

APPENDIX B: DESCRIPTION OF THE NORTHBOUND BORDER- CROSSING PROCESS

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APPENDIX B: DESCRIPTION OF THE NORTHBOUND BORDER-CROSSING PROCESS

INTRODUCTION

The complexity of trans-border truck movements is a function of the stakeholder activities and interactions they entail. A shipment originating in central Mexico may require processing or handling by a dozen or more entities before it reaches its final destination in the United States. Understanding the various roles of key government agencies and private-sector groups in this system enables a more detailed assessment of the underlying issues and problems that contribute to border congestion and delay.

This document provides a step-by-step account of the conventional northbound border-crossing process for truck-borne trade. Descriptions of stakeholder activities, referenced in a schematic diagram, depict the flow of goods and documentation from origin to destination (Figure B-1). There are several potential variations to the process described on the following pages. Problems encountered by any of the stakeholders can result in delays much longer than those cited. The southbound border-crossing process is substantially different from the northbound process and is not addressed in this document.

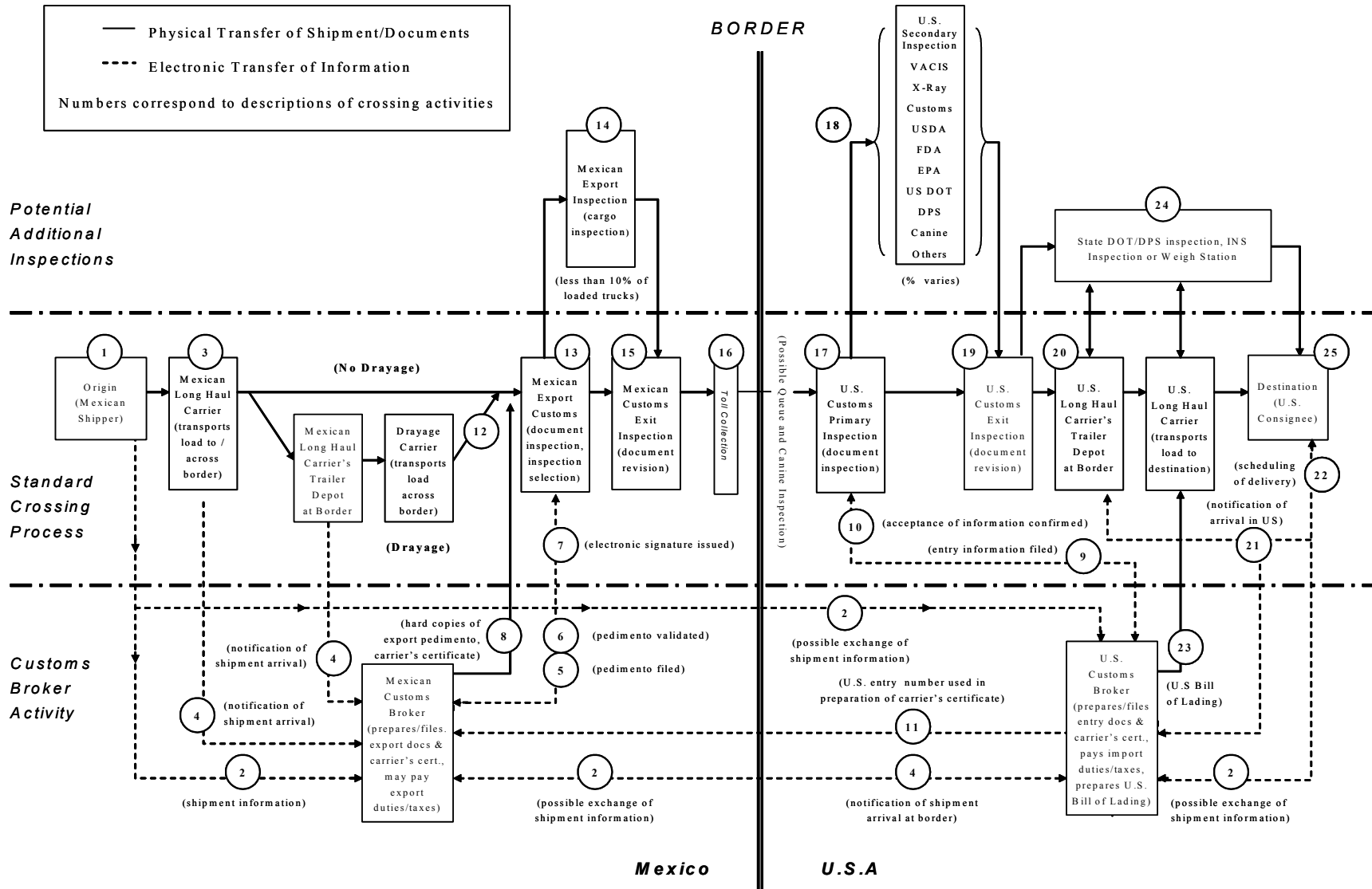


Figure B-1. Flowchart of the Northbound Border-Crossing Process for Truck-Borne Trade.

NORTHBOUND BORDER-CROSSING PROCESS

Mexican Shipper

The Mexican shipper is the exporting firm that initiates the cross-border movement (Figure B-1, Point 1). Its primary partners in the export process are the U.S. consignee, the Mexican and U.S. customs brokers, and the Mexican long-haul trucking firm.

The extent of exporter and importer responsibilities in international commerce is defined by the incoterms in the sales contract. For most truck shipments between the United States and Mexico, these terms specify transfer of liability at the border. Under this scenario, the shipper's main responsibilities are to arrange transportation and brokerage services in Mexico, load the trailer, and provide information about the shipment to the Mexican trucking firm(s) and the customs brokers. In practice, cargo information is often electronically transmitted to only one of the shipper's supply-chain partners (U.S. consignee, Mexican customs broker or U.S. customs broker) and then distributed among the other parties (Figure B-1, Point 2).

