

- SUBJECT:** Requiring local approval of motor vehicle inspection facilities on the border
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 6 ayes — Krusee, Phillips, Edwards, Hamric, Harper-Brown, Laney
1 nay — Mercer
2 absent — Garza, Hill
- WITNESSES:** For — Larry Dovalina, City Manager, City of Laredo
Against — None
On — Ric Williamson, Texas Transportation Commission
- BACKGROUND:** In 1999, the 76th Legislature enacted SB 913 by Shapleigh, establishing “one-stop border inspection stations.” Transportation Code sec. 201.613 requires the Texas Department of Transportation (TxDOT) to choose inspection station locations in Brownsville, Laredo, and El Paso along major highways at or near Mexico border crossings. The purpose is to locate in one place all federal, state, and municipal agencies regulating people or vehicles crossing the border. TxDOT also must establish and maintain the stations if the pertinent federal regulatory agencies approve designs and agree to use the facilities. In doing so, TxDOT may contract with federal, state, and municipal agencies and lease them office space at the stations.
- In order to accommodate increased volumes of international truck traffic, TxDOT is in the process of building eight vehicle inspection stations along the Texas-Mexico border – two each in Brownsville, Laredo, and El Paso, one in Pharr, and another in Eagle Pass. The city of Laredo is suing TxDOT in federal court over the site selection process.
- DIGEST:** CSHB 3554 would require TxDOT to build and maintain eight border inspection facilities within 60 miles of the Rio Grande in its Pharr, Laredo, and El Paso districts. The facilities would inspect vehicles after they had undergone federal inspections.

If a facility were located within a municipality, or its extraterritorial jurisdiction, having a bridge system with more than 900,000 commercial border crossings during fiscal 2002, the municipality could choose the site. The municipality would have 180 days to do so after TxDOT requested a location.

TxDOT would commence construction of all eight facilities at or about the same time and take reasonable steps to ensure that construction progressed equally.

The bill would repeal current law:

- requiring TxDOT to choose locations along major highways at or near Mexico border crossings, including a reference to Brownsville;
- stating the goal that federal, state, and municipal regulatory agencies would be located in one place, along with deleting the term “One-Stop” from the subsection’s heading;
- requiring federal design approval and usage; and
- allowing TxDOT to contract with federal, state, and municipal agencies, including leasing of office space.

TxDOT would be required to spend federal money designated or state money appropriated in 1999 for the facilities under the statute the bill would amend.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

When it enacted SB 913, the 76th Legislature put TxDOT in charge of site selection for border inspection stations sorely needed to address the huge increase in international commercial truck traffic prompted largely by the North American Free Trade Agreement (NAFTA). CSHB 3554 would remove TxDOT from site selection, which largely has been completed except for the Laredo site. The inability to achieve consensus caused by TxDOT’s and the federal government’s inadequate response to Laredo’s concerns dictate legislative action to modify the process and allow the projects to proceed.

Current law was based on cooperative arrangements used in other states that have failed to materialize in Texas. The statute gives TxDOT too much discretion and grants veto power to federal agencies that, since the 9/11 attacks, have moved away from the one-stop inspection approach because of heightened security concerns. Because the people of Laredo would suffer the consequences of a poorly placed inspection station, the city of Laredo, and not state or federal bureaucrats, should decide where any station would be located.

Laredo is unique among Texas border cities because trade with Mexico was one of its top priorities long before NAFTA. At 1.4 million truck crossings per year, Laredo is the busiest commercial vehicle entry point in the nation. Forty percent of all overland trade between the United States and Mexico passes through Laredo. This puts city officials in the best position to evaluate site locations because they are most familiar with their potential impact.

TxDOT's "cookie-cutter" approach is inappropriate. Its plan to locate stations adjacent to the World Trade and Columbia Solidarity bridges on the Rio Grande would worsen traffic congestion, exacerbate air pollution, and likely slow the inspection process. The bill's criteria on municipal site selection authority would apply only to those two bridges in Laredo.

More traffic congestion not only would cause problems for Laredo motorists, it also could hurt the city budget and the local economy. If delays became frequent enough, truckers would avoid crossing at Laredo, costing the city toll revenue and its businesses income.

The guidelines contained in this bill are needed because TxDOT claims it does not need this statute's authority to build inspection facilities. Ensuring that all eight facilities became operational at about the same time is important so that no one city would be disadvantaged by other facilities opening sooner.

Predictions of trucker circumvention to avoid inspection are unfounded. The high cost of diesel fuel would inhibit truckers from using alternate routes to avoid inspection. Regardless, Laredo has its own truck inspectors on its police force who issue citations to violators. If truckers are bent on evading the law, they already can put their trailers on rail cars, freight them across the border, and avoid inspection altogether.

CSHB 3554 would preclude the need for a second full-service inspection facility, saving the state \$1.4 million. No one expects state or federal officials to inspect every single truck crossing the border, so four satellite facilities would not be needed.

