

April 1997

# COMMERCIAL TRUCKING

## Safety Concerns About Mexican Trucks Remain Even as Inspection Activity Increases



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**Resources, Community, and  
Economic Development Division**

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Congressional Committees

The North American Free Trade Agreement (NAFTA) provided for, among other things, the U.S.-Mexican border to be opened on December 18, 1995, for increased commercial truck traffic within the border states—four in the United States (Arizona, California, New Mexico, and Texas) and six in Mexico. Before that date, trucks making the 12,000 daily border crossings were limited to commercial zones (designated areas several miles deep) along the border. However, on December 18, 1995, the U.S. Secretary of Transportation announced that Mexican trucks would continue to have access only to commercial zones until U.S. safety and security concerns were addressed. This delay of access is still in effect. NAFTA also provides for commercial trucks from Mexico to travel throughout the United States as of the year 2000.

In February 1996, we reported that many trucks from Mexico operating in U.S. commercial zones in mid 1995 were not meeting U.S. safety standards and that the four U.S. border states' readiness for enforcement varied significantly.<sup>1</sup> As the year 2000 approaches, the United States needs to be assured that trucks entering the country from Mexico will be safe and operated safely. This follow-on report describes (1) the results of federal and state inspections of Mexican trucks entering the United States in 1996, (2) actions by the federal government and border states to increase truck safety enforcement at the border, and (3) the federal enforcement strategy to ensure that trucks from Mexico comply with safety standards when entering the United States.

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**Results in Brief**

From January through December 1996 (the most recent date for which data were available as of March 1997), federal and state officials conducted more than 25,000 inspections of trucks from Mexico. On average each month, about 45 percent of the vehicles were placed out of service for serious safety violations, such as for having substandard tires or for being loaded unsafely. This rate compares unfavorably to the 28-percent out-of-service rate for U.S. trucks inspected across the United States in fiscal year 1995 (the most recent year for which nationwide data were available). (However, because inspectors target for inspection those vehicles and drivers that appear to have safety deficiencies, their

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<sup>1</sup>Commercial Trucking: Safety and Infrastructure Issues Under the North American Free Trade Agreement (GAO/RCED-96-61, Feb. 29, 1996).

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selections are not random. As a result, the out-of-service rates may not necessarily reflect the general condition of all vehicles.) Although border inspection officials believe that trucks from Mexico are safer than they were in late 1995, the monthly out-of-service rates for trucks from Mexico in 1996 ranged from 39 percent to 50 percent, with no consistent trend.

The border states of Arizona, California, and Texas have increased their capability to inspect trucks at major border locations.<sup>2</sup> Collectively, the three states had 93 state truck inspectors assigned to border crossing locations as of January 1997. In addition, the U.S. Department of Transportation (DOT) approved 13 new temporary positions (2-year appointments) to place federal safety inspectors at major border crossing locations. California, with about 24 percent of the truck traffic from Mexico, opened two large permanent inspection facilities. It has the most rigorous inspection program, with the goal of inspecting, at least once every 90 days, every truck entering the state from Mexico. While both Texas and Arizona, collectively with more than three-quarters of the truck traffic from Mexico, have more than doubled the number of inspectors at border crossing locations, their efforts are less comprehensive. For example, neither has invested in inspection facilities at border crossing locations, in part, because of a lack of space at some urban crossings and the view that NAFTA is a national issue that should not be financed with state funds.

Under a broad strategy to help create a “compliance mind-set” for Mexican trucks crossing into U.S. commercial zones, DOT has undertaken a number of activities to promote truck safety. These include providing funds to the border states to increase border inspection activities, conducting educational campaigns for Mexican truck operators on U.S. safety standards, and attempting to build the capacity of selected Mexican enforcement agencies to inspect trucks within that country. In February 1997 DOT announced that its program that provides grants for statewide safety enforcement activities will incorporate performance-based goals to increase truck and driver safety. Also, in March 1997, DOT submitted a legislative proposal to the Congress as part of the reauthorization of the Intermodal Surface Transportation Efficiency Act that would incorporate this initiative. In addition, other proposed provisions would help states to address concerns about the border infrastructure and safety.

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<sup>2</sup>New Mexico receives less than 1 percent of the northbound truck traffic, and its activities are not included in this report.

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## Background

NAFTA, which was agreed to by Canada, Mexico, and the United States in 1992 and implemented in the United States through legislation in 1993, contained a timetable for the phased removal of trade barriers for goods and services between the three countries. Beginning December 18, 1995, Mexican trucking companies were to have been able to apply for the authority to deliver and backhaul cargo between Mexico and the four U.S. border states. However, on that date the Secretary of Transportation announced an indeterminate delay because of safety and security concerns. NAFTA's timetable calls for all limits on cross-border access (i.e., truck travel within the three countries) to be phased out by January 2000. Until expanded access is granted, trucks from Mexico continue to be limited to commercial zones along the border (generally, areas between 3 and 20 miles from U.S. border towns' northern limits, depending on each town's population).

For several decades, the United States has been expanding inspection and enforcement programs nationwide to encourage safer U.S. trucks and truck operation. DOT has, among other things, (1) issued minimum safety standards for trucks and commercial drivers, (2) provided grants to states to develop and implement programs that would lead to the enforcement of these safety standards, and (3) conducted reviews of about one-third of all domestic interstate trucking companies in order to determine overall compliance with safety regulations. Through the Motor Carrier Safety Assistance Program (MCSAP), DOT works in partnership with states to enforce federal truck regulations. As the states adopt federal safety regulations, DOT provides financial assistance for enforcement. Although DOT maintains a presence in all states to promote truck safety and requires that states comply with minimum federal regulations and requirements related to truck safety, it relies on the states to develop their own strategies for enforcement.

NAFTA also established the Land Transportation Standards Subcommittee to work toward compatible truck safety and operating standards among the countries. While U.S. and Canadian commercial trucking regulations are largely compatible, major differences existed between U.S. and Mexican regulations concerning drivers' qualifications, the hours of service, drug and alcohol testing, the condition of vehicles (including their tires, brakes, parts, and accessories), accident monitoring, and the transport of hazardous materials. According to DOT, progress has been made in making truck safety and operating standards compatible, and discussions are still ongoing.

NAFTA's three member nations have accepted the truck inspection standards established by the Commercial Vehicle Safety Alliance (CVSA).<sup>3</sup> For the most part, there are two types of inspections conducted according to the trilaterally accepted truck inspection guidelines—"level-1" and "level-2" inspections.<sup>4</sup> The level-1 inspection is the most rigorous—a full inspection of both the driver and vehicle. The driver inspection includes ensuring that the driver has a valid commercial driver's license, is medically qualified, and has an updated log showing the hours of service. The level-1 vehicle inspection includes a visual inspection of the tires and of the brakes' air pressure, among other things, and an undercarriage inspection that covers the brakes, frame, and suspension (see fig. 1). The level-2 inspection, also known as a "walk-around inspection," includes a driver inspection and a visual inspection of the vehicle. It does not include the careful undercarriage inspection. Trucks that fail inspections for serious safety violations are placed out of service—that is, they are halted until the needed repairs are made.

