

## **Attendees**

Dana Mc Bain, Stuart Carre, **Department of Foreign Affairs & International Trade (Canada)**; Dave Henry, **Ministère des Transports du Québec**; John Reed, **New York State Department of Transportation**; Mike Makowsky, **Saskatchewan Highways & Transportation**; Patricia Towe, **Transport Canada**; David Franklin, Roger Petzold, **U.S. Federal Highway Administration**; Eleanore Fox, **U.S. Department of State**; David Davidson, **WWU Border Policy Research Institute**; Hugh Conroy, **Whatcom Council of Governments**.

## **Agenda**

The following agenda was circulated prior to the meeting.

- 1) Pre-clearance—especially rail pre-clearance since it has been the subject of more recent discussions and contingent facility funding is budgeted by Amtrak (for Vancouver).  
(John Reed, NYDOT will likely have feedback from a US CBP rail inspections meeting he is participating in.)
- 2) Goal of FAST harmonization – called out specifically in the Napolitano-Van Loan press-release last November.  
[http://www.dhs.gov/ynews/releases/pr\\_1259080420061.shtm](http://www.dhs.gov/ynews/releases/pr_1259080420061.shtm)
- 3) Formation of a U.S. Transborder Interagency Policy Committee.
- 4) Policy co-chairs follow-up on action items identified last October in Winnipeg.
  - a) Report to co-chairs
    - i) TBWG mission statement proposed revision (Attached separately)
    - ii) Communicating successes
    - iii) Improving connection to border-oriented executive policy dialogue.
    - iv) Advancing a couple of actions using the above strategies.
      - (1) Freight data
      - (2) Cost sharing protocol
- 5) Topics to cover at the Policy Subcommittee's 45-minute session on April 13.
- 6) New research to share.
- 7) Policy subcommittee objectives to add / update the TBWG *Action Plan*
- 8) Other topics as you may suggest....

## **Update on recent meeting on cross-border rail**

John Reed reported on his participation in a February 24 teleconference held with US Department of Homeland Security and US Customs and Border Protection. CBP is responding to a U.S. legislative requirement to prepare a report to congress on improving cross-border inspection processes for intercity passenger rail (sections 563 & 568 of H.R. 2892 as amended by the Senate). This specific legislation calls out international rail routes with Ontario and Quebec.

It was John's sense that CBP's approach to the report is narrow relative to the work undertaken by all parties over the last 10-15 years.

Canada Border Services Agency (CBSA) has indicated a requirement for the construction of a new passenger rail inspection facility at the border where passengers would be taken off the train.

**TBWG policy subgroup**  
**Teleconference summary**  
**March 9, 2010, 11-12 PST**

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John noted that there are some additional discussions planned with Amtrak before drafting the report and submitting a final report.

Hugh Conroy noted that much of this discussion seems to be relative to the rail operations in New York – Ontario and Vermont – Quebec regions. Previous legislation with similar requirements for multi-agency consultations regarding cross-border rail inspection (U.S Public Law 110-53 121 Stat. 450), had a geographic reference to the Amtrak Cascades service between Vancouver, BC and Washington State.

The pieces of U.S. legislation dealing with cross-border rail inspections, not surprisingly, stem from regional interests. Perhaps influenced by references to those regions in the legislation, resulting agency discussions seem to have emphasized regional operations rather than border-wide assessments of both countries' shared interests in promoting intercity rail and on improving cross-border passenger clearance towards that end. Hugh suggested that there are a few related issues being discussed in the meetings reviewed by John—facilities, preclearance, state & province programs, etc. Hugh asked the group if it might be appropriate for TBWG, through this subcommittee, to develop a synthesis of these issues – the most pertinent binational, border-wide policy variables. With this synthesis, TBWG could provide a resource for agencies to *first* clarify the United States' and Canada's national policies and interests in process changes. If this proves useful, a next step would be to itemize the issues and challenges that each regional rail route has and present this information in the context of a binational policy overview.

John Reed thought this would be helpful. Eleanore Fox also commented that, within the U.S. State Department, there's interest in better information on the operational objectives at each of the passenger rail-crossings.

Stuart Carre commented that these kinds of steps [like rail pre-clearance] are not on the radar screen. If there were agreement on the desirability of changes like that, then the synthesis under discussion would be important.

Eleanore Fox added that current discussions are with respect to some specific locations on the West Coast where an immigration focused "pre-inspection" is conducted for passenger rail in Vancouver and ferries in Victoria. There is current attention towards improving the foundational agreement in support of those activities.

Hugh suggested he would work with certain members of the subcommittee to draft an outline of a cross-border passenger rail issue synthesis. This could be circulated within the full policy subcommittee and, depending on feedback, discussed during our session in Boston.

## **FAST**

Hugh noted that this item was a follow up on the ministerial dialogue that Deborah Meyers and Christopher Gregory discussed at the Winnipeg meeting. Following that meeting, Secretary Napolitano and Minister Van Loan announced various initiatives including an agreement to work towards harmonizing components of the FAST programs—specifically US CBP's Customs-Trade Partnership Against Terrorism (CTPAT) and Canada Border Services Agency's (CBSA) Customs Self Assessment.

