



FEDERAL HIGHWAY
ADMINISTRATION
TEXAS DIVISION

State of Texas Border Partnership E- Newsletter

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Congress Asked to Allow U.S. DOT's Cross Border Pilot Program Demonstration to Continue Forward

Earlier this month, U.S. Transportation Secretary Mary E. Peters joined with U.S. Commerce Secretary Carlos Gutierrez and Mexican Transportation Secretary Luis Tellez in calling on Congress to reconsider its pending prohibition and let the cross border trucking demonstration program between the two nations proceed.

To date, there are five (5) Mexican Carriers and three (3) U.S. Carriers approved for the cross border project.

The Mexican carriers and the number of vehicles they operate include:

1. **Transportes Olympic** – two (2) vehicles
2. **Transportes Rafa de Baja California SA de CV** – two (2) vehicles
3. **Transportes Padilla** – three (3) vehicles
4. **Servicios Refrigerados Internacionales SA de CV** – five (5) vehicles
5. **Higienicos y Desechables del Bajio SA de CV** – three (3) vehicles

The U.S. motor carriers and the number of vehicles they operate include:

1. **Stage Coach Cartage & Distribution LP** – seven (7) vehicles
2. **IBC, Inc.** – one (1) vehicle
3. **Plastics Express** – twenty two (22) vehicles

Earlier this year amendments to cut off funding for the U.S. DOT pilot program were included in fiscal year 2008 transportation appropriations bills approved by the U.S. House of Representatives and Senate.

In July 2007, the House unanimously added an amendment, sponsored by Reps. Peter DeFazio, D-OR, Duncan Hunter, R-CA, Nancy Boyda, D-KS, and Gary Miller, R-CA, that sought to halt the program. Then in September, the Senate passed its version of a similar amendment sponsored by Sens. Byron Dorgan, D-ND, and Arlen Specter, R-PA, on a vote of 75-23.

Since then, Congress has been in a standoff with the White House on not only the transportation appropriations bill, but also all 11 other annual spending bills.

TWIC Program Started in the Port of Corpus Christi

Enrollment for the Transportation Workers Identification Credential (TWIC) program began at the Port of Corpus Christi in October 2007. The TWIC is a common identification credential for all personnel requiring unescorted access to secure areas within the Port.

The Transportation Security Administration (TSA) will issue the workers, including truck drivers, a tamper-resistant "Smart Card" containing the worker's biometric (fingerprint template) to allow for a positive link between the card itself and the individual.

During enrollment, applicants will be required to visit the Enrollment Center to provide biographic information, sign a disclosure form, provide the necessary identity verification documents, provide a complete set of finger prints, sit for a digital photograph, and pay the enrollment fee. The TWIC will cost \$132.50 and the credential is valid for 5 years. Workers with current, comparable background checks (MML, HME, and Fast Cardholders) may pay a reduced fee of \$105.25.

The fee is payable by credit card, money order or certified check. To schedule an appointment and save time during enrollment, workers can pre-enroll online at www.tsa.gov/twic or call 1/866-347-8942.

The Port of Beaumont is expected to be the next Texas location for TWIC enrollment followed by the Port of Houston sometime in late November. The Port of Brownsville is expected to begin enrollment in December 2007. Early next year, enrollment will take place in



Texas City and Victoria with Freeport, Galveston, LaPorte and Point Comfort enrollment occurring in mid 2008. The Transportation Worker Identification Credential (TWIC) is a vital security measure that will ensure individuals who pose a threat do not gain unescorted access to secure areas of the nation's maritime transportation system.

TWIC was established by the U.S. Congress through the Maritime Transportation Security Act (MTSA) and is administered by the Transportation Security Administration (TSA) and U.S. Coast Guard. TWICs are tamper-resistant biometric credentials for workers who require unescorted access to secure areas of ports, vessels, outer continental shelf facilities and all credentialed merchant mariners.

