



Director's Office

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March 3, 2015

T.F Scott Darling, III  
Acting Administrator  
Federal Motor Carrier and Safety Administration  
1200 New Jersey Avenue SE  
Washington, DC 20590

RE: Mexican Commercial Carrier Safety Inspections at Arizona's Ports of Entry

Dear Commissioner Darling:

The safe, timely and efficient crossing of Mexican commercial carriers into Arizona is one of the primary economic drivers for the state in terms of both job creation and overall economic development. To that end, the Arizona Department of Transportation (ADOT) has been actively engaged in seeking to implement both operational and infrastructure improvements to make our ports of entry with Mexico as safe, efficient and effective as possible in order to retain Arizona's competitive advantage for receiving commercial traffic.

In mid-2014, a blockade by Mexican truck drivers was barely averted at the Nogales port of entry. The drivers' complaints centered around the Federal Motor Carrier Safety Administration's (FMCSA) treatment of Mexican truckers, the disproportionate number of level 1 inspections compared with other ports of entry, and the very high incidence of out-of-service orders for Mexican truckers and their conveyances issued by FMCSA. These complaints go back many years. Arizona's border has long been far above the incidence of these same inspections and out-of-service orders issued in Texas and California.

One of the principle factors in helping to avoid the blockade was the installation of an informal working group that includes industry, ADOT and FMCSA representatives. In spite of improved communications, ADOT and the industry remain concerned about the situation at Arizona's border and the perception of Mexican carriers that Arizona's ports of entry are harder to cross than those in other border states. This situation creates an artificial disadvantage for Arizona's ports of entry since drivers, shippers, brokers and trucking companies report that they simply avoid using Arizona's ports to enter the United States. This issue is especially serious at the port in San Luis, located only 40 minutes away from the crossing in Calexico, California, where commercial traffic reportedly diverts based on shorter crossing times and the perception of fairer and less onerous inspections and penalties.

When the North American Free Trade Agreement (NAFTA) was initially ratified 20 years ago, Arizona lacked both the infrastructure on the ground and the trained personnel to safely inspect every truck entering our state from Mexico. That situation has now been completely reversed. Arizona now counts state of the art inspection facilities and trained personnel at all three major commercial crossings (Douglas, Nogales and San Luis). In fact, FMCSA co-locates with us for their inspections at these ports of entry.

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As a result of the concerns raised by a number of Arizona and Mexican business interests, the infrastructure and personnel improvements that the General Services Administration (GSA) and ADOT have implemented, the economic threat to Arizona from loss of commercial crossings and FMCSA's reports that it does not have enough inspectors to fully meet its mission, ADOT and our industry partners met with and petitioned former Associate Administrator Anne Collins to have ADOT conduct all level 1 inspections at our ports of entry with Mexico.

This would put Arizona on par with our border state neighbors, where FMCSA focuses primarily on level 3 inspections and the state enforcement agencies perform the level 1 inspections. It would also free up FMCSA inspectors for other critical duties such as hazardous materials inspections.

Although the meeting with Associate Administrator Collins and the written petition to FMCSA occurred over one year ago, no response has been received from FMCSA regarding ADOT's request to assume responsibility for the level 1 inspection. Please be assured that I, and the entire team at ADOT, remain dedicated to ensuring the safety of our traveling public and preservation of our road system. ADOT values the long history of collaboration we have with FMCSA.

I look forward to hearing from you soon on this very important matter.

Respectfully,

  
John Halikowski

C: The Honorable Jeff Flake, US Senate  
The Honorable Raul Grijalva, US House of Representatives  
The Honorable Martha McSally, US House of Representatives