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## **U.S. President Barack Obama Proposes Plan to Restart Negotiations on Truck Dispute with Mexico**

by *Carlos Navarro*

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The unresolved dispute between Mexico and the US regarding truck access resurfaced in early 2011, with the two countries optimistic that they can finally reach an agreement on a dispute that has hampered bilateral trade relations for more than a decade. The promise of a resolution came in a document released by the US Department of Transportation (DOT) in early January with proposals to revive a pilot program cancelled in 2009. The US decision prompted the Mexican government to suspend new retaliatory tariffs against US products, although existing sanctions will remain in place until a full agreement is reached.

The pilot program, launched in 2007 during the administration of ex-US President George W. Bush, created strict conditions by which Mexican truck drivers would be allowed to transport goods on US highways ([SourceMex, Feb. 28, 2007](#)). The program, which was never fully implemented, was ended in March 2009, after the US Congress removed funding because of concerns that safety problems were not being adequately addressed ([SourceMex, March 11, 2009](#)).

Mexican and US officials are confident that this time they can finally move forward on negotiating a solution to the controversy. Under terms of the North American Free Trade Agreement (NAFTA), the US agreed to allow full access to Mexican trucks by Jan. 1, 2000. But ex-US President Bill Clinton reneged on that commitment after deciding that other considerations like safety and environmental standards superseded US compliance with provisions in the accord ([SourceMex, Jan. 19, 2000](#)).

### ***US proposal enhances security, training requirements***

The DOT plan released in January seeks to reopen negotiations with Mexico while also addressing some of the issues that led to cancellation of the program. The proposal places a high priority on safety, requiring that all information provided by participating Mexican drivers be reviewed by both the US Department of Homeland Security (DHS) and the Department of Justice (DOJ).

Mexican truckers and their companies must also receive a Pre-Authority Safety Audit (PASA). The review would contain details of a carrier's safety record and driver's record, compliance with emissions standards set by the US Environmental Protection Agency (EPA), and a review of the carrier's accidents, convictions, and inspections in Mexico. Finally, Mexican drivers must also pass an English-language-proficiency exam and a US-traffic-laws exam (conducted in English) and submit evidence of financial responsibility (insurance) to the Federal Motor Carrier Safety Administration (FMCSA).

The Mexican government received the DOT proposal with guarded optimism, calling the plan a positive first step toward an eventual resolution. "In general this is very good news," said deputy communications and transportation secretary Treviño Landois.

The two sides must negotiate other details, including the number of carriers allowed to participate in a first phase.

Treviño was confident that the two sides could reach an agreement quickly. "This is where we are now: a conceptual document, willingness to work and negotiate," said the Mexican official. "The idea is to finish it in coming weeks."

As a goodwill gesture, the Mexican government announced that it would stop expanding its list of retaliatory tariffs, imposed in March 2009 after the pilot program was removed ([SourceMex, Sept. 1, 2010](#)). Economy Secretary Bruno Ferrari said tariffs imposed since that time would remain in place until the two sides reached a full agreement on the trucking controversy.

But support for the DOT proposal was not unanimous in Mexico. The Cámara Nacional del Autotransporte de Carga (CANACAR) objected to the strict documentation and testing required under the plan. "The plan that the US has offered is discriminatory because it proposes a series of conditions that violate the terms negotiated under NAFTA," said CANACAR director Refugio Muñoz. "The message that they're giving us is that some drivers would be allowed access and others not."

As was the case with previous attempts to resolve the issue, the US Congress will again have significant input on whether Mexican truckers are allowed access to US highways beyond the US-Mexico border region. In the past, the strongest opposition came from Democrats with the support of the International Brotherhood of Teamsters ([SourceMex, July 23, 2008](#)).

"The Obama administration felt more comfortable issuing a proposal with the program's fiercest critics, labor-friendly Democrats in the House of Representatives, voted out of office in November or sidelined to the minority," said Reuters.

A problem for the president is that many members of the new generation of Republicans also have protectionist inclinations, a concern that US Sen. John McCain (R-AZ) expressed in a recent interview with CNSNews.com. "If you are against free trade-agreements, you then believe that the United States can't compete," McCain said, in reference to reports that some members of his party might seek to repeal or limit US free-trade agreements.

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