It is anticipated that more than 750,000 workers including longshoremen, truckers, port employees and others will be required to obtain a TWIC. For additional information on the TWIC program, please see the following TSA website:

http://www.tsa.gov/what_we_do/layers/twic/index.shtml

Hill Says to Expect Announcement on HOS Revisions in Late November

ORLANDO, Fla. — John Hill, head of the Federal Motor Carrier Safety Administration, said during a recent interview that he expects to issue guidance on the agency's revisions to the hours-of-service rule in late November.

"I believe that we have to give the law enforcement community and the industry some notice, and I would expect there to be some kind of announcement toward the end of November," Hill said during an interview Oct. 22 during American Trucking Associations' Management Conference & Exhibition.

Last month, the U.S. Court of Appeals for the District of Columbia granted a stay until Dec. 27 of its ruling vacating provisions that allowed for an 11th hour of driving and a 34-hour restart. In an attempt to satisfy the court, Hill said, the agency was poring over data, and "the majority of my time is spent dealing with the hours-of-service issue."

"It's very critical. I feel the responsibility every day that I come to the office," he said. "The decision is very weighty, and I'm considering it very seriously, knowing there's going to be scrutiny from the court, scrutiny on [Capitol] Hill, scrutiny from the industry and scrutiny from the advocacy groups."

Regardless of the decision the agency ultimately makes, Hill said, he is prepared for some to be upset. "You're never going to make everybody happy," Hill said, "but you always try to do the right thing."

Hill said he had requested data on truck-involved crashes for 2006 earlier than usual — by the first of November — "because it's the best data we have about the 10th and 11th hour" of driving.

Usually those data are compiled and sorted for the agency by the University of Michigan Transportation Research Institute and delivered in the first quarter of the following year. Hill said the data "will give us better indication about the fatigue-related crashes,

and that's going to be . . . one of the factors in our decision-making process."

During a recent interview, Hill did not give many clues as to what that decision might be, though he did say, "In one respect, the court was procedural in dealing with the 11th hour, but we believe that there are other issues that we're looking at to make sure that there's support before moving forward with any action." ATA has asserted that the court's ruling was rooted in the procedures FMCSA used to write the rule — rather than the rule's substance — and that the agency should retain both the 11th hour of driving and the 34-hour restart.

On Oct. 23, the 11th hour of driving got support from Rear Adm. Thomas Barrett, deputy secretary of the transportation. While addressing ATA's board of directors, Barrett said the original intent of the revisions to the hours rule in 2003 was to update a rule that "was a throwback to the World War II era [and] bring it into the 21st century."

Barrett called the pre-2003 rule "too restrictive on drive time and too tolerant of long workdays." The 2003 rule increased the allowable drive time to 11 hours from 10, but cut the maximum workday to 14 hours from 15. It also raised the minimum daily rest period to 10 hours from eight.

Since 2003, FMCSA has tried to revise the rule twice, only to see lawsuits headed by Public Citizen thwart those efforts. Public Citizen won judgments against the rule in 2004 and in this July from the D.C. court, at first vacating the entire rule, and most recently just the 11th hour and 34-hour restart provisions.



Oil Tops \$96 a Barrel This Past Week

Crude oil climbed above \$96 a barrel for the first time in intraday trading Monday, after Mexico shut 20% of its production facilities.

State-owned Petroleos Mexicanos, the third-largest supplier of U.S. crude oil, halted about 600,000 barrels a day of output as a storm in the Gulf of Mexico closed platforms.

Oil closed at more than \$90 for the first time on the New York Mercantile Exchange Thursday and Friday, last week setting a closing-price record of \$91.86 a barrel on the Nymex Friday, October 26th.

The Energy Department releases its weekly survey of diesel and gasoline retail prices Monday afternoon. Last week's diesel pump price of \$3.094 was the highest since a record \$3.157 two years ago.

Oil prices — which zipped past \$96 per barrel Thursday November 1st— would need to surpass \$100 a barrel and remain at that level for at least two weeks or more to inflict widespread and lasting economic damage, says Tyson Slocum, director of the energy program at consumer group Public Citizen in Washington

Congress May Require Safety Technology in 2009 Highway Bill, FMCSA's Administrator Hill Says

ORLANDO, Fla. — John Hill, head of the Federal Motor Carrier Safety Administration, suggested the 2009 federal-aid highway reauthorization package could include a mandate for fleets to install safety technology on their trucks, regardless of who wins the next presidential election.