**Figure 1: California State Inspector Performing a Level-1 Inspection**



A level-1 inspection includes an undercarriage inspection of the brakes, frame, and suspension.

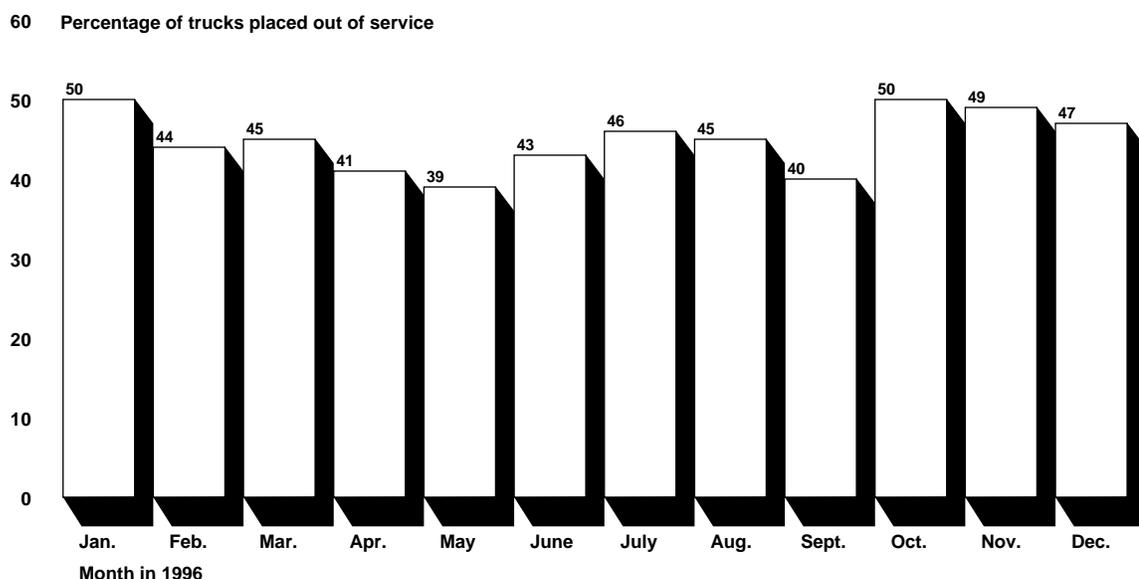
<sup>3</sup>CVSA is an association of state, provincial, and federal officials responsible for the administration and enforcement of motor carrier safety laws in the three countries.

<sup>4</sup>Level-1 and level-2 inspections constitute about 80 percent of the inspections nationwide. Level-3 inspections, which account for about 18 percent of all inspections, focus on the driver's records rather than the vehicle's condition. Level-4 and level-5 inspections, which constitute fewer than 2 percent of all inspections, are special-purpose inspections.

## Out-Of-Service Rates Averaged About 45 Percent in 1996

From January 1996 (the first full month of detailed records of inspections) through December 1996 (the most recent month for which data were available as of March 1997), federal and state safety inspectors conducted over 25,000 safety inspections of about 3 million Mexican trucks crossing into the United States. These inspections resulted in an out-of-service rate of about 45 percent for serious safety violations. The monthly out-of-service rates ranged from 39 percent to 50 percent, with no consistent trend (see fig. 2).

Figure 2: Out-Of-Service Rates for Trucks From Mexico, 1996



Source: Data from DOT.

The average monthly out-of-service rate of 45 percent compares unfavorably with the 28-percent rate for 1.8 million U.S. trucks inspected on the nation's roads during fiscal year 1995 (the most recent year for which nationwide data are available). However, because inspectors target for inspection vehicles and drivers that appear to have safety deficiencies, their selections are not random. As a result, the out-of-service rates may not necessarily reflect the general condition of all vehicles.

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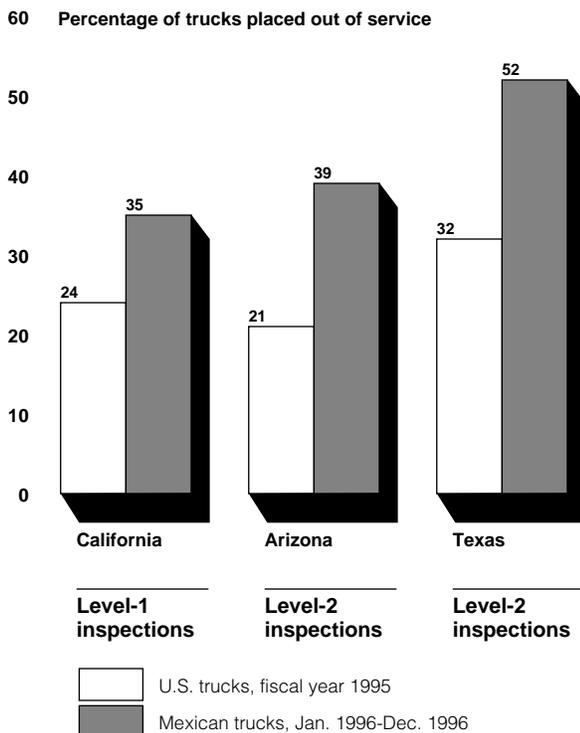
In addition, while about half of the 1.8 million inspections of U.S. trucks were level-1 inspections, only slightly more than one-quarter of the inspections of trucks from Mexico were this type. Level-1 inspections are more stringent than level-2 inspections and result in higher out-of-service rates.<sup>5</sup> Consequently, if more of the inspections of trucks from Mexico had been level-1 inspections, the resulting overall out-of-service rate likely would have been somewhat greater than 45 percent.

The out-of-service rates for trucks entering the United States from Mexico have also been substantially greater than those for U.S. trucks operating within individual border states (see fig. 3). California's data show less disparity, which may be because regular inspections since the late 1980s have made Mexican carriers traveling into California more knowledgeable about U.S. truck safety standards.

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<sup>5</sup>For the United States as a whole, the fiscal year 1995 out-of-service rate for level-1 inspections was about 33 percent, and the rate for level-2 inspections was about 19 percent. Of the U.S. border states, only California conducts primarily level-1 inspections of trucks from Mexico.

**Figure 3: State-By-State Comparison of Out-Of-Service Rates**



Source: Data from DOT.

