

**Meeting Summary**  
**TBWG Policy & Research Subcommittee**  
**November 10, 2005, 8:30 A.M. – 10:15 A.M., Toronto, Ontario, Canada**

Attendance: *(From memory. Signup sheet lost. Please advise of needed corrections)*

Simon Leung, **British Columbia Ministry of Transportation**; Wayne Sauer, **Canada Border Services Agency**; Walter Steeves, **Eastern Border Transportation Coalition**; Benoit Cayouette, **Ministere des Transports du Quebec**; Margaret Grant-McGivney, **New Brunswick Department of Transportation**; Gerard Cioffi & Brian Kirch, **New York State Department of Transportation**; Rob Tardif, **Ontario Ministry of Transportation**; Michael Makowsky, **Saskatchewan Highways & Transportation**; Paul Arvanitidis, Petar Duvnjak, Mimi Sukhdeo, & Isabelle Trepanier, **Transport Canada**; Stephen Tzikas, **U.S. Customs & Border Protection**; Pedro Gustavo Erviti, **U.S. Department of State**; Michael Avery, Jill Hochman, Henry Nevares, Alicia Nolan, & Roger Petzold; **U.S Federal Highway Administration**; David Williams, **US-VISIT Program**; Hugh Conroy & Gordon Rogers, **Whatcom Council of Governments**.

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Hugh Conroy began the meeting with a review of the agenda:

1. Introduction & review of agenda.
2. Background: Why policy assessment is sometimes needed to advance the TBWG Mission and Action Plan.
  - a. Review of TBWG's mandates and the corresponding need to assess the associated policies of each country.
3. The Policy Subcommittee's Issues and Status list – review of specific work items identified by subcommittee members and discussion of status and next steps.
  - a. Update: Developing a policy map to structure and document policy assessments. Example applications include: a border-closure communications protocol and cross-border ITS maintenance agreements.
4. Western Hemisphere Travel Initiative (WHTI) update and discussion
  - a. Background
  - b. The recent and ongoing post-legislative process.
  - c. Implications for the TBWG Action Plan.
5. Wrap up.

Background:

As expected, this subcommittee meeting was widely attended (beyond the Policy Subcommittee participants). Therefore, to begin, Hugh Conroy gave an overview of why TBWG work on policy issues was identified as a priority.

The Issues and Status List:

The TBWG Action Plan breaks out the Policy Action into four purposes. Hugh Conroy introduced a one-page summary table of more specific issues that the Policy Subcommittee has identified and organized under the four, "purpose" categories. Other information on the summary includes: the related Action Plan objective(s) for each issue and the acting entity with regard to each "purpose" (Full TBWG, Policy subcommittee, or outside entities).

Jerry Cioffi asked how this approach was different from what the whole TBWG was set up to do. Hugh Conroy answered that the policy subcommittee is looking more narrowly at the need to assess laws and regulations in pursuit of the other Action Plan items, and thus intends to support these broader initiatives (Planning and Programming, Technology/BIFA).

[**Chair's note:** In retrospect, a better answer to this good question would have first noted that the formation of the Policy Subcommittee is one result of having added *policy* to the Action Plan. Policy was added to TBWG's plan to acknowledge that differences and similarities in U.S. and Canadian laws and regulations often need to be identified and understood as part of advancing the overall TBWG agenda. Thus, the most basic purpose under the policy Action, "Purpose 1," is attributed to the full TBWG, rather than to the Policy Subcommittee. The restated qualification then is, yes, the addition of policy is intended to help do what the whole TBWG was set up to do. The formation of the Policy Subcommittee is aimed at a specific type of support-task as described.]

Benoit Cayouette asked the group, who is assessing duplication of effort with regard to the U.S.-Canada-Mexico Security and Prosperity Partnership? (don't have good notes on responses to this)

Isabelle Trepanier noted that she has received e-mail about **universities** interested in conducting research of potential interest to TBWG.

Benoit Cayouette noted an interest in **labor-issues regarding cross-border maintenance** of ITS systems. Margaret Grant-McGivney agreed that, with the current needs to move labor back and forth, there is an opportunity to clear up some issues for the future. Isabelle Trepanier acknowledged that an international-worker status exists for employees at the Peace Bridge. Roger Petzold explained that Peace Bridge is an independent Bridge Authority rather than a state or provincial agency. It was suggested that the example of **cross-border snow-plowing** be "added to the list" (as an illustrative example of how policies can perhaps be better aligned to accord with the needs and practices that already exist in some form?)

Roger Petzold raised the related issue of **contracting for services**: a need to better define or understand how our two countries' and states' and provinces' laws and rules combine to affect the way that binational advertisements for government contracting can proceed.

[**Chair's note:** Some interest was mentioned in earlier conference calls in a case studies of British Columbia-Washington border projects that have encountered and worked through similar issues. This could, along with the evolving policy-map concept, be the beginning of a states/provinces/federal template for existing regulations for priority issues identified by TBWG members.]

