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Senate committee hears testimony on progress of the American Recovery Act

WASHINGTON – Senate Homeland Security and Governmental Affairs Committee Chairman [Joe Lieberman](#), ID-Conn., and Ranking Member [Susan Collins](#), R-Me., Thursday held a second [hearing](#) in a continuing series of hearings to monitor how billions of taxpayer dollars are being spent through the American Recovery and Reinvestment Act, signed into law this past February. At the hearing, entitled "Recovery and Investment Spending: Implementing a Bold Oversight Strategy," the Chairman and Ranking Member discussed the urgency of making sure that proper controls are in place to deter waste, fraud, or mismanagement before stimulus money is distributed.

"We all want the Recovery Act to succeed and I think we all need it to succeed to protect and create jobs and to start our economy growing again," Lieberman said. "But if we start hearing stories about how the taxpayers' money is being wasted or funneled to favorite contractors or flat out lost to fraud or theft, faith in government at all levels and support for the overall program will erode – no matter that other parts of the program are successful."

Collins said: "The American people have high expectations for the Recovery Act. Funds need to be dispersed quickly to meet the goals of stimulating the economy, but we must ensure that haste does not make waste. We in Congress have insisted on added safeguards and aggressive oversight of stimulus spending, including the creation of the Recovery Act Transparency Board to oversee federal oversight of these critical funds. The website [Recovery.gov](#) has been launched to provide the public with access to stimulus information, and to help us prevent fraud,

waste and abuse. The more eyes we have on this spending, the better." In recent weeks, the Administration has taken a number of steps to respond to concerns raised by Committee members at the March 5 hearing on stimulus oversight. OMB is revising guidance to ensure that reporting on stimulus spending – which will be included on [Recovery.gov](#) – reaches down the chain to the level of sub-contractors and sub-awards. In response to concerns about agency staffing to handle stimulus administration and oversight, the Office of Personnel Management has authorized federal agencies to use excepted-service hiring procedures to help carry out the Recovery Act."

The two witnesses - [Robert L. Nabors](#), Deputy Director of the Office of Management and Budget and [Earl Devaney](#), Chair of the Recovery Accountability and Transparency Board - spoke about the development of [Recovery.gov](#), the Administration website that allows Americans to track grants, contracts and other forms of assistance as they are awarded and report back on suspected waste, fraud, abuse, or mismanagement in their own communities. [Recovery.gov](#) receives about 4,000 hits a second, for a total of about 300 million since its creation, according to Devaney.

This was the second in a series of U.S. Senate hearings the Committee is holding on the implementation and oversight of the Recovery Act. The first was held on March 5 and the next will be held April 7, in Hartford, Conn. For additional information, please see the full posting and Senate testimonies of the April 2nd hearing at: <http://hsgac.senate.gov/public/> Date: 04/02/09 (10:00 AM, EST)
Source: U.S. Senate Homepage

Coast Guard to review biometric devices in bid to make TWIC cards more secure

The U.S. Coast Guard is beginning to review how biometric devices should be added to federal transport security cards that are becoming mandatory for truckers and everyone else who wants access to secure port areas.

The Coast Guard, which administers the Transportation Worker Identification Credential, or TWIC, said in its initial proposal that a new card with biometric information would be required for only those who work with ships carrying hazardous cargoes or ships carrying more than 500 passengers.

Biometrics recognize people based on their unique physical characteristics, using such factors as facial recognition, DNA or the shape of a person's hand and palm. In the March 27 proposal, truckers who carry shipments to or from container ships that carry consumer goods and manufactured products would not have to obtain the biometric card.

The filing by the Homeland Security Department agency is important because it outlines the agency's ideas and gives carriers and others an opportunity to offer their opinions and influence the agency before it starts a formal rulemaking process.

It's also important because the introduction of the biometric card reader is the second and final stage of the TWIC program that was created to stiffen the nation's defenses at ports. Because the measure is now just a proposal, there are no formal rules in it and no scheduled implementation date. Comments on the proposal must be filed at the agency before May 26.

"The purpose of this [Advance Notice of Proposed Rulemaking] is to open the public dialogue on implementing TWIC reader requirements," the Coast Guard said in the filing. It "presents preliminary thoughts of the Department of Homeland Security, through the U.S. Coast Guard."

