

Attendees

Wayne Sauer, **Canada Border Services Agency**; Walter Steeves, **Eastern Border Transportation Coalition**; Dave Henry, **Ministry of Transport Quebec**; Mike Makowsky, **Saskatchewan Highways & Transportation**; Tony Shallow, Isabelle Trepanier, Allan Wilson, **Transport Canada**; Steve Sansbury, **U.S. Customs & Border Protection**; Michael Avery, Alicia Nolan, **U.S. Federal Highway Administration**; David Davidson, **Western Washington University, Border Policy Research Institute**; Hugh Conroy, **Whatcom Council of Governments**.

Agenda

1. Review of [issues & status list](#).
2. Any follow-up on the pooled-fund economic-impact study scope (discussed on the last call).
3. An overview of recent developments with a Washington State pilot project, sanctioned by DHS, to test an enhanced driver's license's ability to satisfy US WHITI rules.
4. An overview of the corresponding efforts between Washington State and British Columbia to implement the above pilot as a coordinated, interoperable deployment.
5. Update on previous discussions regarding arrangements for cross-border ITS maintenance.
6. Update on development of a binational catalog of U.S.-Canada mechanisms used to structure cooperation and partnership.
7. Review of notable policy-research results (I don't have a list of these---I'm really asking the group to draw attention to recently completed efforts (by agencies, industry associations, universities, NGOs, others) that we should review and highlight for the TBWG as a whole).
8. Identification of additional policy research needs. (I am thinking of getting back to the idea of completing research on existing state and province laws that authorize, promote, or enable the formation of arrangements across the international border. BC and WA have some existing code that fits this description. Who might be interested in completing a similar review for the other border states and provinces?)
9. Agenda and structure for subcommittee meeting in Chicago on May 16.

Review of Issues and Status List

Hugh Conroy lead the committee through an item-by-item review of the issues and status list. The list is now being maintained as a Google spreadsheet and can be accessed at the link above.

Regarding issue 1.4, Michael Avery noted that shortsea shipping has not received much attention at TBWG. Hugh Conroy explained that the on a recent TBWG steering committee phone call, there was interest in inviting some discussion, at the Fall '08 TBWG meeting, of binational (or even trinational) shortsea shipping initiatives that can have an effect on cross-border transportation systems. [\[Follow-up: a link to the most recent trinational declaration on shortsea shipping is now included on the Issues and Status list\]](#)

Under "purpose 1," it was suggested that Canada's Asia-Pacific Gateway Strategy Initiative be listed as one of the developing policy areas of broad interest to the TBWG. [\[Follow-up: a link to Canada's Gateway Initiative website has been added to the Issues and Status list\]](#)

Regarding "purpose 2" in general, Michael Avery commented that there were several parallel policy initiatives cited in this section of the list. He asked if it would be helpful to link them to this document. [\[Follow-up: As indicated above, links to pertinent source-documents and other material have been included.\]](#)

Regarding item 2.8 – “compilation of policies affecting cross-border transit”—Tony Shallow reported that Transit Windsor, the agency that runs the cross-border transit between Detroit and Windsor, has had many new operational constraints placed on the cross-border route. Hugh asked if there was any interest in hearing from the transit operators on a future conference call.

Testing of enhanced drivers’ licenses for WHTI compliance

Wayne Sauer gave a review of CBSA’s involvement with efforts between Washington State and British Columbia to establish and promote an alternative, enhanced drivers’ license that will satisfy U.S. requirements as part of the Western Hemisphere Travel Initiative (WHTI). Wayne is currently leading Canada’s taskforce on WHTI and will be responsible for any effort by provinces.

On the BC initiative, CBSA has been working with Citizenship & Immigration Canada (CIC), Insurance Corporation of British Columbia (ICBC), and the BC Intergovernmental Relations office (IGR).

Wayne explained the origins of this effort as a BC-WA cooperative effort initiated by the Governor and Premier. Some backgrounders are available from the WA State website: <http://www.dol.wa.gov/about/news/priorities/borderCrossing.html>.

From Canada’s perspective, this regional effort is a possible way to deal with the new U.S. WHTI policy.

Wayne reviewed two phases of the work-to-date. For phase 1, Washington evaluated a hand-held document-reader device sold by a Washington State company called Mobilisa. CBSA chose not to participate in the Mobilisa testing. This system involves linkage with over 100 databases. Data control was a concern. In general, it wasn’t the type of system CBSA was interested in.