Paper documents normally furnished by the shipper include the commercial invoice, cargo manifest, and the NAFTA certificate of origin. A Mexican bill of lading (carta porte) and a packing list may be provided in some cases. Fax and email are the preferred methods of exchanging information among supply-chain partners. If complete, accurate information is not transmitted to the customs brokers in advance of the shipment's arrival at the border, delays may result.

Mexican Long-haul Carrier

The long-haul carrier is a trucking firm that provides freight transportation to companies exporting to the United States from the interior of Mexico. The transportation process begins with the carrier spotting an empty trailer at the shipper's factory or warehouse. When it is loaded, the long-haul tractor returns, hooks up to the trailer, and transports it to a pre-specified commercial crossing along the U.S.-Mexico border (Figure B-1, Point 3). In fiscal year 2001, commercial border crossings in Laredo, El Paso and Otay Mesa processed approximately two thirds of all northbound truck movements between Mexico and the United States (Table B-1).

The Mexican leg of the northbound transportation process takes one to two days for shipments originating in Mexico's industrial heartland (the Monterrey-Mexico City-Guadalajara triangle). Long-haul carriers usually prepare the bill of lading for these movements although the shipper is legally permitted to perform this task. Most long-haul carriers operate trailer depots at the border that serve as pick-up and drop-off points for international movements. When a shipment bound for the United States arrives at the Mexican carrier's border depot, the U.S. customs broker is contacted. This party notifies the Mexican customs broker, and the document preparation and submission process begins (Figure B-1, Point 4). Shipments that reach the border zone in the morning usually cross into the United States the same day. Those arriving in the late afternoon or evening often must wait until the following day to cross the border.

Table B-1. Northbound Truck Crossings through U.S. Port Systems, Fiscal Year 2001.

