

## **Teleconference Summary TBWG Policy Research Subcommittee September 29, 2005, 11:00 A.M. ET**

### In on the call:

Wayne Sauer, Janice Baird, **Canada Border Services Agency**; Walter Steeves, **Eastern Border Transportation Coalition**; Dave Henry, **Ministère des Transports, Quebec**; Isabelle Trepanier, **Transport Canada**; Nena Morgan, Stephen Tzikas, & Jason Schmelz, **U.S. Customs & Border Protection**; Jill Hochman, Henry Nevares, Alicia Nolan, & Roger Petzold; **U.S Federal Highway Administration**; Paul Storer, **Western Washington University, Border Policy Research Institute**; Hugh Conroy, **Whatcom Council of Governments**.

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Hugh Conroy started the discussion with roll-call and a review of the agenda.

- 1) Roll call
- 2) Review of agenda
  - a) Additions?
- 3) Any quick, policy-related news items from participants.
  - a) U.S. Federal Register notice on WHTI
- 4) Review of TBWG draft agenda for November.
- 5) Draft policy map – review, feedback (sent out by e-mail)
- 6) Deliverables for November TBWG meeting (Toronto)
- 7) Next steps and next telephone call.

### Policy updates:

Isabelle Trepanier noted that Canadian Parliament has introduced legislation in the House which includes provisions for Canadian jurisdiction's participation in and development of improvements to new and existing international bridges. Provisions cover involvement by provinces. There are similarities to the U.S. Presidential Permit process. Isabelle Trepanier will send Hugh Conroy a link to the proposal.

### **U.S. Western Hemisphere Travel Initiative (WHTI)**

Hugh Conroy referred to the item on the agenda noting that, since the last Policy Subcommittee conference call, the U.S. Department of Homeland Security and the U.S. Department of State, on September 1, jointly issued an advanced notice of proposed rulemaking (ANPRM) in the U.S. Federal Register.

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-17533.pdf>

The notice calls for feedback on proposed rules and operational formats as well as on broader impacts of the legislation. Feedback is due to the offices listed in the notice by October 31.

Hugh Conroy suggested that, since feedback is being submitted to a public docket that will close a little over a week prior to the November TBWG plenary meeting, a review of the major themes contained in feedback might be a timely subject to cover during the Policy Group's break-out session in Toronto. Steve Tzikas offered assistance here as a format for a summary and discussion takes shape.

Walter Steeves noted that the Eastern Border Trade Coalition has already submitted feedback to the docket. Looking quickly at the corresponding docket website<sup>1</sup>, Walter Steeves reported that there were currently 65 documented responses to the ANPRM.

Isabelle Trepanier mentioned that the State of Michigan has submitted a proposal that a secure state driver's license be developed and accepted as sufficient ID for cross-border travel. Roger Petzold added that the (U.S.?) American Association of Motor Vehicle Associations has responded in opposition to Michigan's proposal.

Paul Storer informed the group that Western Washington University is hosting an experts' meeting on the WHTI on October 21. The meeting is sponsored by the Canadian Department of Foreign Affairs. Paul Storer also mentioned connections between responses to WHTI and the also-recent U.S. REAL-ID Act that pushes states to move towards more secure drivers' licenses that contain information on citizenship.

Walter Steeves noted that provinces are also very interested in implications of the REAL-ID Act.

Roger Petzold mentioned the use of the Border Crossing Card (BCC or "laser visa") on the U.S.-Mexico border and the expectation that such technology will be considered as a means of complying with WHTI.

Isabelle Trepanier noted that provinces are also concerned about WHTI.

#### **SAFETEA-LU**

Jill Hochman reported that U.S. FHWA is soon to release additional information for use by FHWA Division Offices (state offices) in administering the [SAFETEA-LU Coordinated Border Infrastructure Program](#).

#### **Review of draft agenda for November 8-10 TBWG meeting in Toronto**

Hugh Conroy went through the draft agenda circulated to all TBWG participants on September 14 noting items of more interest to the Policy Subcommittee: the Security and Prosperity Partnership, SAFETEA-LU, the Policy Subcommittee day-two update, and the Policy Subcommittee day-three breakout session.

Hugh Conroy asked the group what topics they would like to be presented to the full TBWG during our short update on day two. Hugh Conroy suggested that we give a brief overview of how we've formed and what we've done since the last plenary. In addition, we could, as was suggested on the last conference call, briefly introduce the policy map. *(If you have any additional ideas or thoughts on what we should accomplish with this time on the agenda, please send them along: [hugh@wcog.org](mailto:hugh@wcog.org)– thank you.)*

Recounting that this subcommittee has submitted some draft-revisions to the TBWG Steering Committee for consideration as changes to the existing Policy sections of the TBWG Action Plan, Hugh Conroy asked if Policy Subcommittee members who also sit on the Steering Committee could give an update on the status of the Steering Committee's work on reviewing the proposed edits and finalizing the Action Plan.