Eleanore Fox commented that action on this initiative is somewhat dependent on adoption of commercial processing technology by Canada. Hugh mentioned that it was his sense that this had to do with electronic-manifest capability.

Hugh noted that this issue is also relevant to Washington State's work under US FHWA's Transportation Border Congestion Relief (TBCR) program. Agencies in the WA-BC region are interested in increasing use of the lanes and booths currently dedicated to the FAST programs. How greater program alignment between the U.S. and Canada may or may not increase the number of FAST-lane users is of great regional interest.

## **Formation of a U.S. Transborder Interagency Policy Committee**

Eleanore Fox and Roger Petzold supplied an overview of what has transpired since the October TBWG meeting. The U.S. Transborder Interagency Policy Committee (IPC) was formed primarily in response to changes on the U.S.-Mexico border. It does replace the Border Facilitation Working Group (BFWG) which lacked a clear reporting structure. Identification of a "sub IPC" for more dedicated treatment of U.S.-Canada border issues has not been done yet. Greg Nadeau, the FHWA Administrator, is the USDOT representative to the Transborder IPC. Mr. Nadeau's previous job as Deputy Administrator with the Maine DOT will be an asset for cross-border transportation discussions.

Hugh added that, as follow up to the policy subcommittee's discussion in October, we had agreed to continue looking for the most appropriate way to develop a connection between TBWG and the BFWG. So, with the U.S. government transition from a BFWG to a Transborder IPC, we are still waiting for more details about how to improve lines of communication.

Roger mentioned that the organizational chart for the Transborder IPC shows a connection between it and the TBWG.

Hugh asked if, given the org-chart connection, it would be appropriate to consider the IPC an appropriate, additional recipient of a passenger-rail issue synthesis discussed earlier. Roger felt that a technical paper would be good to share that way.

Hugh noted, that, inasmuch as the policy subcommittee is specifically interested in the evolution of the Transborder IPC in the U.S. and what corresponding framework might be identified in the Canadian government, there have been discussions among the TBWG Steering Committee about having an update from the U.S. DOS and the Canadian DFAIT at the Boston meeting. The point being that the policy group can defer coverage of this topic to whatever might be forthcoming in that presentation. Eleanore and Dana confirmed that they had received requests for this update and would be conferring to prepare details. The general notion is a similar format to what U.S. DHS and Public Safety Canada did in Winnipeg.

## **Follow-up on action items identified in Winnipeg**

Hugh reviewed the policy group discussion in Winnipeg which concluded that the policy group co-chairs would draft a report to TBWG co-chairs inclusive of three parts – a proposed revision to the mission statement, strategies for communicating TBWG successes, and identification of a couple of undertakings that could take advantage of the themes of state & provincial engagement and improved communication.

Hugh noted the e-mailed attachment of a proposed mission statement revision (also attached to the e-mail with this draft meeting summary). This proposal has been submitted to the Steering Committee for their feedback. Hugh asked the policy committee to review as well and submit comments. Any revisions can be considered prior to the Boston meeting and an updated proposal can be offered at the April plenary for additional feedback. Hugh suggested that if the revision is

acceptable to the broader membership, the Steering Committee can consider approving it (this sequence of events is itself contingent on the Steering Committee).

A report to the co-chairs will suggest one or two issues for TBWG to undertake. Ideas still include an assessment of cost-sharing procedures for binational projects and the nature of agreements for data sharing, especially freight data. This ties well with work to be conducted under the BIFA pilot project. Data sharing in general will likely receive attention in the upcoming Border Wait Time Working Group pilot projects.

## **Policy Subcommittee – Meeting time in Boston.**

Hugh noted that the subcommittee has 45 minutes on the Boston agenda [9:45 – 10:30, April 13]. Two ideas to for items to discuss are the expected draft report to the co-chairs and a proposed outline of a cross-border passenger rail issues synthesis.

## **Additions to the Policy Subcommittee section of the TBWG Action Plan**

Hugh noted the Steering Committee's ongoing work to keep the Action Plan up to date and asked for feedback on what action items might be added under the Policy section. Hugh suggested the passenger rail issues synthesis (pending additional discussion). Similarly, a review of cost-sharing processes might be added.

Hugh asked if other state-province pairs, like British Columbia and Washington, were undertaking structured dialog and agreements on cross-border cooperation on issues of shared interest (including but not limited to transportation) – and if so, was there any interest among policy group members in this as a trend, etc.

Mike Makowsky explained that Saskatchewan and Montana have a scheduled annual meeting between state and provincial legislators focused on such items as the coordination of investments in border infrastructure. This has been relevant lately to issues surrounding border projects at Portal [on the border with North Dakota]. Hugh noted the interesting difference between a executive-to-executive format and a legislature-to-legislature format.

## **Additional issues**

Roger Petzold mentioned the recent US DOT TIGER awards pointing out a project selected on the U.S.-Canada border: \$20 million to the Blue Water Bridge Phase I.

## **Follow-up items**

- Subcommittee members will review the proposed mission statement revision and send any feedback to Hugh ([hugh@wcog.org](mailto:hugh@wcog.org)).
- Draft an outline of a cross-border passenger rail synthesis and circulate to the policy subcommittee for review.
- Circulate the draft report to co-chairs to the policy subcommittee prior to April.

Meeting adjourned.