Port of Entry	Truck Crossings*	Accumulated Percent of Total
Port of Laredo, TX ¹	1,419,165	33%
Port of Otay Mesa, CA	700,453	49%
Port of El Paso, TX ²	656,257	64%
Port of Hidalgo/Pharr, TX	367,991	73%
Port of Calexico East, CA	259,174	79%
Port of Brownsville, TX ³	255,231	85%
Port of Nogales, AZ	251,474	90%
Port of Eagle Pass, TX	100,983	93%
Port of Tecate, CA	62,243	94%
Port of Del Rio, TX	59,286	96%
Port of San Luis, AZ	39,908	97%
Port of Douglas, AZ	34,054	97%
Port of Santa Teresa, NM	30,612	98%
Port of Rio Grande City, TX	26,391	99%
Port of Progreso, TX	16,649	99%
Port of Roma, TX	12,141	99%
Port of Naco, AZ	9,976	100%
Port of Presidio, TX	7,562	100%
Port of Lukeville, AZ	4,271	100%
Port of Columbus, NM	4,239	100%
Port of Sasabe, AZ	2,215	100%
Port of Andrade, CA	1,727	100%
Port of Fabens, TX**	147	100%
Total	4,322,149	
* Loaded and empty/bobtail trucks		
¹ Includes Laredo World Trade Bridge and Colombia Solidarity Bridge		
² Includes Bridge of the Americas and Ysleta-Zaragoza Bridge		
³ Includes Veterans International Bridge and Los Indios Bridge		
** Light trucks only - not a full-service commercial crossing		

Source: U.S. Customs Service

Mexican Customs Broker

A licensed Mexican customs broker is the only entity legally permitted to prepare and file export documentation (pedimento de exportación) in Mexico. The first step involved in preparing the pedimento is classification of the cargo according to the Mexican Harmonized Tariff Schedule. For northbound shipments, neither the Mexican nor the U.S. broker documentation process entails a physical review or unloading of the cargo. Pedimento information is subsequently transmitted to Mexican Customs via the Mexican Customs Brokers Association (Asociación de Agentes Aduanales) (Figure B-1, Point 5). Correctly filed

pedimentos are validated by a broker representative (Figure B-1, Point 6) and assigned an alphanumeric barcode (referred to as an electronic signature) by Mexican Customs (Figure B-1, Point 7). The Mexican customs broker affixes this barcode to paper copies of the pedimento so that Mexican Customs can electronically scan the documentation and close out the file when the truck arrives at the border. Use of a bar-coded pedimento also facilitates shipment tracking and the collection of duties, fees, and statistical information by the Mexican government.

Mexican export taxes are payable electronically or in person prior to arrival of the shipment at the export compound. Payment is normally made by the Mexican broker on behalf of the shipper and is secured by a bond. Maquiladora shippers are permitted to use consolidated pedimentos that are filed and paid on a weekly basis.

Before a shipment can proceed across the border, all U.S. and Mexican brokers prepare and file hard copies of the Mexican pedimento and the U.S. Inward Cargo Manifest (also known as the Carrier's Certificate). The Inward Cargo Manifest is the main document used to import merchandise into the United States. It contains vital information about the carrier, exporter, importer, and cargo (including the shipment's U.S. entry number) and may be completed by either the U.S. or Mexican customs broker.

A broker or drayage-firm employee presents the pedimento and Inward Cargo Manifest to the truck driver hauling the shipment across the border. Transfer of these documents usually occurs at a broker office in the immediate vicinity of the crossing, on a roadside prior to the Mexican export compound, or while the truck is waiting in a queue to cross the border (Figure B-1, Point 8). Mexican broker cycle times for preparing and filing documentation can range from a few minutes to several hours depending on the nature of the cargo, the shipper's export experience, and the shipper-broker relationship, the broker's workload, among other factors. Fees for preparing and filing Mexican export documentation range from US\$25-\$30 for a homogenous maquiladora shipment to US\$55-\$60 for regular freight (excluding disbursements).

U.S. Customs Broker

Because the activities of Mexican and U.S. customs brokers are overlapping and simultaneous, communication between these stakeholders is an important facet of the crossing process.

Several scenarios exist for the preparation and processing of U.S. entry information. In most cases, cargo is classified according to the U.S. Harmonized Tariff Schedule (two digits longer than the Mexican Harmonized Tariff Schedule), a unique 11-digit entry number is assigned to the shipment, and information is electronically filed with U.S. Customs via the Automated Broker Interface (ABI) system (Figure B-1, Point 9).