Over the past two years, more than 1 million people who work in secure port areas have obtained the TWIC card, which is designed to prevent terrorist attacks by keeping unauthorized persons out of port terminals. Anyone who wants access to secure facilities will have to carry the card, starting April 15. Over the past five months, the Coast Guard has been phasing in the requirement to carry the current version of the card,

which includes a photo but lacks biometric information. The country's largest port complex, Los Angeles/Long Beach, and Houston, which has the most tonnage because it handles bulk oil and chemical vessels, are in the last group of ports where the card requirement will be imposed, starting April 14. In the proposal for a card with biometrics, three different risk groups were created, based on the Coast Guard's assessment of vessels' potential as terrorist targets.

In the highest-risk category would be ships carrying 1,000 or more passengers or dangerous cargoes such as ammonium nitrate or other chemicals that could be detonated. The biometric card would be required most often for workers coming into contact with those vessels.

The middle category would include vessels with 500 to 1,000 passengers and less risky cargoes, such as oil. Biometric cards for workers handling those vessels would be checked at random, except at times when the security threat risk was increased. The third category proposed would be for general cargo vessels and smaller passenger ships, where the biometric card would not be needed because the risk of attack was deemed to be the lowest, according to the filing.

Under current rules, the TWIC cards are required in port sectors that the Coast Guard has designated as secure areas. Truckers and others without the cards must have an escort to move through those secure areas.

Congress established the TWIC program in a 2002 law and added more details about the card reader requirement in a security measure that became law in 2006. The final rule that established the first phase of the program was published early in 2007, and enrollment began later that year.

The pilot testing process for biometric readers began last year, but the standards won't be set until formal rules for the biometric version of the card have been established. For additional information, please see the following web-link: <http://www.ttnews.com/articles/basetemplate.aspx?storyid=21630>

Author: Rip Watson, Senior Reporter—Transport Topics News Article Date: 04/06/09

DHS Secretary Napolitano visits major port of entry, addresses southwest border security efforts

Laredo, Texas—U.S. Department of Homeland Security (DHS) Secretary Janet Napolitano, making her final stop of a three-day tour of the Southwest border and Mexico, addressed today her recent announcements designed to boost cash and weapon seizures and improve DHS coordination with state, local and Mexican law enforcement.

“Here in Laredo, five major bridges between the United States and Mexico pose a significant challenge to border security,” said Secretary Napolitano. “I am confident that the Department of Homeland Security, working side-by-side with state, local and Mexican law enforcement, will rise to that challenge. Through the initiatives we unveiled last week, we are striking a major blow against cartel violence in Mexico by intercepting the flow of cash and firearms across the Southwest border.” Laredo, where five international bridges span the Rio Grande and connect the United States and Mexico, is the southern border’s busiest commercial port of entry.

Secretary Napolitano was joined by Texas Congressman Henry Cuellar at a press conference, where she reiterated the major points of her recent announcements detailing the deployment of a variety of DHS personnel and technology to the Southwest border in response to escalated violence in Mexico.

Secretary Napolitano also provided updates on Southwest border seizures by U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE). So far, in fiscal year 2009, CBP and ICE have combined to confiscate \$55.5 million in U.S. currency, 641 firearms and nearly 125,000 rounds of ammunition headed south into Mexico.

On March 19, CBP officers working in Laredo seized more than \$3 million concealed inside a commercial passenger bus. On March 25, CBP officers in Laredo seized approximately \$500,000 in U.S. currency during an outbound inspection of a tractor-trailer. That same day, CBP officers in Otay Mesa found nearly 5,000 kilograms of marijuana hidden alongside a shipment of toilet paper. Earlier in the

month, CBP officers in Laredo seized a cache of weapons bound for Mexico. Secretary Napolitano has strongly emphasized the importance of stopping arms and currency, major sources of fuel for cartel violence in Mexico, from leaving the United States.

DHS will shift more than 360 officers and agents to the border and into Mexico, and place technology strategically at key locations—deployments that will realign up to \$184 million in total resources but that will not require new funding. The efforts will include: doubling assignments to Border Enforcement Security Task Forces (BEST), from 95 to 190; tripling the number of intelligence analysts working at the border; and boosting ICE Attaché personnel—agents who work in troubled areas of Mexico such as Ciudad Juarez and Hermosillo—by 50 percent, from 24 to 36 agents.

Ports of entry, including Laredo, will see enhanced CBP resources, including more mobile X-ray units, additional Border Patrol agents, and teams of “cross-trained” canines that can detect both weapons and currency. Furthermore, DHS will send new technology, such as Secure Communities biometric identification systems and non-intrusive screening equipment for railcars and other vehicles, to the Southwest border.

In recent weeks, DHS has focused on outreach to state and local law enforcement authorities including a two-week tour of the region to speak directly with local police chiefs and sheriffs. DHS also continues to hold bi-monthly classified conference calls with local authorities to share intelligence.