Federal and state truck inspectors we contacted in Arizona, California, and Texas told us that trucks from Mexico are upgrading equipment to improve safety. In their opinion, trucks from Mexico are safer now than they were in late 1995. For example, the inspectors told us that they often find fewer violations per truck, and some previous violations (such as instances of drivers sitting on milk crates rather than secured seats) are now seldom seen. They credit the increased inspections at the border (discussed later in this report) with heightening Mexican carriers' awareness of and willingness to comply with U.S. truck safety requirements. They commented that the inspections have helped bring about improvements with tires, brakes, and other equipment. Also, many Mexican drivers we spoke to were eager to learn about U.S. safety regulations so they could strive to meet them.

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Many U.S. and Mexican trucking industry and association officials we contacted said that the relatively high out-of-service rates for trucks from Mexico do not mean that Mexican truck operators will drive unsafe trucks into the United States once access to the remaining portions of the border states and to the United States as a whole is granted. They told us that most trucks currently operating and being inspected at border crossings are used exclusively for short-haul operations and tend to be older trucks that are more likely to have equipment problems leading to out-of-service violations. They believe that Mexican truck operators choosing to operate farther into the United States will use higher-quality trucks because doing so is in their interest. For instance, Mexican trucking companies would not want their trucks to break down or to be taken out of service far from their bases of operations, where repairs would be more difficult and costly, the officials explained. While this reasoning seems plausible, we were unable to obtain information that would confirm or refute it.<sup>6</sup>

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## Federal and State Governments Have Increased Enforcement Activity in the Four Border States

Most trucks from Mexico enter the United States at 7 of the 23 crossing points for commercial trucks. To provide some assurance that the 12,000 trucks crossing from Mexico into the United States each day will be safe and operated safely, the three border states in our review and DOT have increased enforcement markedly at the major border locations.

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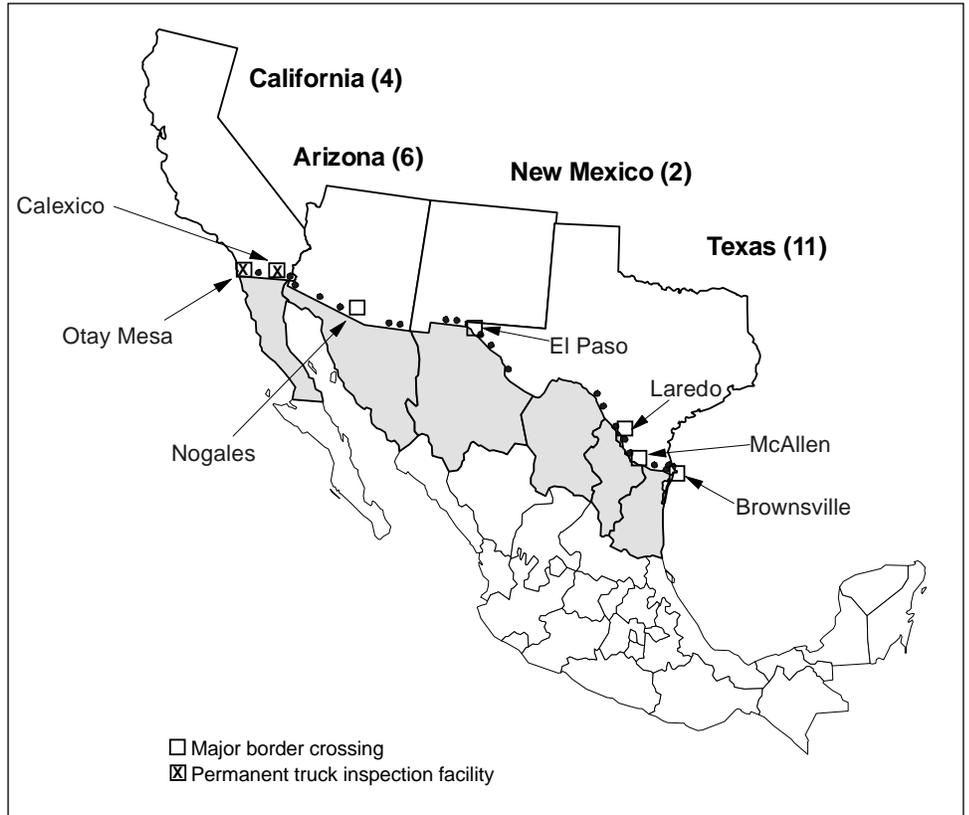
## Most Trucks From Mexico Cross at Seven Border Locations

Although there are 23 locations where northbound trucks from Mexico may enter the United States, about 90 percent of the trucks enter at 7 major crossings—in California (Otay Mesa and Calexico), Arizona (Nogales), and Texas (El Paso, Laredo, McAllen, and Brownsville) (See fig. 4.)

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<sup>6</sup>As of February 1997, 170 Mexican carriers had applied to DOT for the authority to operate with full access to the four border states once such access is granted under NAFTA. The application requirements, which mirror those for U.S. firms seeking domestic operating authority, contain no information on the characteristics of the firms' truck fleets.

**Figure 4: Locations of Border Crossings and Permanent Truck Inspection Facilities**



Source: Based on information from the U.S. Customs Service, DOT, and the four border states.

Trucks from Mexico enter the United States through the U.S. Customs Service’s ports of entry. Trucks passing through Customs then enter truck inspection facilities where such inspection facilities exist. At locations where separate permanent facilities do not exist, Customs has generally allowed state and federal truck inspectors to carry out their safety inspections on the agency’s property.

Permanent facilities allow more rigorous truck inspections to take place, provide scales and measuring devices to screen all trucks for the violations of being overweight or oversize, provide cover to keep inspectors out of the extreme heat prevalent at the border, and signal to the trucking community a permanent commitment to enforcing truck safety standards.

In the past year, California opened two permanent truck inspection facilities at its major border crossings, where it aims to inspect and certify the trucks entering the state from Mexico once every 3 months. Texas, with about two-thirds of the truck traffic from Mexico, and Arizona, with about 10 percent of the traffic, have no permanent truck inspection facilities at any of their border locations. Discussions within Texas and Arizona are under way regarding constructing at least one permanent facility in each state.

### The Number of State and Federal Inspectors Has Increased, and Most Are Working at Major Border Crossings

As of January 1997, the three border states in our review had 93 truck inspectors stationed at border crossing locations (see table 1). In addition, DOT approved new temporary positions for 13 truck safety inspectors and, as of January 1997, had 11 of them working at the border. (The 13 positions are for a 2-year term only.) These federal truck inspectors took over for six DOT safety specialists who had been temporarily reassigned to inspect trucks from Mexico at border locations from December 1995 through August 1996. Customarily, DOT does not routinely conduct roadside inspections at fixed locations.