Phase 2 is focused on the development of the enhanced driver’s license.

As a general response to WHTI, Canada’s questions have been: How many people have passports? How will a new requirement affect trips to Canada? Canada has run simulation models to estimate the effect of new ID requirements on port-of-entry operations (more document checking, more referrals to secondary inspection, etc.). Model simulations show much longer backups. Wayne was not aware of any similar model runs performed by U.S. CBP.

The responses to WHTI that Canada is currently evaluating include 1) a Canadian passport card like the U.S. PassCard. 2) A Canadian electronic passport based on RFID like the U.S. passport. 3) The enhanced driver’s license – with an RFID capability, like US Department of Homeland Security has worked out with Washington. Canada wants to be able to read these documents in advance of the primary inspection booth.

The Washington pilot project is really more of an initial roll-out than a pilot test. The expectation is for the first enhanced drivers’ licenses to be ready for January 2008. The optional enhancements will add about \$15 to the price of a WA license.

CBSA recently conducted surveys of cross-border travelers at several large ports of entry (including Windsor, Peace Arch, and a few others I didn’t catch). Overall, travelers were already presenting passports at a rate of 57 percent. At Douglas and Pacific Highway, BC, the rate was 75 percent. Of the border-crossers recently surveyed, 65 percent of the Canadian residents have a valid passport and 72 percent of the U.S. residents do.

BC is looking at conducting an enhanced driver’s license pilot but, for the next year, it really will be a pilot. The test population will be limited to between 300 and 500 people. BC residents will be preferred. They will be getting an enhanced card. The interview will be much longer. Data connected to the driver’s license will be shared with U.S. authorities (Very similar to the NEXUS program). The price for the BC card hasn’t been decided yet. BC is conducting a

telephone survey. The BC test group will be able to use the card in both directions. The test period for BC will be 12 weeks.

Wayne mentioned how U.S. states are under additional requirements of the REAL ID Act. Provinces are making similar updates to identification at the provincial level, largely in response to ID theft.

Evaluation of the BC pilot towards a decision on long-term adoption will depend on a number of things. It looks to be a very expensive proposition. Ontario is looking at this type of ID program. Michigan had also been interested. Washington and British Columbia have taken it the farthest at this point. CBSA is working hard to ensure that the BC and WA project are aligned. There is a meeting scheduled for next week to ensure that each state and province evaluating and/or developing an enhanced license product is doing so under a uniform set of rules and similar evaluation criteria.

The U.S. Federal rule-making for WHTI land and sea modes will be out in May. It is expected that a generic accommodation of enhanced driver's licenses as acceptable "WHTI-ID" will be included.

CBSA also has an outreach group for the provinces as part of this effort.

Hugh Conroy asked if discussion of interoperability with NEXUS has been discussed as an outcome – the idea being that since a traveler's NEXUS record is queried for the inspector by the RF chip in the NEXUS card, there seems to be an opportunity to allow other RF-enabled ID cards (PassCard, Passport, and enhanced drivers' licenses) to be cross-listed with databases such as NEXUS. So, at the point in a NEXUS enrollment that a traveler would be issued a NEXUS card, they would instead have their Passport or enhanced driver's license associated with their NEXUS record. Since you have to have your driver's license with you when you drive, this would reduce the number of cards most NEXUS enrollees would have to carry with them on a regular basis. Wayne noted that the current NEXUS RF readers are "Gen I" RFID and that the standard being developed to for new passports, the PassCard, and the enhanced drivers' licenses is Gen II." A Gen II reader can read both kinds of cards but a Gen I reader would not be able to read the newer IDs. So, until all the U.S. and Canadian readers get changed over to Gen II, this wouldn't be possible.

Wayne mentioned that the driver's licenses will also include MRZ code so that they will be readable by the document readers that inspectors already have for passports.

Wayne mentioned other issues that are part of exploring the feasibility of these approaches: CESIS union issues, Canadian privacy issues, the question of whether a province can certify citizenship. This is being pursued under the Security and Prosperity Partnership (SPP 1.1.3).

Ontario and Michigan have made it clear that neither of them will proceed with an implementation effort unless both of them proceed.