Following the press conference, Secretary Napolitano and Congressman Cuellar planned to hold a meeting with community leaders and greet U.S. Customs and Border Protection officers and U.S. Immigration and Customs Enforcement agents before returning to Washington.

Source: Dept of Homeland Security Press Release
Date: April 3, 2009
Website: http://www.dhs.gov/ynews/releases/pr_1238797325870.shtm

For port cities, slowdown in global trade hits home

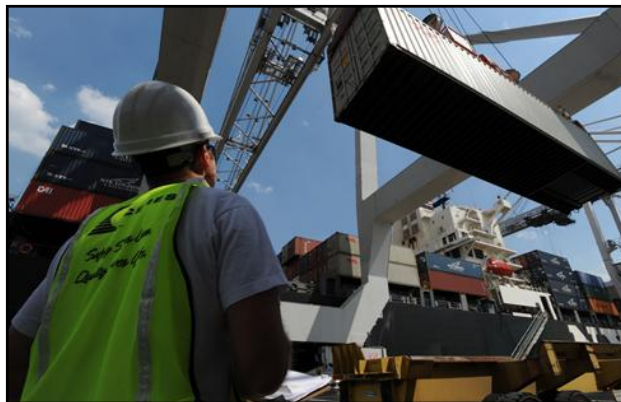
SAVANNAH, GA — Powerful cranes, each shaped like an upside-down "U" and towering a dozen stories high, hug the dockside. Specialized vehicles called jockey trucks scurry past stacked shipping containers, while in a nearby union hall, burly longshoremen pass the time playing cards and swapping jokes.

All that's missing here at one of the nation's leading ports are some ships. It's mid-afternoon on a workday and almost 2 miles of prime cargo-handling waterfront sit empty in the bright sunshine. The nine vacant berths symbolize a savage decline in global trade that is alarming economists and sending shivers through major port communities.

"Global trade is collapsing. ... The whole global economy continues to tank, from China to Europe to the United States," says Kenneth Rogoff, former chief economist for the International Monetary Fund.

For Savannah, the accelerating global downturn is arresting more than a dozen years of impressive growth, dealing a blow to a local economy that is weakening along with that of much of the United States. In February, the port handled 21.7% fewer containers than it had the same month a year earlier, its 10th consecutive monthly decline. "All of a sudden, it all started dropping at the same time," says Doug Marchand, 61, executive director of the Georgia Ports Authority.

This year, for the first time since 1982, trade is expected to shrink. Last month, the World Trade Organization predicted that shipments of goods would fall 9% in 2009, the largest decline since World War II. As debt-laden U.S. consumers stop spending freely, factories in China, South Korea, Taiwan and elsewhere are shuttering assembly lines. In January, the dollar value of U.S. trade fell more than 20% compared with the same month in 2008. New trade barriers in the USA, Europe, Russia, India and elsewhere — including domestic content requirements for some government purchases — threaten to exacerbate an already dire situation.



Where trade once spread prosperity, it now transmits weakness. Fewer shipping containers passing through commercial gateways such as Savannah mean less revenue for port operators and local governments, fewer hours of work for stevedores, longshoremen and truckers, and fewer dollars flowing to local businesses. In January, the local unemployment rate hit 7.5%, up from 4.6% one year earlier. "The port is a major economic driver for us. When imports and exports go down, it has a mushrooming effect. It just spreads out over everything," says Mayor Otis Johnson.

James Tandy, 38, knows all about the ongoing erosion. Last year, he worked up to 60 hours a week hauling cargo on the docks. Last month, after a seven-day week of showing up at the longshoremen's union hiring hall for 5:30 a.m. job calls, Tandy had worked just five hours total. "It's pretty rough," he said. On this day, the waterfront is only temporarily empty. Container ships bearing goods such as dining room sets and flat-screen televisions begin arriving within hours. Savannah thus far is weathering the financial storm better than some trade centers. In California, for example, the port of Long Beach suffered a 40% decline in its February monthly container total.

Beneath the spring sun, men and machines join in an industrial ballet. Steel containers bearing the names of shipping lines such as Hanjin, Yang Ming and Maersk stretch for acres.

In 1995, the port handled a total of 626,151 containers. At the time, Savannah exported much more than it imported, which meant that potential exporters had to bring empty shipping containers from the Northeast to handle their loads. Often, that was too costly given the relatively low value of the shipments of kaolin clay or paper that were the region's key exports. For additional information, please see the following on-line article at: http://www.usatoday.com/money/economy/2009-04-06-port-cities-global-trade_N.htm

Author: David J. Lynch, USA Today

Date: 04/06/09

Mexican carriers allege 'billions' in damages in notice of arbitration over terminated pilot program

The Mexican government estimates that the U.S.' breaches of NAFTA cost Mexico more than \$2 billion a year, and that's the reason Mexico has imposed the tariffs.