**Table 1: Northbound Truck Traffic and Inspectors at the Seven Busiest Border Crossing Locations, Fiscal Year 1996**

Border location <sup>a</sup>	Number of truck crossings			Number of inspectors assigned (as of January 1997)		
	Fiscal year 1996	Weekday average <sup>b</sup>	Percentage of total crossings	State	Federal	Total (Percentage of total)
Otay Mesa, Calif.	520,908	1,992	17	28	1	29 (28%)
Calexico, Calif.	169,403	648	5	19	1	20 (19%)
Nogales, Ariz.	225,274	862	7	7	2	9 (9%)
El Paso, Tex.	577,152	2,208	19	9	2	11 (11%)
Laredo, Tex.	899,754	3,441	29	8	2	10 (10%)
McAllen, Tex.	198,260	759	6	5	0	5 (5%)
Brownsville, Tex.	224,537	858	7	7	2	9 (9%)
<b>Subtotal</b>	<b>2,815,288</b>	<b>10,768</b>	<b>90</b>	<b>83</b>	<b>10</b>	<b>93 (89%)</b>
All others	297,803	1,138	10	10	1	11 (11%)
<b>Total</b>	<b>3,113,091</b>	<b>11,906</b>	<b>100</b>	<b>93</b>	<b>11</b>	<b>104 (100%)<sup>c</sup></b>

<sup>a</sup>Three border locations have more than one crossing point: Brownsville has three, and Laredo and El Paso have two each.

<sup>b</sup>Most locations have limited weekend crossings, when many Mexican carriers choose not to operate and some U.S. Customs facilities have limited hours.

<sup>c</sup>The percentages do not add to 100 because of rounding.

Source: Data from Customs, DOT, and California's, Arizona's, and Texas' enforcement agencies.

Most state truck inspectors (83 of 93) have been stationed at the major border crossing locations. A year earlier, the three border states in our review had 39 inspectors assigned to the major border crossing locations (see table 2).

**Table 2: State Inspectors at Major Border Crossing Locations, December 1995 and January 1997**

Border state	Number of inspectors assigned	
	December 1995	January 1997
California	24	47
Arizona	1	7
Texas	14	29
<b>Total</b>	<b>39</b>	<b>83</b>

Source: State enforcement agencies.

In addition, DOT has assigned its inspectors to each state and then, with one exception, assigned them to the busiest locations within each state. There are relatively few federal inspectors, and their appointments are temporary, since, under MCSAP, states have the primary responsibility for developing enforcement strategies.

**California Facilities and Inspectors**

California, with about 24 percent of truck traffic from Mexico, has the most rigorous border state truck inspection program and has been inspecting trucks from Mexico in its commercial zones for several years. In 1996, California opened permanent truck inspection facilities at its two major border locations—Otay Mesa and Calexico (see fig. 5). California constructed these facilities, which cost about \$15 million each, with federal and state highway funds that had been earmarked by the state for roadway projects because it considered these facilities to be of a higher priority. California’s decision was made easier because land was available for purchase adjacent to Customs’ ports of entry.

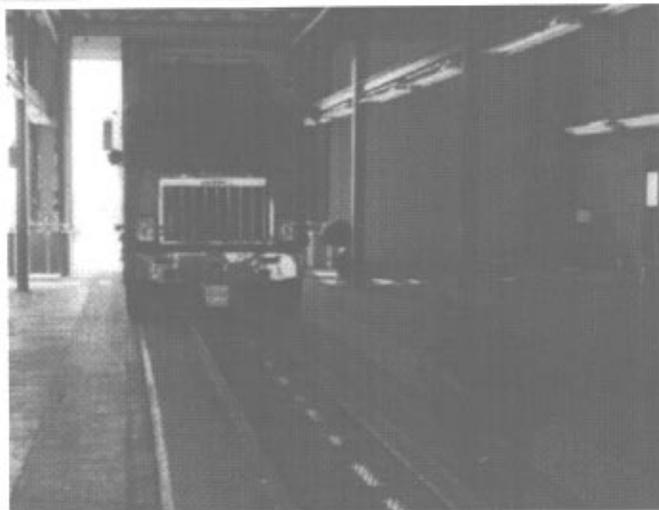
Figure 5: State Truck Inspection Facilities at Otay Mesa and Calexico, California



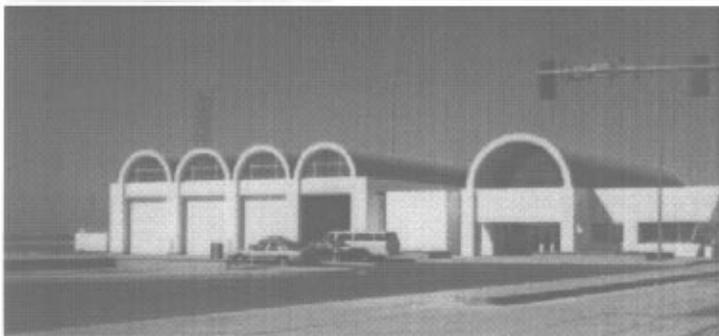
The right side of the Otay Mesa structure contains offices and an observation area, where inspectors screen trucks to determine which will be inspected for safety. The left side of the structure contains truck inspection bays.



Otay Mesa observation area, where all trucks from Mexico are weighed and screened.



Truck from Mexico inside an Otay Mesa inspection bay with underground pits to facilitate safety inspections.



New facility at Calexico opened in December 1996 and is almost identical to the Otay Mesa facility.

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These facilities have been allocated a total of 47 full-time inspectors: Twenty-three are California Highway Patrol officers, and 24 are civilian truck inspectors. The use of civilian inspectors, for whom the pay and training costs are less, has helped boost California's overall number of inspectors. The state inspectors are assisted by two federal inspectors.

The state officials in charge of operations at these facilities told us that one of their objectives is to inspect and certify every truck from Mexico at least once every 90 days. Additionally, all trucks from Mexico are weighed and checked for proper size before traveling on U.S. roads. Currently, California has enough inspectors at its ports of entry that many of them spend their time on roads in border zones checking the safety of U.S. trucks operating in the area.