Walter Steeves asked if CBSA would be accepting the WA enhanced license. Wayne said it would just be the same as it is today since Canada is not implementing any additional ID requirements. Part of the BC pilot will be to gain long-term acceptance by the U.S. of an enhanced provincial ID and CBSA will be working with BC (and other provinces) to help with that.

Isabelle Trepanier joined the call and mentioned that the BC & WA enhanced ID initiatives would be on the TBWG agenda in Chicago. Kathy Carroll will be representing CBSA and is including some coverage of this initiative in here discussion. Isabelle suggested that Wayne should consider attending Chicago, too. Wayne said he would look over the agenda and check his schedule. Wayne asked for a copy of the agenda.

[Comment: Much of the activity surrounding WHTI is agency-specific (all the aspects of implementing the existing law being handled by U.S. DHS and US DOS) or political (the various efforts to change aspects of the law). Some of the concerns that have arisen about the binational implications of WHTI—such as document standards and interoperability that would support optional development of a Canadian alternative to the passport—have been reported on in very vague terms making it very difficult to gauge the status of any arrangement that might be in place by 2008. As a result, TBWG has been in listening-mode on this issue.

Two themes came up in this discussion that seem particularly relevant to the TBWG mission and potentially able to benefit from the TBWG structure.

- 1) Wayne noted that CBSA is taking an interest in ensuring that the BC and the WA enhanced license products are aligned (And I assume US DHS and CBP – who have sanctioned the WA effort—have similar interests.) But to the extent that the two federal border inspection agencies are involved along with border states and provinces and their respective licensing agencies, there is perhaps a supportive role for TBWG to play.
- 2) Wayne pointed out that, in the Ontario – Michigan case, that state and province have stated that they will only proceed if both do. This sounds like a need for an agreement of some kind (an arrangement) between Michigan and Ontario. This relates to our subcommittee's work on the "catalog of instruments" which could shed light on what Michigan and Ontario might use to document their shared intention and give each other the assurance and predictability they need to allocate resources more responsibly.]

Continuing work on cross-border arrangements

Hugh Conroy reported recent discussions and e-mail with sub committee member Ted Mackay from the Canadian Embassy. Since sending out some initial documentation listing different examples of U.S.-Canada cross-border mechanisms, Hugh and Ted have discussed the need to develop a more specific problem-definition and put it in terms of arrangement-needs that TBWG has today. Hugh will take some next steps on this with Ted, Pedro Erviti, so that we have another draft to review for Chicago.

New policy research and emerging research needs

David Davidson reviewed an initiative of the U.S. Department of Homeland Security – a broad agency announcement requesting proposals from university consortia to apply for funding to form a center-of-excellence for border security and integration. David noted that many of the issues we reviewed off our Issues and Status List line right up with objectives of this program. Western Washington University has joined other schools in making an application. May 30 is the deadline. The selected consortium will start in January and have six years of funded research. Isabelle asked for a link to more information. David said he would send that to Hugh. [Follow-up: David sent the application packet and it is attached to same e-mail that this summary was attached to].

Agenda and policy group meeting plan for Chicago

Hugh noted that, so far, 10 people are confirmed to attend the policy subcommittee meeting on Wednesday, May 15 (including Isabelle and Allan). A draft list of agenda items was distributed prior to this call:

- Review and prepare the cross-border mechanisms document as appropriate and possible.
 - Identify and discuss a couple of scenarios in which this resource would be used.
- Development of a work-plan(s) for one or two items on the Issues & Status list that would result in the next deliverable and/or coverage of the issue for the whole TBWG at the next (fall) meeting.
 - U.S.-Canada (& Mexico) policy-review of short-sea shipping (along with the broader issue of how intermodal policy applies to border operations).

- Perhaps if the FMCSA representative/consultant is available, they can participate and discuss in greater detail how they are cataloging and analyzing both country's federal, state, and province regulations as part of the broader Canadian Issues Project.

Continuing feedback on the agenda is encouraged prior to the Chicago meeting. A more formal agenda will be distributed to the committee in advance of the meeting.

If you have not already done so, please let Hugh know (hugh@wcog.org) if you plan on attending the May 16 subcommittee meeting, 1-3 PM.

Next conference call

At this point the committee agreed that we don't need another conference call prior to the May 16 meeting in Chicago.