

ATA Concerns with EOBR's on Mexican Trucks

ATA has expressed concerns with the U.S. government's plan to provide EOBRs to Mexican carriers while at the same time proposing to require that U.S. carriers install such devices at their own expense. However, ATA also understands that that the U.S. must comply with its international obligations under NAFTA.

From DOT's perspective, it is necessary to pay for EOBRs on Mexican trucks. Because there is no parallel regulatory requirement yet for U.S. trucks, FMCSA cannot require Mexican motor carriers to install them (a NAFTA condition). Since collecting relevant data from Mexican carriers is a statutory requirement, DOT has no option but to provide some technology in order to capture data. ATA has suggested to FMCSA that rather than requiring EOBRs the agency should use other tracking systems or technologies, as they did in the 2007 NAFTA Demonstration Project. Technology (other than EOBRs) collected data on the operations of participating Mexican motor carriers to verify regulatory compliance.

It is important to point out that, if the government goes forward with an EOBR plan, it would be a short-term arrangement. It is only intended for the duration of a U.S.-Mexico cross-border trucking "pilot program" which has yet to be finalized. Once the pilot phase is completed, Mexican carriers would have to return the EOBRs or purchase them from DOT.