"I think it definitely will be part of the next reauthorization discussion," Hill said during a Oct. 22 interview at American Trucking Associations' annual Management Conference & Exhibition. I'm not sure whether the next administration will . . . want to say that it's going to be required, but there may be pieces . . . that will be talked about in the next reauthorization."

"I'm sure that as we go through the process of compiling our hot topics for the next administration [technology

mandates are] going to be one of them," he said. "Because frankly, the safety potential, the safety gains, from applying these technologies is so significant." During the interview, Hill reiterated his support for the use of incentives to promote the adoption of safety technology by fleets.

"My experience has been, when you want to see widespread deployment of these kinds of technologies, it is very important to have some kind of financial incentive for companies," he said. "And it works."

Hill said the incentives are needed to get some fleets to adopt technologies such as collision avoidance and lane departure warning systems, but many fleets already have voluntarily moved toward using them.

DHS Waives Environmental Requirements For Section of Border Fence With Mexico

LOS ANGELES--Homeland Security Secretary Michael Chertoff waived requirements in a number of major U.S. environmental laws to expedite construction on a section of the U.S.-Mexico border fence in Arizona in October 2007, acting in response to a recent federal court ruling (*Defenders of Wildlife v. Bureau of Land Management*, D.D.C., No. 1:07-CV-1801, temporary restraining order issued 10/10/07).

Claiming the area is one of "high illegal entry," Chertoff said there is a need to construct "fixed and mobile barriers (such as fencing, vehicle barriers, towers, sensors, cameras, and other surveillance, communication, and detection equipment) and roads in the vicinity of the border of the United States."

Chertoff's "notice of determination" followed a temporary restraining order granted Oct. 10 in the U.S. District Court for the District of Columbia halting all work on that section of the fence. The order was granted in a lawsuit filed by environmental groups opposed to construction of the fence and other infrastructure meant to control illegal immigration.

The government filed a motion to dismiss the environmental lawsuit Oct. 22, with Chertoff's waiver appended to it. Presiding in the case is Judge Ellen Huvelle. The area covered by the waiver runs from approximately four miles west of Naco, Ariz., to the western boundary of the San Pedro Riparian National Conservation Area



in southeastern Arizona. According to the Sierra Club, co-plaintiff in a lawsuit over the border fence, the disputed area contains one of the few free-flowing and perennial streams in the arid region and has been designated a World Heritage Natural Area by the United Nations.

"The issue here is whether wildlife and other sensitive environmental values will be given fair consideration in the decisions the government makes," Sierra Club President Robert Dreher said in an Oct. 22 statement.

It is the third time Chertoff has exercised the waiver power under the Immigration Reform and Responsibility Act of 1996, the RealID Act of 2006, and the Secure Fence Act of 2006.

The most recent waiver determination covers 20 separate laws: the National Environmental Policy Act; Endangered Species Act; Clean Water Act; and other federal environmental laws.

Port Manatee, Florida Is Poised for New Growth in Container Cargo

PORT MANATEE, FLORIDA- The sprawling 1,100-acre Port Manatee, hugging Tampa Bay, Florida is just a mile south of the Manatee-Hillsborough county line, is a study in efficient motion.

Railcars of fertilizer destined for Australian golf courses and lawns are loaded onto one ship, while another uses a pneumatic tube to disgorge cement dust, to be converted into Florida driveways and roads.

Yards and warehouses are stacked with construction materials, pure aluminum ingots, steel pipes, and even wrecked cars, headed for Central American shops that will piece them back together into drivable vehicles.

Amid all that activity, Port Manatee in Florida has thus far stayed out of the container business. But now that Port Manatee's bank accounts have been beefed up by heavy traffic in general cargo, its managers plan to make up for lost time in the container world.

Soon, the Florida-based port will be handling 300,000 to 600,000 of these handy steel boxes per year. And that is just Phase One. Containers, elongated steel boxes that can be stuffed with a wide variety of merchandise, have become the chief enabler of international trade.