Customs brokers were once obliged to file ABI information and submit hard copies of import documentation four hours before a shipment crossed the border. Today, the U.S. Customs Service requires only that import information be electronically transmitted before the shipment arrives at the port of entry. Some port directors request that ABI information precede shipments by at least one hour to ensure sufficient time for data analysis.

Upon receipt of a valid ABI transmission, U.S. Customs confirms acceptance of the information (Figure B-1, Point 10). The U.S. broker notes the entry number on the Inward Cargo Manifest or provides it to the Mexican broker (Figure B-1, Point 11). Marking the Inward Cargo Manifest with the entry number allows officials at the U.S. port of entry to verify that the paperwork submitted by the driver matches what was filed electronically by the U.S. broker. Cycle times for the preparation and submission of U.S. broker documentation are similar to those offered by Mexican brokers (a few minutes to several hours). U.S. broker charges for classification of the shipment and transmission of import information normally range from US\$25-\$50. Charges for complicated or multiple-classification shipments (such as apparel) often cost US\$55-\$85 (excluding disbursements).

Approximately 10 percent of truck entries on the southern border are processed under a special U.S. Customs initiative called the Border Release Advanced Screening and Selectivity (BRASS) program.ⁱ BRASS expedites the border-crossing process for repetitive, low-risk shippers that export a minimum of 50 trailer loads of merchandise to the United States annually. Each BRASS shipper receives an identification barcode that enables its shipments to enter the

country without prior transmission of entry information by the U.S. broker. Additional benefits include faster Customs processing and fewer secondary inspections at the U.S. port of entry. In order to participate in BRASS, shippers must have a history of customs compliance and utilize trucking firms that are certified in the U.S. Customs Service's security-based Carrier Initiative Program (CIP).

Although tariffs on North American trade have diminished since the implementation of NAFTA and are now quite rare, they are not scheduled to be completely phased out until 2005. Most U.S. brokers electronically pay import duties on behalf of the U.S. consignee using the Automated Clearinghouse payment method. A compliance bond allows duties for regular shipments to be paid up to 10 working days after they have entered the United States. Legislation enabling monthly duty consolidation and payment for BRASS shipments is expected to be extended to all freight in the near future.

Drayage Carrier

A northbound shipment originating in the interior of Mexico may be transported across the border by a drayage or long-haul trucking firm. Drayage carriers are trucking firms that specialize in shuttling freight over short distances. At the U.S.-Mexican border, binational accord grants trucks from both countries the right to pick up and drop off cross-border movements within commercial zones extending 3-20 miles beyond either side the of the international boundary.

Drayage carriers are responsible for crossing the vast majority of trailers at the two busiest gateways for U.S.-Mexico truck traffic, Laredo-Nuevo Laredo and Otay Mesa-Tijuana. Delays and congestion at these gateways have made trans-border movements uneconomical for most long-haul carriers using modern equipment. Short-haul maquiladora moves between factories, assembly plants, and distribution centers in the twin border cities of El Paso, Texas, and Ciudad Juárez, Coahuila, drive a thriving drayage industry in that region.

Other major gateways, such as Nogales-Nogales and Pharr-Reynosa, are heavily influenced by seasonal exports of Mexican produce. This freight is transferred to the U.S. commercial zone primarily by Mexican long-haul trucks. Instead of contracting traditional drayage services, drivers that do not possess a valid U.S. visa and commercial license hire

“contract drivers” to deliver their shipments across the border. Despite the security and insurance risks involved in this method of shipment transfer, the contract driver system is used for a large portion of the northbound crossings at these gateways.

Where drayage carriers are utilized, the trailer-transfer process starts with the dispatch of a drayage tractor to a long-haul carrier’s border depot. The driver engages the loaded trailer and hauls it to the border crossing (Figure B-1, Point 12), collecting the export pedimento and Inward Cargo Manifest en route (Figure B-1, Point 8). Once the driver, truck, shipment, and documentation have been assembled, the unit proceeds into the Mexican Export Customs compound. One-way drayage services across the border usually take between one and three hours and cost US\$100-\$200.