## Texas Facilities and Inspectors

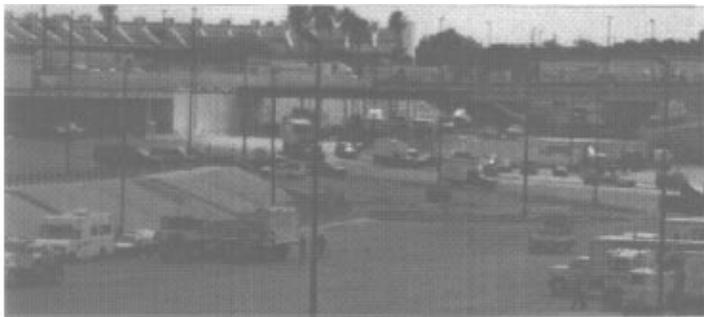
With about 66 percent of all truck traffic from Mexico (more than 2 million truck crossings in fiscal year 1996) and four of the seven major border crossing locations, Texas continues to face the greatest enforcement burden. (Figure 6 shows aspects of the four Texas locations.) Texas' situation has been more complicated because three of its major locations have had two or three bridges each, where trucks cross the Rio Grande into the United States. However, in mid 1996 Customs consolidated the truck traffic in McAllen, Texas, by closing one of the two bridges to northbound trucks. Such consolidation might be possible for other major locations in Texas. As of January 1997, Texas had no permanent truck inspection facilities at any of its 11 border locations. In Laredo, for example, inspectors work in an uncovered parking area in extreme heat and humidity for much of the year.

State and federal officials have announced plans to retrofit some existing buildings to establish a truck inspection facility at Texas' fourth busiest truck crossing location just outside of McAllen, although federal and state officials have not set a completion date for this project. According to state transportation officials, state truck enforcement officials, and transportation authorities in academia, four primary reasons have kept Texas from building truck inspection facilities at border locations:

- Key state agencies see NAFTA as a national issue and are reluctant to use state funds to enforce its provisions;
- most of the major border crossings are in urban areas (Laredo, El Paso, and Brownsville), where little space is available to accommodate truck inspection facilities that would be adjacent to border entry points;

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- the state agency responsible for inspecting trucks, the Department of Public Safety, has traditionally worked (and prefers to work) in a roving fashion, conducting roadside truck inspections rather than working out of one location; and
  - many Texas border cities have developed close economic and social relationships with their Mexican sister cities directly across the border and resist increased inspections if they perceive that a major crackdown on trucks could undermine such relationships.

Figure 6: Truck Inspection at Major Border Crossing Locations in Texas



U.S. Customs lot at Laredo. Trucks from Mexico regularly queue up for hours before crossing this bridge into the Customs lot and proceeding through the city. In the foreground, state inspectors check trucks from Mexico.



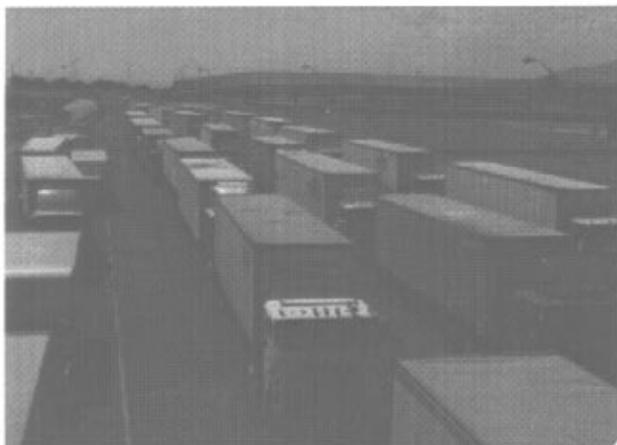
At Laredo, this air-conditioned white van is used by state truck inspectors to escape the heat while they do paperwork. In the center, trucks from Mexico drive into the United States without a safety inspection after being cleared by U.S. Customs. Trucks parked in the background have been placed out of service and await repairs.



U.S. Customs lot near McAllen. The wide-open expanse in the background shows the available space for adding truck inspection facilities.



U.S. Customs lot at Brownsville. Due to a lack of space, state safety inspectors could put only six trucks (shown) out of service.



U.S. Customs lot at El Paso, where trucks come in four abreast.



This federal truck inspector works in a small area inside the El Paso Customs lot conducting level-2 inspections.

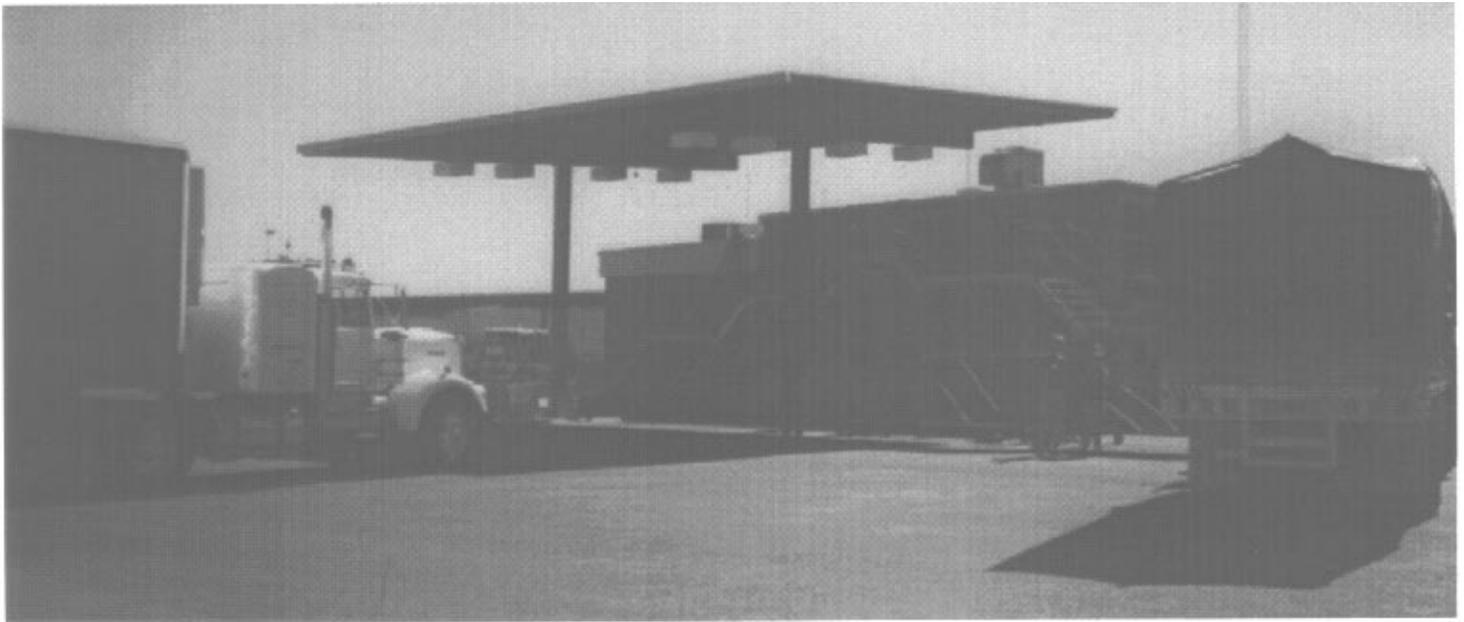
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As of December 1995, Texas had 22 officers and troopers (inspectors) covering its 11 border locations, but about 2 years later, as of January 1997, Texas had increased this staffing by nearly 70 percent to 37. Traditionally, these inspectors spent only about 25 percent of their time actually inspecting trucks, but, according to state officials, in 1996 that percentage grew substantially. Eight of the 13 federal truck inspector positions have been allocated to Texas' major border locations. Also, state truck inspectors in Texas have trained small cadres of local police officers in Brownsville, Laredo, and El Paso to check trucks and drivers periodically for safety. For example, according to an El Paso official, 29 city police officers were trained to perform truck inspections in November 1995, and, as of December 1996, those officers were performing inspections on U.S. and Mexican trucks 1 day out of every 2 weeks, on average.