With a container, the shipper can unload goods onto a set of wheels called a chassis, and they hit the road pulled by a tractor-trailer. Even better, the carrier can take the 20-foot-long



steel box off a ship and stack it onto a railroad freight car, which makes it even easier to whisk it on its way to a distant city.

In the past five years, the world's cargo fleet has almost doubled its capacity to move goods by the container-load. Two related projects are destined to multiply the port's container business to even higher levels: the supersizing of the Panama Canal and rail giant CSX's plan to create a jumbo-size container terminal in Winter Haven.

Port Manatee is the closest deep-water U.S. port to the Panama Canal, a fact that will no doubt become better known in the years to come. Basically, the two canal lanes that ships now use to cheat their way from the Pacific to the Atlantic are antiques, having first opened in 1914.

Yet, the Panama Canal is so important to world shipping that the trade has invented a word to describe ships that will fit through it. A "Panamax" cargo ship is one with a maximum width of 106 feet and a maximum draft of 41 feet.

The canal is now the site of the world's largest construction project - the creation of a new ultra-wide third lane that will allow post-Panamax ships as wide as 180 feet to sneak through its locks

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Famous Quote of
the Day:

"You must be the
change you want to
see in the world."

- Mahatma Gandhi
(1869 - 1948)

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National Highway Institute— Available Freight Courses (FY 08)

Integrating Freight in the Transportation Planning Process (National Highway Institute [NHI] Course No.: 130991 [Also available as a web based course 1st quarter of FY '08]

Freight transportation issues are complex and involve many stakeholders who have different perspectives on the freight transportation system. The challenge faced by many public-sector transportation planners is how to best incorporate these perspectives and other considerations into the transportation planning process. This course provides information about freight trends, identifies key stakeholders, and discusses issues that hinder freight from being fully incorporated into the transportation planning process. Course Scheduling Contact: NHI Training Team, 703-235-0534, nhi-training@dot.gov

Uses of Multimodal Freight Forecasting in Transportation Planning (NHI Course No.: 139002)

Freight forecasting requires an understanding of many factors, including economic trends, the distribution of traffic, and the operational characteristics of freight carriers. This course discusses the key factors that influence economic growth and the distribution of traffic, describes and demonstrates forecasting techniques, and reviews notable practices.

Course Scheduling Contact: NHI Training Team, 703-235-0534, nhitraining@dot.gov

Advanced Freight Planning (NHI Course No.: 139003) Available 1st Quarter of FY 08

This course expands on freight topics covered in the Integrating Freight in Transportation Planning course and other FHWA-developed freight planning courses. Specifically, the course provides the practical tools and techniques needed to further integrate freight in the planning process and engage the private sector in that process. Noteworthy practices are highlighted as well. *Prerequisite—* Participants must take NHI course

139001—*Integrating Freight in the Transportation Planning—prior to attending this course.*

For more information, contact:

Carol.Keenan@dot.gov

Principles of Effective Commercial Motor Vehicle Size and Weight Enforcement (NHI Course No.: 139004) Available 2nd Quarter of FY 08

This course provides responsible personnel with the needed information and tools to effectively enforce size and weight regulations. Topics covered include Federal rules and regulations governing size and weight, writing and evaluating State enforcement plans and certifications, funding issues, and new and innovative technologies. For more information, contact: Tom Kearny tom. Kearney@dot.gov

Freight Planning and Environmental Considerations (NHI Course No.: 139005) Available 2nd Quarter of FY 08

This course helps planners and engineers integrate environmental considerations in public sector freight planning and project development. The course emphasizes recent case studies from all modes to demonstrate the range of best practices available to small, medium, and large MPOs and urban and rural DOTs. It also includes exercises on the use of analytical techniques and tools. *Prerequisite—* Participants must have a working knowledge of either transportation planning and/or environmental planning. For more information, contact: Carol Keenan carol. Keenan@dot.gov

Financing Freight Improvements Workshop Available late in the 2nd quarter of FY 2008

This seminar provides basic information about available Federal public funding sources, eligibility criteria, and innovative financing options that can be used for multimodal freight projects. Noteworthy practices are highlighted to illustrate the range of freight financing options.

For more information, contact:

Carol.Keenan@dot.gov