Mexican Export Compound – Mexican Customs

The Secretaría de Hacienda y Crédito Público (Mexican Customs) is the principal Mexican agency involved in the inspection of freight entering and leaving the country. Unlike U.S. Customs, Mexican Customs occasionally inspects outbound freight prior to export. The main purpose of these inspections is to verify that duty-free temporary imports do not remain in Mexico and to ensure that all applicable export duties and taxes are paid.

When a shipment arrives at the Mexican Export Compound, it is subject to a random selection mechanism (red-light/green-light system) that determines whether it must undergo a physical inspection (Figure B-1, Point 13). Between 1 and 10 percent of loaded northbound commercial vehicles are reported to receive a red light at this station..*ii* However, Mexican Customs brokers indicate that export inspections are quite rare and that this figure is exaggerated. In any event, export inspections may involve the partial or complete unloading of a trailer and take anywhere from 30 minutes to several hours (Figure B-1, Point 14). A representative of the Mexican customs broker that prepared the shipment’s export documentation must be present during this inspection.

Trucks that receive a green light proceed to the compound’s exit gate (Figure B-1, Point 15). Export documentation and clearance authorization are checked here before the shipment is released to cross the border. Shipments that do not undergo export inspections normally take a few minutes to half an hour to clear the Export Compound, depending on traffic.

Border Bridges and Roadways

There are 25 commercial border crossings that connect Mexican and U.S. customs compounds. Many large crossings serve trucks exclusively while others serve segregated flows of commercial and passenger vehicles. Border-crossing infrastructure varies in length from a few hundred yards to several miles and usually requires payment of a toll (Figure B-1, Point 16). Northbound charges range from US\$1-\$3 per axle (regardless of vehicle weight) and are collected manually or by means of an account-based system.ⁱⁱⁱ Transit times between the Mexican Export Compound and the U.S. port of entry are determined by the level of congestion at the U.S. Primary Inspection Module.

U.S. Port of Entry

Sixty-five governmental agencies monitor and regulate U.S. trade.^{iv} Only a handful of these, however, significantly impact the border-crossing process. Port of entry inspection activities on the U.S. southern border have traditionally focused on preventing illegal drugs and contraband from entering the country, guarding against illegal immigration and the introduction of agricultural pests, protecting U.S. public safety and commercial interests, and ensuring the collection of duties and taxes. In the wake of September 11, 2001, the prevention of terrorist attacks has become a top priority for U.S. border agencies and has resulted in greater scrutiny of drivers, shipments, and conveyances at U.S. ports of entry. The U.S. commercial inspection process can be broken down into three broad categories: primary, secondary, and exit inspections.

Primary Inspection Module - U.S. Customs

Northbound trucks may be subject to canine (narcotics detection dogs) or other inspections before reaching the port of entry complex, but their first mandatory stop in the United States is usually the Primary Inspection Module (Figure B-1, Point 17). This module normally comprises two to eight processing booths, each staffed by a Customs (or Immigration and Naturalization Service) agent. The peak-period arrival rate of trucks at these booths often exceeds their processing capacity. The congestion that forms backs up onto border roadways and bridges, creating pre-primary delays that range from 30 minutes to more than two hours at major crossings.

Upon arrival at the primary inspection booth, the truck driver presents identification (proof of citizenship or a valid visa or laser card) and a copy of the Inward Cargo Manifest to the agent. After verifying the driver's identification, the agent types the entry number on the Inward Cargo Manifest into an Automated Commercial System (ACS) computer terminal. The ACS matches the entry number to import information that was filed electronically by the U.S. broker and subsequently reviewed by Customs headquarters in Washington, D.C.

If the information on the paper manifest corresponds to that in the electronic file, and a hold (obligatory inspection) has not been placed on the shipment by Customs headquarters, the agent uses his or her discretion to determine whether a secondary inspection is necessary. This decision is typically based on driver responses to questions, a brief review of the outside of the vehicle (possibly including inspection with a density detector or other hand-held inspection instrument), and the reaction of canine units to the truck. In some cases, a driver's license, vehicle registration, insurance, trip permit, or other documentation may be requested. Since September 11, 2001, some ports of entry open trailers at the Primary Inspection Module to conduct a brief visual review of the cargo/inside of the conveyance.