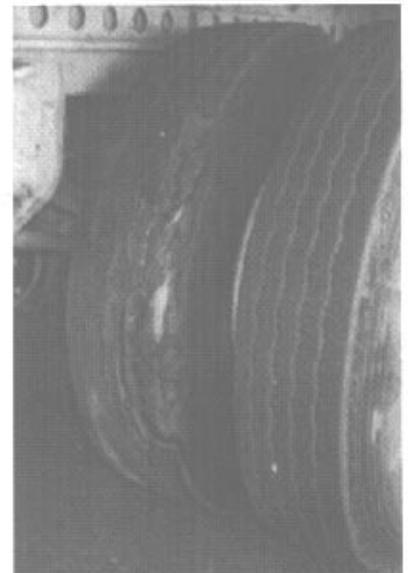
#### Arizona Facilities and Inspectors

Arizona receives about 10 percent of the total truck traffic from Mexico—about 314,000 crossings in fiscal year 1996. Of the state's six ports of entry, Nogales received the majority (about 72 percent) of these trucks. As of January 1997, Arizona had no permanent truck inspection facilities, but state officials were discussing whether to build one near the Nogales port of entry (see fig. 7).

Figure 7: Truck Inspection Area Inside U.S. Customs Lot at Nogales, Arizona



At Nogales, state and federal truck safety inspectors share this canopy with Customs officials. The canopy provides partial relief from the sun and heat.



A federal truck inspector at Nogales checks a truck from Mexico that was later placed out of service because of an unsafe tire.

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As of September 1996, two state inspectors were permanently stationed at the border—one in Nogales and one in San Luis. Recently passed state legislation, however, increased this number to nine in November 1996—seven near Nogales and two in San Luis. However, according to a state enforcement official, in early 1997 Customs withdrew its permission for state enforcement personnel to conduct their enforcement activities on the Nogales Customs lot. He told us that state inspectors no longer conduct inspections in the Customs lot and are now performing their enforcement activities away from the border.

In addition, as of September 1996, there were two federal truck inspectors assigned to Nogales and one assigned to San Luis. A DOT official told us that the federal inspectors are still working out of the Nogales Customs lot and that DOT is trying to reach a formal agreement with Customs to allow both federal and state truck safety inspections at this location.

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## **DOT Has Developed a Strategy to Improve Mexican Trucks' Compliance With U.S. Safety Regulations**

DOT has developed a strategy to help implement NAFTA. This strategy entails measures to be taken in the border states and within Mexico to improve compliance with U.S. truck safety regulations, such as providing funding for state enforcement activities and educational campaigns on U.S. safety regulations directed at Mexican drivers and trucking companies. Opportunities exist for increasing the strategy's effectiveness. These opportunities would involve (1) helping the border states establish results-oriented enforcement strategies for trucks entering the United States from Mexico and (2) working with other federal and state agencies so that the seven major border locations have at least minimum truck safety inspection facilities. These actions, if undertaken, would also help DOT better understand the degree to which U.S. safety regulations are being complied with as a prelude to opening all of the United States to commercial trucks from Mexico.

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## **DOT's Goals and Strategies to Promote Safe Trucks From Mexico**

According to DOT officials, the Department's goals are to foster a "compliance mind set" among Mexican truck operators and to see a continuous improvement in adhering to U.S. truck safety standards. To meet these goals, DOT has a three-pronged strategy that consists of (1) cooperative federal and state enforcement of U.S. safety and operating standards, (2) the dissemination of information to ensure that Mexican truck operators have what they need to know to operate in the United States, and (3) the development of compatible safety and operating

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standards in all three NAFTA countries. Several of the specific initiatives under this strategy are

- developing a “safety assessment process” that the Mexican government can use to determine the extent to which Mexican operators (1) understand their obligations and the processes the United States uses in truck safety enforcement and (2) comply with U.S. requirements;
- providing more than \$1 million<sup>7</sup> annually since fiscal year 1995 in grants to the four border states to prepare for enforcement activities related to NAFTA, such as increasing the number of state inspectors stationed at the border;
- conducting educational campaigns on U.S. safety standards, including training seminars and leaflets, for Mexican drivers and truck companies;
- approving 13 DOT truck inspector positions for 2 years to demonstrate a federal commitment to truck safety;
- working with CVSA and state truck enforcement agencies to train inspectors in Mexico in an attempt to increase truck safety overall in that country;
- contracting with the International Association of Chiefs of Police to conduct a series of truck safety forums in the U.S. border states to allow U.S. and Mexican enforcement officials to discuss strategies and other truck safety issues of mutual concern; and
- participating with the Land Transportation Standards Subcommittee, established under NAFTA, to develop compatible safety and operating standards in all three NAFTA countries.

These initiatives have had mixed results. For example, MCSAP funding for activities related to NAFTA has resulted in a greater inspection presence at the border; however, the inspector training initiative was less successful. In this regard, DOT officials believe that one of the keys to ensuring that trucks from Mexico are safe is to have Mexico improve its truck inspection program so that more trucks are inspected there before traveling into the United States. However, U.S. efforts to fortify Mexico’s inspection program encountered problems. Beginning in 1991, DOT provided about \$278,000 to train Mexican truck inspectors. From 1993 to 1995, about 285 Mexican inspectors received the necessary 2-week certification course. However, the lead U.S. trainer characterized these efforts as unsuccessful, since, as of late 1996, only about 50 of these inspectors were still employed by the Mexican truck inspection agency, and no regular truck inspection activity ever took place in Mexico as a result of this training.

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<sup>7</sup>These funds are in addition to the basic MCSAP grants for statewide enforcement activities.

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DOT is now prepared to provide additional funding (about \$96,000 left from the first training effort and more, if needed) for further truck inspector training in Mexico. To overcome one of the flaws of the first effort, which trained civilians who had limited authority to stop trucks along the roadside and issue citations, future training will be for Mexico's Federal Highway Patrol officers, who will have the requisite authority (although truck inspections will not be their sole duty similar to state truck inspectors in the United States). According to DOT officials, Mexico's Federal Highway Patrol is the most stable enforcement agency in Mexico and therefore should not be affected by any economic or political changes in Mexico.

