

Transportation Border Working Group

**October 20, 2004
Delta Bow Valley Inn
Calgary, Alberta**

**W.E. (Bill) Williams, CTB
Certified Transportation Broker
President & General Manager
Canada First Logistics Ltd
Calgary, Alberta
US Operating Authority MC 432743 B**

Ladies and Gentlemen, thank you for the opportunity of addressing you with some of my observations about operating across the United States/Canada border.

As a Transportation Freight Broker, I consider that generally, crossing the border in either direction works well either with both Immigration and Customs. In fact, over the past few years that even though there have been many changes, the truckers we hire seem to have less problems that they may have had 5 years ago.

The issues I see are more in the safety and lack of enforcement of current operation authority & regulation areas.

I would suggest that a review be made of the following subjects:

1. **Hours of Service regulations for highway drivers are consistently being disregarded and I believe that the general public has no idea** what is going on, because if they did our politicians would hear about it daily.
 - There is not a week goes by that I don't observe drivers who appear to be working well beyond what is regulated in Hours of Service in either the United States or Canada. Changes for the better in this area mean nothing if not fully enforced.
 - It is simply impossible to cover the number of miles some drivers do in a week and be doing it legally.
 - I have had drivers tell me that if they did not operate illegally by going beyond the allowed hours of service, they would not be able to make the payments on their trucks.
 - There are companies who knowingly allow these drivers to operate unsafe. Irrespective of what most people think, there does not appear to be much control on those drivers who persist in risking themselves and the public on our highways.
 - And yes, I am aware of the larger group of trucking companies and drivers who continually operate within safe standards.

2. If monitoring drivers is too onerous for our regulatory manpower, then why not consider the use of computer technology and install bar codes on the doors of every truck that crosses the USA/Canada border.

- Let computers ask the question whether the truck they are monitoring has operated with legal work hours.
- Shipping documents will indicate where the truck is going to or coming from.
- I suggest that all truck inspection stations be equipped with bar code equipment and then these trucks can be monitored all across the United States and Canada.

3. With the exception of the Province of Ontario, there is no monitoring of Canadian Freight Brokers with offices in Canada.

- Ontario requires Freight Brokers with offices in the Province of Ontario, to register and obtain a Freight Broker Certificate from the Province.
- There are no operating authorities required to operate as a Freight Broker within other areas of Canada.
- The Federal Highway Administration (FHWA) in the United States require Freight Brokers who operate within the United States and/or in and out of the country crossing the USA/Canada border to have United States authorities.
- For an example a trucking company who has truck operating authority and wants to broker a load that might be in excess of their own equipment capacity must have a Freight Broker authority as well as a Truck Authority.
- The issue I have is that there literally 100's if not thousands of truckers who operate illegally with no Freight Broker authority and broker freight. In fact, there are also many Freight Brokers in Canada who operate without the required operating authority to handle freight between our two countries and some in fact broker loads within the United States by inter-stating without authority.
- Simply stated, we have current laws that are consistently being flagrantly disregarded, with little or no impunity to be expected.
- There appears to be a feeling that if the FHWA does not intent on enforcing the authority issue, why spend the time and money to get authorities that are not enforced anyways. I have heard it said that if you do operate without the required authorities and get caught, all you get is a polite letter saying please apply for authorities and no one follows up anyways.
- If there is no intent to enforce existing regulations, why do we continue to have them.
- **As a legal operating Freight Broker, I would welcome the opportunity to operate with costs that are on the same basis of my illegal competitors.**
- I know that my trucking company friends who operate legally with both Hours of Service for their drivers and with Freight Broker authorities as required, would also like to see the rules enforced.
- There are many Canadian Freight Brokers with offices in Canada operating legally in the United States and I compliment them for doing so.
- Many Freight Brokers in both the United States and Canada have joined The Transportation Intermediaries Association of Alexandria, Virginia to gain recognition for the professional aspects of their business'.