All trucks entering U.S. ports of entry pay a mandatory user's fee for the provision of U.S. Customs and Department of Agriculture services. The per-trip charges for these services are US\$5.25 and US\$4.50 respectively, payable at the primary inspection booth. Drayage trucks and other commercial vehicles that regularly cross the border can purchase an annual exemption decal for US\$185.

Processing times at the Primary Inspection Module average one to two minutes per truck. Commercial vehicles that do not pass over a U.S. weigh-in-motion scale upon crossing the border may be directed to a static scale within the port of entry. Trucks not requiring weight checks, special permits, or further inspections are sent directly to the compound's exit gate. Agents note required secondary inspections on the Inward Cargo Manifest.

Secondary Inspection – Multiple Agencies

There are varying opinions among border-agency officials as to what constitutes a “secondary inspection”. For the purposes of this report, a secondary inspection is defined as any inspection that the driver, freight, or conveyance undergoes between the Primary Inspection Module and the exit gate of a U.S. port of entry.

The principal agencies that conduct secondary inspections are the U.S. Customs Service, the U.S. Department of Agriculture (USDA), the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA) the U.S./State Departments of Transportation (DOT), and State Departments of Public Safety (DPS) (Figure B-1, Point 18).

If the rationale for the secondary inspection is related to drugs or suspicion about the contents of the load, the truck is sent to a Non-Intrusive Inspection (NII) station operated by Customs or the National Guard. NII equipment scans the contents of tractors and trailers/containers, reducing the need for time-consuming and expensive manual inspections. The two most common NII technologies currently employed on the southern border are the gamma ray VACIS (Vehicle and Container Inspection System) and the truck X-ray. Most major U.S. commercial crossings operate between one and three NII machines. Shipments requiring further review after scanning are directed to a loading dock for manual cargo inspection.

The advent of NII equipment renders some of the loading dock capacity at U.S. land ports obsolete. Although Customs still conducts a small number of manual inspections, most dock space is now occupied by the USDA and FDA. Shipments examined by these agencies rarely require complete unloading of the cargo. Instead, the inspector selects a random sample for analysis. This expedites the inspection process and minimizes losses due to spoilage. The stevedoring costs for partially or fully unloading shipments at U.S. and Mexican Customs compounds are paid by the Mexican/U.S. customs broker and charged to the shipper/consignee of the freight.

The EPA is the principal agency regulating the importation of hazardous materials into the United States. The EPA requires 24 hours advanced notice of all hazmat shipments arriving at U.S. ports of entry. In some regions, hazardous materials are restricted to specific routings and crossing schedules. Secondary inspections of hazmat shipments are conducted in isolated areas of the Customs compound.

Regardless of the freight being transported, all trucks and drivers passing through U.S. ports of entry must meet certain safety standards. The California Highway Patrol facilities at Otay Mesa and Calexico, California, are the only permanent U.S. truck safety inspection stations on the U.S. southern border. Other ports of entry rely on U.S. DOT and state DPS personnel to conduct truck safety inspections within the secondary inspection areas of Customs compounds.

The U.S. government's decision to implement the NAFTA trucking provisions between the United States and Mexico during the summer of 2002 is contingent upon satisfaction of new safety criteria. The most salient public-sector requirements of these criteria are the hiring and training of 214 state safety inspectors and the construction or improvement of truck inspection facilities at the U.S.-Mexico border. As of July 2002, nearly all of the new personnel had been appointed, and temporary truck inspection facilities at 23 of the 25 commercial border crossings were ready.^v Truck inspection activities at smaller crossings are scheduled to continue at expanded sites within Customs compounds. Dedicated facilities adjacent to larger border compounds will eventually inspect 100 percent of the trucks entering the United States from Mexico.

The percentage of shipments sent to the diverse U.S. secondary inspection stations varies from crossing to crossing but is generally consistent with the availability of inspection capacity. Customs strives to ensure that its NII equipment is kept continuously operating. The private-sector reports that, occasionally, port directors impose inspection blitzes where 100 percent of the vehicles entering the port during a given time period are sent to an NII station. Officials at smaller ports of entry that lack NII equipment typically conduct higher rates of canine and manual narcotics inspections (Table B-2). Approximately 10 to 15 percent of shipments governed by the USDA are physically examined.^{vi}

The length of time commercial vehicles spend waiting for and undergoing secondary inspections is also highly variable. NII inspections take between 2 and 12 minutes to complete but may require queuing times of 30 to 60 minutes. Delays for USDA and FDA inspections usually range from 20 to 45 minutes if an inspector is readily available.