WASHINGTON — The closure of the U.S. market to Mexican carriers as a result of the termination of the Cross Border Demonstration Project is causing billions of dollars in losses to Mexican motor carriers, CANACAR, a trade association representing individual carriers within the Mexican trucking industry, said in a Notice of Arbitration document filed last week and released today by the U.S. State Department.

In the notice, CANACAR alleges that the U.S. Department of Transportation's restricting Mexican carrier operations in the U.S. and Mexican investment in U.S. carriers to be in violation of NAFTA Article 1102 (national treatment) and Article 1103 (most-favored-nation treatment).

CANACAR also alleges that the United States has failed to comply with a 2001 NAFTA Chapter 20 arbitral decision, in the Matter of Cross-Border Trucking Services, in violation of NAFTA Article 1105 (minimum standard of treatment under international law).

That arbitral decision, issued in 2001, said that the U.S. was in violation of the NAFTA agreement because it had not initiated a program to open the border between the U.S. and Mexico.

The 18-month long Cross Border Demonstration Project ended last month when President Barack Obama signed the FY 2009 omnibus spending bill that included language terminating the pilot project.

Mexico subsequently slapped tariffs on some 90 exports with an estimated cost to the U.S. of \$2.4 billion.

Secretary of Transportation Ray LaHood, tasked by Obama to come up with a new program, has been working feverishly to develop a set of principles for a new cross border program that Obama can present to the Mexican government during a state visit next week.

A DOT spokesman said the department would have no comment on the arbitration filing at this time.

The United States intends to vigorously defend itself against these claims, according to a notice on the State Department Web site.

"Mexican carriers have a substantial economic advantage over their U.S. counterparts — Mexican drivers make materially less than U.S. drivers — which explains why the International Brotherhood of Teamsters is so against opening of the U.S. market to competition," CANACAR said in the notice under the section Damage and Other Relief.

If the U.S. complied with its NAFTA obligations, it would open up a "huge" market for Mexican carriers to utilize their competitive advantage, CANACAR said.

"As recognized by the DOT, there are more than 4.5 million northbound truck crossings of the U.S.-Mexico border each year," the notice said. "Currently, if those trucks are owned by a Mexican investor, they cannot continue beyond the border areas. In addition, if NAFTA were implemented, for a small investment, Mexican carriers could carry international cargo anywhere in the U.S."

The Mexican government estimates that the U.S.' breaches of NAFTA cost Mexico more than \$2 billion a year, and that's the reason Mexico has imposed the tariffs.

CANACAR said the Mexico trucking industry had also been damaged by the refusal of the U.S. to comply with the ruling of the arbitration panel in 2001.

"Had the U.S. complied with the previous arbitration ruling, this proceeding would have been unnecessary," the notice concluded.

CANACAR has nominated Thomas Heather Rodriguez of the White and Case law firm in Mexico City as arbitrator.

Posted: 04/07/2009 12:00 CDT

Author: LYNDON FINNEY- The Trucker Staff

Web Site: [http://www.thetrucker.com/News/](http://www.thetrucker.com/News/Stories/2009/4/7/MexicanCarriersAllegeBillionsInDamagesInNoticeOfArbitrationOverTerminatedPilotProgram.aspx)

[Stories/2009/4/7/](http://www.thetrucker.com/News/Stories/2009/4/7/MexicanCarriersAllegeBillionsInDamagesInNoticeOfArbitrationOverTerminatedPilotProgram.aspx)

[MexicanCarriersAllegeBillionsInDamagesInNoticeOfArbitrationOverTerminatedPilotProgram.aspx](http://www.thetrucker.com/News/Stories/2009/4/7/MexicanCarriersAllegeBillionsInDamagesInNoticeOfArbitrationOverTerminatedPilotProgram.aspx)

NARC freight summit held April 6-8th by webinar

On April 6-8th, the National Association of Regional Councils (NARC) held a three-day webinar on the subject of freight transportation. According to the NARC website, the efficient, reliable and safe movement of goods and services throughout our country and beyond drives our economy.

Current regional transportation planning processes mandated by federal law are collaborative and designed to include the interests of various stakeholders in making recommendations and decisions concerning specific projects and overall transportation policies.

