta) and El Paso (Bridge of the Americas). In addition, portable/static scales have been purchased and are present at all commercial crossings.</p>
<p><b>10) Contract:</b> Initiates a study to determine where other WIMS should be placed. 350(a)(7)(B)</p>	<p><b>Completed:</b> On April 15, 2002, FMCSA executed a contract with the Texas Transportation Institute and the Texas Department of Public Safety to determine the need and potential placement of additional WIMS.</p>
<p><b>11) Rule:</b> FMCSA has issued a policy to ensure no long haul vehicle will be granted authority unless they have proof of insurance by a US licensed insurance carrier. 350(a)(8)</p>	<p><b>Completed:</b> On March 19, 2002, the Department issued an IFR titled "Application by Certain Mexico-Domiciled Motor Carriers to Operate Beyond US Municipalities and Commercial Zones on the US-Mexico Border", that requires that Mexican long haul carriers use a US licensed insurance carrier.</p>
<p><b>12) Agreements:</b> Requires that long haul trucks only cross where a certified inspector is on duty.</p>	<p><b>Completed:</b> FMCSA has entered into cooperative agreements with State enforcement representatives from each of the 4 border states to provide the resources necessary to</p>

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<p><b>13) Agreements:</b> Requires long haul trucks to cross only where adequate capacity exists to conduct a sufficient number of meaningful inspections and where OOS parking is available. 350(a)(9)</p>	<p><b>Underway:</b> Federal facilities funds have been provided to GSA for site and utility work necessary for inspection bays and out of service parking. Work is scheduled for completion by 6/30/02.</p>
<p><b>14) Rule:</b> Publishes New Entrant Rule 350(a)(10)(A)</p>	<p><b>Completed:</b> FMCSA issued this Interim Final Rule (IFR) on May 13, 2002, and made effective January 1, 2003, to ensure safe operations by new entrant motor carriers. This IFR requires a safety audit be conducted, among other things, for new entrant carriers, to ensure understanding and compliance with all Federal motor carrier regulations, etc. TI comment period ends July 12, 2002.</p>
<p><b>15) Rule:</b> Publishes Inspectors/Auditor/SI Certification Rule 350(a)(10)(B)</p>	<p><b>Completed:</b> On March 19, 2002 FMCSA published a Final Rule titled, Certification of Safety Auditors, Safety Investigators, and Safety Inspectors that establishes procedures to certify and maintain certification for inspectors, auditors and investigators.</p>
<p><b>16) Policy:</b> Publishes Border Staffing Study 350(a)(10)(C)</p>	<p><b>Completed:</b> On May 14, 2002, FMCSA published a study and a methodology for estimating border staffing needs.</p>
<p><b>17) Policy:</b> Publishes policy on leasing 350(a)(10)(D)</p>	<p><b>Completed:</b> On November 16, 2001, FMCSA issued a policy titled, Enforcement of Sections 205 and 219 of the Motor Carrier Safety Improvement Act (MCSIA) that clarified leasing issues and specifies penalties for violators.</p>
<p><b>18) Policy:</b> Publishes policy on scope of authority enforcement 350(a)(10)(E)</p>	<p><b>Completed:</b> On November 16, 2001, FMCSA issued a policy titled, Enforcement of Sections 205 and 219 of the Motor Carrier Safety Improvement Act (MCSIA) that defined Federal and State enforcement procedures regarding carriers that operate without registration or beyond the scope of their authority and identifies penalties for violators.</p>
<p><b>19) Agreement:</b> Mexican hazardous materials drivers must meet same security requirements as US hazardous materials drivers. 350(b)</p>	<p><b>Pending:</b> FMCSA is awaiting issuance of the USA PATRIOT Act rule currently under Departmental review. Until such time as the rule is issued and an agreement with the Mexican government is in place establishing similar requirements on hazardous materials drivers, Mexican hazardous materials drivers will not be permitted to operate beyond commercial zones.</p>
<p><b>20) Border Infrastructure Grants:</b> \$54M in Border Infrastructure Grants (BIP) was earmarked for border improvements and construction.</p>	<p><b>Completed:</b> On June 5, 2002, the Secretary awarded \$54M to the border states of Arizona, California, New Mexico and Texas. Of the \$54M, \$2.1 million will be awarded to Arizona, \$8.9M to California, \$2.2M to New Mexico, and \$40.8M to Texas.</p>

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<p><b>21) IG Review: The DOT Inspector General conducts a comprehensive review of border operations within 180 days of enactment to verify specific requirements are met. 350(c)(1)</b></p>	<p><b>Underway: A report documenting the findings of the IG's review of the Department's border operations should be completed by 6/30/02.</b></p>
<p><b>22) Certification By The Secretary: The Secretary of Transportation must certify in writing that the opening of the border does not pose an unacceptable safety risk to the American public. 350(c)(2)</b></p>	<p><b>Pending: The Secretary's certification will be considered based upon review of the Inspector General's report. No operations will be permitted outside the commercial zone until certification is made.</b></p>