Table B-2. Narcotics Exam Rates at U.S. Commercial Port Systems, Fiscal Year 1998.

Port of Entry	Truck Crossings*	Percent of Trucks Examined
Port of Laredo, TX ¹	1,340,653	28%
Port of Otay Mesa , CA	599,001	23%
Port of El Paso, TX ²	591,258	35%
Port of Brownsville, TX ³	273,087	47%
Port of Hidalgo/Pharr, TX	261,322	18%
Port of Nogales, AZ	256,494	14%
Port of Calexico East, CA	222,093	35%
Port of Eagle Pass, TX	85,974	23%
Port of Tecate, CA	53,109	44%
Port of Del Rio, TX	50,949	30%
Port of San Luis, AZ	42,472	25%
Port of Douglas, AZ	35,561	53%
Port of Santa Teresa, NM	28,206	85%
Port of Rio Grande City, TX	18,658	57%
Port of Progreso, TX	17,298	57%
Port of Roma, TX	13,140	83%
Port of Naco, AZ	7,650	85%
Port of Presidio, TX	6,883	38%
Port of Columbus, NM	4,013	85%
Port of Lukeville, AZ	3,723	Not Available
Port of Sasabe, AZ	1,844	100%
Port of Andrade, CA	Not Available	Not Available
Port of Fabens, TX**	Not Available	Not Available
Total	3,913,388	
* Loaded and empty/bobtail trucks		
¹ Includes Laredo World Trade Bridge and Colombia Solidarity Bridge		
² Includes Bridge of the Americas and Ysleta-Zaragoza Bridge		
³ Includes Veterans International Bridge and Los Indios Bridge		
** Light trucks only - not a full-service commercial crossing		

Source: U.S. General Accounting Office

Exit Inspection – U.S. Customs

The final inspection at U.S. ports of entry occurs at the exit gate (Figure B-1, Point 19). Customs agents review documentation to ensure that all required inspections have been performed and that the driver, truck, and cargo have been cleared to enter the United States. Exit inspections are normally completed in a matter of seconds although limited exit booth capacity and poorly designed egress routes result in the formation of exit queues at some crossings.

U.S. Long-haul Carrier

Once released from the U.S. port of entry, shipments destined for plants, warehouses, or distribution centers in the U.S. commercial zone are delivered. Trailers with final destinations beyond the commercial zone are taken to a U.S. long-haul carrier's border depot (Figure B-1, Point 20). The U.S. carrier or customs broker notifies the importer of the shipment's arrival in the United States (Figure B-1, Point 21), and final delivery of the cargo is arranged (Figure B-1, Point 22). Transit times for the U.S. inland portion of the international movement generally range from a few hours to several days, depending on the final destination and the urgency of the shipment. The U.S. customs broker currently prepares the domestic bill of lading for this movement (Figure B-1, Point 23). A NAFTA bill of lading scheduled to be introduced in 2002/2003 proposes to replace multiple domestic bills of lading for North American shipments. Truck traffic circulating in the U.S. may be subject to weigh station exams, Immigration and Naturalization Service checkpoints or State DOT and DPS roadside inspections (Figure B-1, Point 24).

U.S. Consignee

The U.S. consignee's receipt of goods at destination concludes the northbound movement (Figure B-1, Point 25).

REFERENCES

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- v* Mead, K. M. Testimony Before the United States Committee on Appropriations, Subcommittee on Transportation on the Implementation of Commercial Motor Carrier Safety Requirements at the U.S.-Mexico Border. June 27, 2002. <http://commerce.senate.gov/hearings/062702mead.pdf>. Accessed on July 8, 2002.
- vi* Conversation with USDA Port Director and Supervisor, Nogales, Arizona, March 20, 2002.