While most MPOs and COGs do not directly implement projects, they do provide overall coordination in the regional planning and programming of funds for billions of dollars in transportation projects and operations. Better cooperation be-

tween transportation planners and their private sector freight partners will serve to foster a greater understanding of the varying processes and perspectives from each group on freight transportation planning.

The purpose of the 3-day NARC Freight Summit served to explain the current thinking regarding the integration of public and private freight stakeholders into the transportation planning process. The summit provided examples, best practices, and strategies by which those involved within freight planning process including public and private sectors may spur innovation.

For additional information, to download the PowerPoint presentations and agenda topics, please see the following website for additional information: <http://narc.org/news/227/385.html>

Oklahoma bill affecting overweight trucks advances

The Oklahoma Senate approved a bill that would have drivers of overweight vehicles face escalating fines depending on just how heavily the trucks are loaded. The bill has moved to the House.

The Senate unanimously approved the bill that would establish seven stages of penalties for vehicles or combinations of vehicles in excess of the gross weight limitations.

This marks the second time in as many years the bill has been offered by Sen. Susan Paddock, D-Ada. In 2008, her bill also advanced from the Senate by unanimous consent but missed a deadline to advance from a House committee, effectively killing it for the year.

The renewed effort specifies that trucks found to be overloaded between 700 pounds and 2,000 pounds would face fines of 3 cents for every pound overweight. Violations for trucks weighing between 2,001 pounds and 5,000 pounds more than allowed would face fines of 5

cents per pound. Fines for trucks found 5,001 pounds to 7,500 pounds overweight would increase to 7 cents per pound. Trucks weighing between 7,501 pounds and 10,000 pounds in excess would face fines of 9 cents per pound.

Violations for trucks weighing between 10,001 pounds and 12,500 pounds more than allowed would be fined 11 cents per pound. Fines would increase to 13 cents per pound for weight violations ranging from 12,501 pounds to 15,000 pounds.

Any trucks found to be 15,001 pounds or more in excess would face fines of 15 cents per pound. Paddock's bill – SB391 – is in the House Transportation Committee. To view other legislative activities of interest for Oklahoma in 2009, click [here](#). Author: Keith Goble, State Legislative Editor From: Land Line Magazine Date: 04/07/09

For additional information, see at: http://www.landlinemag.com/todays_news/Daily/2009/Apr09/040609/040709-01.htm

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Famous Quote of the Day:

"We have two ears and
one mouth so that we
can listen twice as much
as we speak."
--Epictetus,
Greek philosopher

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Information provided is a compilation from other news and on-line media sources, any information relayed is based upon the accuracy of the information provided by other news gathering organizations and does not necessarily reflect the views or positions of the Federal Highway Administration or the State of Texas Border Partnership Working Group.

Next FHWA HQ's Talking Freight Web Seminar (Wednesday, April 15, 2009)

The Federal Highway Administration's (FHWA) Office of Freight Management and Operations and the Office of Planning host the "Talking Freight" web seminars.

These web seminars are part of a broader Freight Professional Development Program aimed at providing technical assistance, training, tools, and information to help the freight and planning workforce meet the transportation challenges of tomorrow.

These FHWA web seminars are held on a monthly basis throughout the year and are open at no cost to all interested parties in both the public and private sectors.

The next FHWA HQ's Talking Freight Seminar will be held on April 15th and will cover the topic of:

"National Freight Performance Measurement Data Dissemination Tool" This webinar will provide an informational presentation on a new website developed by the FHWA in order to provide State DOTs, MPOs, and university personnel engaged in transportation research access performance data for freight significant highways.

Developed by ATRI and Virginia Tech, the new FHWA website is currently in a BETA test version stage and is due to be fully operation in the June 2009 timeframe. For additional information, please see the following FHWA HOFM website for registration to sign-up for this upcoming web seminar:
https://www.nhi.fhwa.dot.gov/resources/webconference/web_conf_learner_reg.aspx?webConfID=16393

National Work Zone Awareness Week (April 6-10th)

FOR IMMEDIATE RELEASE

Each year, approximately 1,000 lives are lost in work zones, and the majority of those fatalities are motorists – not the workers themselves. National Work Zone Awareness Week was created to raise public awareness of the need for special caution in roadway work zones.

During April 6-10, state DOTs are holding events such as the one held at the Columbia Island Marina in South Arlington, VA on Tuesday, April 7, 2009.

To view a video of the event, please visit the following AASHTO website for additional information at:

www.transportationtv.org

The new AASHTO Transportation TV website includes up-to-date video clips, blogs, and briefings on pertinent Federal, state, and local issues and events related to transportation-related subjects from around the Nation.

Contact: Teneille Gibson, AASHTO
Date April 8, 2009