Basing cost projections on a 100 percent inspection rate is unrealistic and misleading. Under this bill, TxDOT estimates its net costs at less than \$1 million; the difference between a second full-service station and four satellites, which is \$428,000, plus \$524,000 it already has spent on the two proposed bridge sites.

Drayage (short-haul conveyance) trucks based in Nuevo Laredo are an integral part of Laredo's economy. Their owners are being penalized by safety regulations not applicable to their usage. While they might not meet federal highway standards, drayage trucks are suitable for ferrying trailers into Laredo to be picked up by long-haul rigs. Locating inspection stations outside city limits would allow them to continue providing an important service to the trucking industry without requiring expensive upgrading. Drayage trucks seldom, if ever, leave Laredo's city limits and pose no threat to Texas or U.S. motorists.

Safety concerns are being exaggerated. To date, only 30 Mexican long-haul trucks have applied for requisite permits to operate on U.S. highways. DPS inspects trucks at stations located throughout the state, not just along the border. If safety is paramount, then DPS should keep these stations open more often and maintain full staffs.

**OPPONENTS
SAY:**

Laredo is trying to carve out an exception in the law because it is the only border city that has not cooperated with state and federal officials on border station site selection. Instead, it has chosen to seek from the courts and the Legislature that for which it was not willing to negotiate. If the state accedes, the inspection station project would cost almost \$8 million more than it should over the next biennium. The rest of the state's taxpayers should not have to pay for one city's recalcitrance.

Requiring four additional inspection sites to ensure maximum scrutiny of all trucks coming in and out of Laredo would be both logical and essential given current technology. The two proposed stations would combine weigh-in-

motion scales with slow-speed visual inspection. This would allow identification of suspicious trucks that could be targeted for full inspection, bringing the oversight level much closer to 100 percent. The U.S. Customs Service and immigration officials must be located at the border to fulfill their duties, so moving vehicle inspection elsewhere would require additional facilities.

The bill would allow Laredo to move the main station inland as far as 60 miles away from the border. This would permit, if not encourage, long-haul truckers to circumvent inspection via alternate routes on at least three state highways that converge in Laredo. It would be much cheaper for their owners to buy additional diesel fuel than to pay Texas and U.S. fines, which can cost approximately \$200 per safety violation and range up to \$1,000 for the largest overweight trucks.

Moving stations away from the bridges also would hinder inspection of older and grossly unsafe drayage trucks licensed in Mexico. While they may not leave Laredo often, nothing prevents them from doing so. Laredo is engaging in protectionism to prop up an under-regulated segment of the Mexican trucking industry seeking to avoid the expense of upgrading inferior vehicles.

CSHB 3554 would create a serious safety issue for the rest of Texas and the nation, considering the dramatic increase in Mexican truck traffic spurred by NAFTA. American and Mexican truck safety standards are roughly equivalent, but enforcement is not. Mexico's regulatory apparatus remains plagued by corruption; hence, its compliance level is well below that in the United States. If overweight and unsafe trucks are not intercepted at the border, the entire nation's roadways and driving public will be endangered. Placating one city's preferences is not worth risking the lives and health of thousands of motorists.

TxDOT merely is acting as the "landlord" for these facilities. It has not abandoned the "one-stop" approach, to which only Laredo objects. Technically, designs proposed for sites in other cities are not "one-stop" stations, however, because vehicles would have to stop at more than point. Additionally, although all agencies would be located at the same sites, they would not all be in the same buildings.

**OTHER
OPPONENTS
SAY:**

The bill is vague in that it would not define “bridge system.” It is ambiguous in that it would remove TxDOT’s site selection authority without delegating it to any other entity.

The Legislature should give the same site-selection authority to all border cities. El Paso and Brownsville also are subject to traffic congestion, and other border cities could be someday.

This is admittedly a local issue. It is not the Legislature’s business to settle parochial disputes that are the subject of federal lawsuits.

NOTES:

According to the fiscal note, the bill would cost the state almost \$7.75 million during fiscal 2004-05: \$5.9 million in general revenue and \$1.85 million from the State Highway Fund. TxDOT projects that it would have to build four satellite facilities in Laredo to inspect all vehicles required to comply with current law. It would forego, however, building a second primary facility, saving the highway fund \$1.4 million in fiscal 2005. Most of the general revenue would be spent on salaries, operations, and overhead associated with the 64 additional Department of Public Safety personnel needed to staff the additional facilities.

The bill as introduced differs from the committee substitute in that it would have allowed a municipality with a municipal bridge system that had only 500,000 annual commercial border crossings, as opposed to 900,000 crossings, to choose the site of an inspection station.

In 2001, a very similar bill, HB 3091 by Raymond, was referred to the Transportation Committee during the 77th Legislature.