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OOSC, Part IV, - Mexico-Domiciled Carriers Operating in the U.S. and 385.103(c)

STATUS

Closed

Policy and Regulatory Affairs Committee

NAME

Salvador Monroy

AGENCY

Secretaría de Comunicaciones y Transportes (SCT)

ADDRESS

Calz. de las Bombas 411, piso 8
Los Girasoles
Coyoacán, Ciudad de México 04920
Mexico

PHONE

(52) 55 50119209

EMAILsamonroy@sct.gob.mx**SUMMARY OF ISSUE**

SCT of Mexico, requests that CVSA add a legislative priority focusing on the elimination of the statutory requirement established by the Congress of the United States of America, in Sec 350 (a)(5)(A-C), PL 107-87 (Dec. 18, 2001), SCT does not believe this requirement is necessary, based on statistics showing that the operations of Mexican motor carriers have a lower vehicle out-of-service rate than United States motor carriers.

JUSTIFICATION OR NEED

The Dirección General de Autotransporte Federal (DGAF) of the Secretaría de Comunicaciones y Transportes (SCT) of Mexico, in its capacity as a member of the Commercial Vehicle Safety Alliance (CVSA), respectfully requests that CVSA add a legislative priority focusing on the elimination of the statutory requirement established by the Congress of the United States of America, in Sec 350 (a)(5)(A-C), PL 107-87 (Dec. 18, 2001), which stipulates "with the exception of Mexican motor carriers that have been granted permanent operating authority for three consecutive years: (A) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border that do not display a valid Commercial Vehicle Safety Alliance inspection decal, by certified inspectors in accordance with the requirements for a Level I Inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage; (B) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (A) or a re-inspection if the vehicle has met the criteria for the Level I inspection; and (C) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but nothing in this paragraph shall be construed to preclude the Administration from requiring reinspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when a certified Federal or State inspector determines that such a vehicle has a safety violation subsequent to the inspection for which the decal was granted."

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title49-section13902&num=0&edition=prelim>

As such a Mexican motor carrier seeking long-haul operating authority must have a valid CVSA decal on each of its commercial motor vehicles for 18 months during its provisional operating authority period, plus an additional three years after it has received permanent operating authority. It should be noted that this requirement does not apply to motor carriers from Canada or the United States.

Since the vehicle OOS rate for all Mexican motor carrier is less than that of United States motor carriers, it is reasonable to suppose that this requirement does not significantly add to motor carrier safety in the United States. Rather it is a burden to the motor carrier industry and the United States enforcement community.

REQUEST FOR ACTION

The SCT appreciates the intervention of the CVSA by proposing to the United States Congress to eliminate this statutory requirement, as an appropriate and positive legislative action.

SUPPORTING DOCUMENTS/PHOTOS

- [SCT-legislative-proposal-Oct.23_2020.pdf](#)

ACTION TAKEN BY COMMITTEE

The proposed legislative priority was passed by the committee on Dec. 3, 2020, and by the board of directors on Dec. 15, 2020. The approved priority has been added to the issues CVSA is advocating for inclusion of the next highway bill.