Benoit Cayouette raised another practical issue: securing the ability to post **construction warning signs** sufficiently up the traffic stream in cases when the optimal location for this is in the other country.

It was emphasized that, with regard to international (U.S.-Canada) **bridges**, these issues are magnified, more complex, and in need of review and optimization. Margaret Grant-McGivney noted the specific issue of **taxation on joint bridge-construction projects** and the competitive disadvantages resulting from the current regulations.

It was suggested that a compendium of policy solutions might be assembled.

Someone stated a need for policy synchronization for U.S.-Canada **passenger rail**.

Discussion turned to the topic of **shared facilities**. It was suggested that one piece of that large issue be parsed out on the policy map as a first step (no notes on what specific aspect was talked about). Benoit Cayouette asked if shared facilities was a transportation issue.

(Sketchy notes indicate that Steve Tzikas and Wayne Sauer mentioned some amount of ongoing work at CBP and CBSA on the policy options surrounding joint facilities.)

Dave Williams (U.S. VISIT) answered (referring to Benoit's question above) that his agency is looking at transportation and inspection separately. "Our [U.S. VISIT's] intent is to segregate the traffic." Dave Williams emphasized that they work on both transportation and inspection to accomplish this.

There was consensus to remove the "critical infrastructure" issue from the Issue and Status list.

### Western Hemisphere Travel Initiative:

Hugh Conroy restated that the purpose for discussion of the U.S. WHTI among at the TBWG is not, like the current open comment period on this pending regulation, to solicit and record feedback on the initiative itself. Rather, the hope is to ensure TBWG has up-to-date information on what is under consideration and jointly consider how implementation of WHTI may affect how TBWG pursues its Action Plan.

**Chair's note:** a look though the Action Plan illuminates several questions that WHTI implementation could raise. Here's an example list organized by TBWG Action Plan Objective.

#### **PLANNING AND PROGRAMMING**

- Will FAST cards be acceptable? If not, what is the percent of truck drivers without FAST cards and what will they need to cross the border?
- Cross-border Data Subcommittee: Are there data that should be collected to help monitor impact and future performance? Might there be data byproducts from evolving operations/ ID requirements (i.e. vehicle occupancy?).
- Planning for changes to infrastructure, IT hardware, and transborder operations could be needed to implement WHTI (Additional "NEXUS" lanes, more antennas, enrollment centers?).

#### **POLICY**

- Worth noting, at this point, WHTI is not a binational initiative (though, at the U.S. Canada border, implementation will affect significantly more Canadians than U.S. citizens).
- Agency representatives have alluded to dialogue between the United States and Canada regarding how each country could work towards standardization of its respective travel documents to facilitate a new ID requirement. To the extent this could be integrated with evolving U.S. driver-licensing laws, as some have suggested, multiple agencies would benefit from a better policy inventory surrounding this initiative and its effects.
- Need for traveler information and education?
- Implications for NEXUS which is already a binational program.

#### **POLICY**

- The Policy Subgroup can stay attuned to research on estimated (and later, observed) WHTI-related impacts on travel.

#### **TECHNOLOGY (BORDER INFORMATION FLOW ARCHITECTURE -- BIFA)**

- Inasmuch as optimized introduction of a U.S.-Canada-Mexico North American identification could rely on good information technology and underlying, institutional coordination, the quality-assurance benefits of incorporating WHTI objectives and logistics into the BIFA should be pursued.

Dave Williams opened by reviewing the intent of WHTI. The desire is to develop a standard and secure travel document, to avoid creation of multiple documents, and to improve the citizenship adjudication process. Dave also mentioned the need for the system to verify that the ID is being used by the person it was issued to. Essentially, “beef up” the inspection process while improving facilitation.

Pedro Erviti reported that the U.S. State Department [the U.S. federal agency “co-sponsor” of WHTI] has found it very difficult to develop a “passport ID card” with a radio-frequency (RF) capability (like the NEXUS and FAST cards). Pedro Erviti explained that this is because rules prevent the agency(ies?) from procuring RF technology from one company. (Not clear if RF components are only available from one company at this time or if the production scenario under review requires that only one company manufacture all cards and that this is the problem).

Pedro Erviti mentioned the resulting possibility that the company who manufactures the FAST cards could help develop an interim card.

Dave Williams added that the U.S. VISIT program envisions more lanes with RF (or similar) capabilities.

Notions of increasing amounts of traffic segregation and implied needs for infrastructure raised funding concerns from Benoit Cayouette. He noted that provinces and states are still looking for ways to pay for and build NEXUS and FAST lanes.

The possibility was mentioned that, in order to comply with the WHTI deadline of December 31, 2007, the U.S. agencies will issue “dumb cards.”