DOT, again working with CVSA, had targeted the fall of 1996 to begin the new training. This target was not met and DOT now expects the new training to begin in early 1997. DOT officials are negotiating with Mexican officials to be sure that Mexico provides assurances that the newly trained inspectors will be used to conduct inspections along the border. Because of the delays in the federal effort and in order to develop working relationships with their Mexican counterparts, both Arizona and Texas state officials have begun negotiating with Mexico's Federal Highway Patrol officials in adjacent Mexican border states to begin their own training efforts in those states.

DOT officials told us that the intent of the training is that Mexican inspectors will inspect northbound trucks, that is, those trucks entering the United States, and that the first vehicles to be inspected will be those of carriers that have applied for the authority to operate in the four U.S. border states. They added, however, that trucks belonging to these carriers will be inspected regardless of the trucks' destinations—either to the United States or within Mexico.

Even if Mexico establishes a truck inspection program, DOT's expectation of having Mexican officials inspect northbound trucks before they arrive in the United States may not be fully realized. A high-level Mexican government official told us that the country's emphasis in inspecting trucks will be on ones coming into Mexico rather than on northbound trucks leaving Mexico.

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## Opportunities to Work With States to Develop Performance-Based Enforcement Strategies

Opportunities exist for DOT to work in partnership with the border states to develop performance-based, results-oriented enforcement strategies to, among other things, measure the progress being made by Mexican trucks in meeting U.S. safety regulations. These strategies, which would identify clearly what the states intend to accomplish, could be developed in cooperation with each border state considering the local conditions and resources available.

Currently, under MCSAP, DOT sets broad national goals but allows states to define local problems, the approach to take in addressing them, and the resources to be employed. Our review of current MCSAP grant agreements with the border states (for both basic grants to carry out statewide enforcement plans and enforcement activities related to NAFTA) showed that while the states planned to use funds, in part, to increase their enforcement presence at the border, none of the grants specified the development of performance measures with goals for the results to be expected from truck safety inspections. As a result, as described earlier, DOT and others generally must rely on anecdotal and qualitative information.

DOT has recognized the need to move toward performance-based goals for motor carrier safety. In February 1997 DOT announced that its program that provides grants for statewide safety enforcement activities will incorporate performance-based goals to increase truck and driver safety. Although funds for basic MCSAP grants will be distributed by formula, DOT plans to explore approaches to provide some form of incentive funding to states that meet national and state objectives for safety. DOT plans to implement this change in fiscal year 1998. Also, in March 1997, DOT submitted a legislative proposal, as part of the reauthorization of the Intermodal Surface Transportation Efficiency Act, that would incorporate this performance-based, results-oriented approach.

California's activities already include a results-oriented aspect: As described, the state has the goal of inspecting every truck from Mexico once during each 90-day period, though this is not specified by the state's MCSAP grant. The strategy relies on providing CVSA inspection stickers for trucks passing level-1 inspections or correcting safety violations. A current inspection sticker means that a truck will not be subject to state or federal inspection, except in the case of an obvious equipment problem, for a 3-month period. On our recent trip to California's truck inspection facilities at Otay Mesa and Calexico, we saw truck after truck crossing the scales of the inspection station with color-coded CVSA inspection stickers.

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Almost all the truck traffic we observed was repeat traffic, according to California inspection officials. It was easy to identify which trucks had been determined to be safe (those with current CVSA stickers), which trucks were due to be reinspected (those with outdated stickers), and which trucks had yet to be inspected (those without stickers).

The majority of the truck traffic from Mexico at the five major border locations in Arizona and Texas is also of a repeat nature, according to state enforcement officials. In each of these states, enforcement officials told us that the state has the goal of signaling to Mexican carriers that it is serious in enforcing truck safety standards. Each state's basic strategy to accomplish this goal is to increase the presence of state inspectors at major border locations to convince Mexican carriers to upgrade the safety of their trucks. However, Arizona and Texas have not established quantitative goals to help them measure the extent to which Mexican carriers are complying with U.S. safety regulations. In addition, since they conduct primarily level-2 truck inspections on the border, which cannot result in CVSA stickers, they have no way of identifying the trucks that have complied. As a result, the officials sometimes end up reinspecting recently inspected vehicles.

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### Opportunities for DOT to Encourage Construction of Truck Inspection Facilities

A 1995 study conducted by the International Association of Chiefs of Police for DOT concluded that the lack of truck inspection facilities at the U.S.-Mexican border gives no assurance to interior states that trucks from Mexico will be screened for safety upon entering the United States. Furthermore, according to DOT, it does not have any discretionary funds available to the border states to build weight or inspection facilities. However, the states can use federal-aid highway funds apportioned to them for this purpose if they choose to do so.<sup>8</sup>

Historically, DOT has not taken an active role in planning with federal and state agencies to build or rehabilitate facilities whose functions might include truck safety enforcement. However, DOT has had opportunities to work with the General Services Administration (GSA)<sup>9</sup> and the states to ensure that border facilities meet current and future needs for truck safety inspections. GSA has a process allowing all federal agencies that have a

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<sup>8</sup>The federal-aid highway program is designed to aid in the development of an intermodal transportation system. The decision to use federal-aid highway funds to build a truck inspection facility at the border depends on the priority the project is given, considering other needs in a state.

<sup>9</sup>GSA provides planning, engineering, and other expertise when a federal agency qualifies to build or rehabilitate a federal facility.

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need to operate along the border to provide input during the preparations for new border stations. While DOT does not control this process, as an agency with a stake in safety enforcement at border crossing locations, it can choose to be an active participant.

DOT has missed opportunities to ensure that the upgrading of U.S. Customs installations included space and facilities adjacent to or on Customs' property for state and federal inspectors to perform truck safety inspections. For example, in 1995, DOT had the opportunity but did not participate in the coordinated federal effort to design a new Customs border crossing installation near McAllen, Texas. By not participating, DOT lost the opportunity to secure a truck inspection facility in the new installation. However, in late 1996, federal DOT officials in Texas did get involved in the planning phase for a proposed inspection facility, which envisioned renovating some unused Customs buildings at McAllen. Similarly, according to a GSA official, DOT indicated interest in having a portion of a new border crossing at Brownsville contain a protective canopy, scales, an area for vehicles transporting hazardous materials, and parking space for out-of-service vehicles (at a cost that GSA estimated at about \$1 million). However, as of January 1997, when GSA was finalizing the design, DOT had not resumed discussions with the agency to provide input or commit funds for the project.