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<sup>1</sup> The docket website is [www.regulations.gov](http://www.regulations.gov). The docket number for comments on WHTI is **USCBP-2005-0005**. As of today, (9/29/05) the links to individual feedback were not working (in Internet Explorer nor in Mozilla Firefox). I submitted a request for technical intervention via regulation.gov's tech-help form.

Isabelle Trepanier explained, and Jill Hochman concurred, that a revised Action Plan will be tabled for the full group's review and possible approval during the first day under the Washington/Ottawa Update agenda item.

Hugh Conroy noted that he would make sure to coordinate and cross-reference Policy Group comments regarding the Action Plan with the material presented by the Steering Committee and TBWG Co-Chairs.

Hugh Conroy asked the subcommittee for suggestions of items they would like to discuss or work on during the day-three session.

Isabelle Trepanier noted that the session would probably attract many who have not participated with the Policy Subcommittee up until now. Thus, we should realize that sufficient background will need to be given and that products, such as the policy map, will require overview.

Hugh Conroy restated comments that the day-three session would be a good time to cover summarized feedback sent into the U.S. docket on the WHTI.

*(If you have any additional ideas or thoughts on what you want to accomplish during the Policy Subcommittee's one-hour and forty-five-minute session, please let me know: [hugh@wcog.org](mailto:hugh@wcog.org) – Thank you.)*

### Draft policy map

Hugh Conroy, referring the document sent via e-mail, went over the format and contents of the draft policy map

Hugh Conroy indicated that it is not his intention that the policy map be highly detailed such as the cross-border ITS architecture. Rather, the hope is for the map to serve TBWG as an aid in identifying and prioritizing work on improving delivery of Action Plan items.

The policy map is a visual aid that introduces an identified objective in terms of 1) which TBWG Action Plan items support pursuit of the objective and 2) which categories of U.S., Canadian, State, and Provincial law and corresponding regulations currently affect how the objective is pursued.

The distributed draft policy map also portrayed a less-developed layout of a subsequent mapping step: moving from the broad categories to specific citations of law and regulations found to relate to a specific objective. Jill Hochman noted that it is important to focus narrowly on the specific objective being assessed when listing out related laws and regulations. This will be stressed. In addition, Jill Hochman noted that, with any subsequent assessments involving an inventory of relevant laws and regulations, it will be critical to include state and provincial laws and regulations.

Steve Tzikas indicated his support for the policy map noting that it should be the kind of assessment that agencies conduct before they move ahead with various initiatives.

Henry Nevares added that there needs to be an entity that provides “glue” between the entities involved and that the policy map could be an important mechanism for helping meet that need.

Hugh Conroy reviewed the two, example actions portrayed on the policy map 1) development of a regional communications protocol for emergency border closures and/or closures of border-approach highways and 2) development of more standardized approaches to cross-border ITS system maintenance. Shown on the draft map are [assumed] connections to legal and regulatory

issues including: cross-border agreements, construction requirements, labor rules, and emergency response planning requirements.

Roger Petzold suggested involving Pedro Erviti from the U.S. Department of State, especially on the topic of sources of authority for entering into cross-border agreements.

Isabelle Trepanier, speaking about the example policy assessment involving standardized cross-border ITS system maintenance procedures, reported that the Peace Bridge has recently reached an agreement enabling bridge workers to work on both sides of the bridge.

Isabelle Trepanier noted that, at the November meeting, other TBWG participants should be encouraged to work on policy-assessments.

Henry Nevares asked if international office staff or counsel has been involved in reviewing any of this material. Roger Petzold and Jill Hochman responded that they have not because there has not been a specific issue in need of addressing.

Hugh Conroy mentioned that there are some sections of law [at least U.S. law] that make more general accommodations such as for the formation of “international organizations.” This was brought up more as an example of potentially broad issues that might merit detailed dialog as opposed to a specific “matter” requiring referral to counsel. Hugh Conroy mentioned he would send out a few links to example citations.

*(If you have any additional feedback or any suggested changes to the draft policy map, please send them along: [hugh@wcog.org](mailto:hugh@wcog.org) Thank you.)*

### Next steps, next call

Isabelle Trepanier will send Hugh Conroy the Michigan ID proposal submitted to the WHTI docket.

Hugh Conroy will send out follow-up materials: this summary, link to the WHTI ANPRM (above), some sample citations from potentially pertinent sections of law, a revised draft policy map, and a draft agenda for the Policy Subcommittee’s TBWG session on November 10 in Toronto.

It was agreed that the next conference call will be on **October 19 at 1:00 P.M. Eastern Time.**

**Note:** a different call-in number will be provided in advance of the call

### Adjourn

The meeting ended at 9:00 A.M. Pacific Time.