

110TH CONGRESS
1ST SESSION

H. R. 1773

IN THE SENATE OF THE UNITED STATES

MAY 16, 2007

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safe American Roads
3 Act of 2007”.

4 **SEC. 2. LIMITATION ON GRANTING AUTHORITY.**

5 The Secretary of Transportation may not grant au-
6 thority to a motor carrier domiciled in Mexico to operate
7 beyond United States municipalities and commercial zones
8 on the United States-Mexico border, except under the pilot
9 program authorized by this Act.

10 **SEC. 3. PILOT PROGRAM.**

11 (a) IN GENERAL.—The Secretary of Transportation
12 may carry out, in accordance with section 350 of Public
13 Law 107–87, section 31315(c) of title 49, United States
14 Code, all Federal motor carrier safety laws and regula-
15 tions, and this Act, a pilot program that grants authority
16 to not more than 100 motor carriers domiciled in Mexico
17 to operate beyond United States municipalities and com-
18 mercial zones on the United States-Mexico border.

19 (b) LIMITATION ON COMMERCIAL MOTOR VEHICLES
20 PARTICIPATING IN PILOT PROGRAM.—The number of
21 commercial motor vehicles owned or leased by motor car-
22 riers domiciled in Mexico which may be used to participate
23 in the pilot program shall not exceed 1,000.

24 (c) PILOT PROGRAM PREREQUISITES.—The Sec-
25 retary may not initiate the pilot program under subsection
26 (a) until—

1 (1) the Inspector General of the Department of
2 Transportation submits to Congress and the Sec-
3 retary a report—

4 (A) independently verifying that the De-
5 partment is in compliance with each of the re-
6 quirements of subsections (a) and (b) of section
7 350 of Public Law 107–87; and

8 (B) including a determination of whether
9 the Department has established sufficient mech-
10 anisms—

11 (i) to apply Federal motor carrier
12 safety laws and regulations to motor car-
13 riers domiciled in Mexico; and

14 (ii) to ensure compliance with such
15 laws and regulations by motor carriers
16 domiciled in Mexico who will be granted
17 authority to operate beyond United States
18 municipalities and commercial zones on the
19 United States-Mexico border;

20 (2) the Secretary of Transportation—

21 (A) takes such action as may be necessary
22 to address any issues raised in the report of the
23 Inspector General under paragraph (1); and

24 (B) submits to Congress a detailed report
25 describing such actions;

1 (3) the Secretary determines that there is a
2 program in effect for motor carriers domiciled in the
3 United States to be granted authority to begin oper-
4 ations in Mexico beyond commercial zones on the
5 United States-Mexico border;

6 (4) the Secretary publishes in the Federal Reg-
7 ister and provides sufficient opportunity for public
8 comment on the following:

9 (A) a detailed description of the pilot pro-
10 gram and the amount of funds the Secretary
11 will need to expend to carry out the pilot pro-
12 gram;

13 (B) the findings of each pre-authorization
14 safety audit conducted, before the date of en-
15 actment of this Act, by inspectors of the Fed-
16 eral Motor Carrier Safety Administration of
17 motor carriers domiciled in Mexico and seeking
18 to participate in the pilot program;

19 (C) a process by which the Secretary will
20 be able to revoke Mexico-domiciled motor car-
21 rier operating authority under the pilot pro-
22 gram;

23 (D) specific measures to be required by the
24 Secretary to protect the health and safety of

1 the public, including enforcement measures and
2 penalties for noncompliance;

3 (E) specific measures to be required by the
4 Secretary to enforce the requirements of section
5 391.11(b)(2) of title 49, Code of Federal Regu-
6 lations, as in effect on the date of enactment of
7 this Act;

8 (F) specific standards to be used to evalu-
9 ate the pilot program and compare any change
10 in the level of motor carrier safety as a result
11 of the pilot program;

12 (G) penalties to be levied against carriers
13 who, under the pilot program, violate section
14 365.501(b) of title 49, Code of Federal Regula-
15 tions, as in effect on the date of enactment of
16 this Act;

17 (H) a list of Federal motor carrier safety
18 laws and regulations for which the Secretary
19 will accept compliance with a Mexican law or
20 regulation as the equivalent to compliance with
21 a corresponding Federal motor carrier safety
22 law or regulation, including commercial driver's
23 license requirements; and

24 (I) for any law or regulation referred to in
25 subparagraph (H) for which compliance with a

1 Mexican law or regulation will be accepted, an
2 analysis of how the requirements of the Mexi-
3 can and United States laws and regulations dif-
4 fer; and

5 (5) the Secretary establishes an independent re-
6 view panel under section 4 to monitor and evaluate
7 the pilot program.