As discussed earlier in this report, Arizona and Texas have not constructed truck inspection facilities. One reason given is money. Many state officials we spoke to believe that such facilities would cost as much as those in California and that the federal government should pay for them since NAFTA represents national interests. However, to achieve a marked improvement over the current conditions in Arizona and Texas, truck inspection facilities would not have to be on a scale with the \$15 million facilities in California. Even facilities with minimal elements such as a scale, a canopy, an inspection pit, and a small office, would represent vast improvements over the current situations in Arizona and Texas, which involve working outdoors in difficult climatic conditions. According to GSA and California Department of Transportation officials, such a truck inspection facility could be built for between \$1 million and \$2 million, excluding land costs.

In addition to securing funds, another significant challenge is the need for large spaces for truck inspection facilities. As pointed out by DOT's September 1995 Best Practices Manual for Truck Inspection Facilities, a critical element is parking, where vehicles failing to comply with U.S.

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regulations can be detained and repaired. Three of Texas' major border locations are in urban areas that lack space to park more than a few large trucks. While the Customs Service has generally allowed state and federal agencies to inspect trucks within its property, this may not always be the case, as the recent experience in Nogales shows. Since the available space at Customs facilities is limited, it is paramount in the long term that DOT be more involved in planning new additions to or replacements of major border installations.

The March 1997 legislative proposal contains provisions for planning improvements within the trade corridor and at border crossings and establishing the Border Gateway Pilot Program. The proposal would authorize (1) planning funds for multistate and binational transportation and (2) funds for improvements to border crossings and approaches along the Mexican and Canadian borders. Under the proposal, funds provided for "border gateway" projects, such as constructing new inspection facilities, may be used as the nonfederal matching funds for other federal-aid highway funds, as long as the amount of the "border gateway" funds does not exceed 50 percent of a project's total cost. A DOT official also told us that funds to help address these needs will be included in DOT's fiscal year 1998 budget request. As of mid-March 1997, the full budget request had not been submitted to the Congress.

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## Conclusions

DOT and the three border states in our review have acted to increase inspection activities at the border and in other ways to foster increased compliance with U.S. safety regulations by Mexican trucks. While Mexican trucks entering the United States continue to exhibit high out-of-service rates for serious safety violations, federal and state officials believe that their efforts have had a positive effect and that Mexican trucks are now safer than they were in 1995. However, there is no hard evidence on which to test this belief; much of the officials' information is anecdotal. Compliance cannot be assessed at the border because results-oriented quantitative measures are not in place.

We believe that DOT can improve commercial truck safety enforcement at the border by encouraging border states to set specific, measurable results-oriented enforcement strategies for truck inspections at border crossings and by assisting them in doing so. We recognize each state has unique circumstances and that implementing results-oriented strategies would require that more level-1 inspections be conducted. DOT's move to performance-based, results-oriented MCSAP grants for statewide safety

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enforcement activities is a large step in the right direction. However, unless discrete performance-based, results-oriented measures are developed specifically for Mexican trucks entering the United States, DOT will still possess only anecdotal information on the extent to which trucks from Mexico meet U.S. safety regulations. As widespread concerns exist over whether trucks from Mexico comply with U.S. safety regulations, we believe that border-specific performance measures are needed.

We also believe that DOT needs to be more proactive in securing inspection facilities at planned or existing border installations. We recognize there are various reasons why facilities do not exist at some border locations and that in some instances a lack of funding or space or other reasons may preclude adding these inspection facilities. But DOT's leadership in promoting and securing more permanent inspection facilities is needed to achieve more effective truck safety inspections at the border. DOT has submitted a legislative proposal, and DOT officials have indicated that a budget proposal will be submitted that will, in part, allow states to address concerns about the border infrastructure and safety. However, the prospects for enactment are unknown. In the meantime, DOT needs to be more active in the planning process for border installations to ensure that truck safety inspection facilities are included, where practicable.

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## Recommendations

First, to measure progress by Mexican commercial truck carriers in meeting U.S. safety regulations, we recommend that the Secretary encourage the border states to develop and implement measurable results-oriented goals for the inspection of commercial trucks entering the United States from Mexico and assist them in doing so. We also recommend that the Secretary work actively with GSA, as part of GSA's existing planning process, to ensure that truck safety inspection facilities are included, where practicable, when border installations are planned, constructed, or refurbished.

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## Agency Comments and Our Evaluation

We provided DOT with a draft of this report for its review and comment. To receive comments on the draft report, we met with a number of officials, including a senior analyst in the Office of the Secretary and the special assistant to the associate administrator in DOT's Office of Motor Carriers. They said that, overall, they were pleased with the report's contents and that the report accurately characterized DOT's activities and other activities at the border. They offered a number of technical and clarifying comments

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on the draft report, which we incorporated where appropriate. The officials did not comment on the draft report's recommendations.

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## Scope and Methodology

To achieve our three objectives, we reviewed inspection reports and truck traffic data and visited 13 border crossings, where about 92 percent of the trucks from Mexico enter the United States. At these locations, we observed trucking facilities and federal and state truck inspection activity. We discussed our work with and received documents from DOT officials; state truck enforcement officials in Arizona, California, New Mexico, and Texas; Customs Service officials; GSA officials; and representatives of private and university groups. We also met with or had telephone discussions with several local development groups, including Mexican trucking officials. We also talked with drivers of Mexican trucks. Finally, we participated in conferences held by CVSA, the American Trucking Associations, and the International Association of Chiefs of Police, where we discussed truck safety enforcement with high-level Mexican and Canadian officials.

In certain instances, we compared truck safety inspection data from fiscal year 1995 with data from calendar year 1996, relying (for both data sets) on the most recent information DOT could provide. While we recognize that comparing same-year data would present a clearer picture, the lack of such data precluded us from doing so. Finally, this report deals primarily with truck safety enforcement at border locations and does not assess the progress on other issues surrounding NAFTA, such as efforts to develop compatible truck safety rules between signatory countries.

We performed our work from March 1996 to February 1997 in accordance with generally accepted government auditing standards.

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This report is being sent to you because of your legislative responsibilities for commercial trucking. We are also sending copies of this report to the Secretaries of Transportation and the Treasury; the Administrator, FHWA; the Administrator, General Services Administration; the Director, Office of Management and Budget; and the Commissioner, U.S. Customs Service. We will make copies available to others on request.

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If you or your staff have any questions about this report, please contact me at (202) 512-3650. Major contributors to this report were Marion Chastain, Paul Lacey, Daniel Ranta, James Ratzenberger, and Deena Richart.

A handwritten signature in black ink that reads "Phyllis F. Scheinberg". The signature is written in a cursive style with a large initial 'P' and a long, sweeping underline.

Phyllis F. Scheinberg  
Associate Director, Transportation Issues

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