8 **SEC. 4. INDEPENDENT REVIEW PANEL.**

9 (a) ESTABLISHMENT OF PANEL.—The Secretary of
10 Transportation shall establish an independent review
11 panel to monitor and evaluate the pilot program under
12 section 3. The panel shall be composed of 3 individuals
13 appointed by the Secretary.

14 (b) DUTIES.—

15 (1) EVALUATION.—The independent review
16 panel shall—

17 (A) evaluate any effects that the pilot pro-
18 gram has on motor carrier safety, including an
19 analysis of any crashes involving motor carriers
20 participating in the pilot program and a deter-
21 mination of whether the pilot program has had
22 an adverse effect on motor carrier safety; and

23 (B) make, in writing, recommendations to
24 the Secretary.

1 (2) RECOMMENDATIONS.—If the independent
2 review panel determines that the pilot program has
3 had an adverse effect on motor carrier safety, the
4 panel shall recommend, in writing, to the Sec-
5 retary—

6 (A) such modifications to the pilot pro-
7 gram as the panel determines are necessary to
8 address such adverse effect; or

9 (B) termination of the pilot program.

10 (c) RESPONSE.—Not later than 5 days after the date
11 of a written determination of the independent review panel
12 that the pilot program has had an adverse effect on motor
13 carrier safety, the Secretary shall take such action as may
14 be necessary to address such adverse effect or terminate
15 the pilot program.

16 **SEC. 5. INSPECTOR GENERAL REVIEW.**

17 (a) IN GENERAL.—The Inspector General of the De-
18 partment of Transportation—

19 (1) shall monitor and review the pilot program;

20 (2) not later than 12 months after the date of
21 initiation of the pilot program, shall submit to Con-
22 gress and the Secretary of Transportation a 12-
23 month interim report on the Inspector General's
24 findings regarding the pilot program; and

1 (3) not later than 18 months after the date of
2 initiation of the pilot program, shall submit to Con-
3 gress and the Secretary an 18-month interim report
4 with the Inspector General's findings regarding the
5 pilot program.

6 (b) SAFETY DETERMINATIONS.—The interim reports
7 submitted under subsection (a) shall include the deter-
8 mination of the Inspector General of—

9 (1) whether the Secretary has established suffi-
10 cient mechanisms to determine whether the pilot
11 program is having any adverse effects on motor car-
12 rier safety;

13 (2) whether the Secretary is taking sufficient
14 action to ensure that motor carriers domiciled in
15 Mexico and participating in the pilot program are in
16 compliance with all Federal motor carrier safety
17 laws and regulations and section 350 of Public Law
18 107–87; and

19 (3) the sufficiency of monitoring and enforce-
20 ment activities by the Secretary and States to ensure
21 compliance with such laws and regulations by such
22 carriers.

23 (c) REPORT TO CONGRESS.—Not later than 60 days
24 after the date of submission of the 18-month interim re-

1 port of the Inspector General under this section, the Sec-
2 retary shall submit to Congress a report on—

3 (1) the actions the Secretary is taking to ad-
4 dress any motor carrier safety issues raised in one
5 or both of the interim reports of the Inspector Gen-
6 eral;

7 (2) evaluation of the Secretary whether grant-
8 ing authority to additional motor carriers domiciled
9 in Mexico to operate beyond United States munici-
10 palities and commercial zones on the United States-
11 Mexico border would have any adverse effects on
12 motor carrier safety;

13 (3) modifications to Federal motor carrier safe-
14 ty laws and regulations or special procedures that
15 the Secretary determines are necessary to enhance
16 the safety of operations of motor carriers domiciled
17 in Mexico in the United States; and

18 (4) any recommendations for legislation to
19 make the pilot program permanent or to expand op-
20 erations of motor carriers domiciled in Mexico in the
21 United States beyond municipalities and commercial
22 zones on the United States-Mexico border.

23 **SEC. 6. DURATION OF PILOT PROGRAM.**

24 (a) IN GENERAL.—The Secretary of Transportation
25 may carry out the pilot program under this Act for a pe-

1 riod not to exceed 3 years; except that, if the Secretary
2 does not comply with any provision of this Act, the author-
3 ity of the Secretary to carry out the pilot program termi-
4 nates.

5 (b) FINAL REPORT.—Not later than 60 days after
6 the last day of the pilot program, the Secretary shall sub-
7 mit to Congress a final report on the pilot program.

Passed the House of Representatives May 15, 2007.

Attest: LORRAINE C. MILLER,
Clerk.