

# The Federal Flyer

## Jeffords Decision Leads to Shift of Power in US Senate *Democrats Prepare to Take the Helm of Key Committees*

On May 24, 2001, **Senator James M. Jeffords** of Vermont, who in his twenty-four years in the Senate has never appeared on a Sunday talk show, made history and announced that he will leave the Republican Party to become an Independent. The Jeffords party switch becomes official on or about June 5, 2001. At that time, the special 50-50 power-sharing agreement that Republican leader **Trent Lott** (R - Mississippi) and Democratic leader **Tom Daschle** (D - South Dakota) previously struck will dissolve. The Senate will revert back to the organizational resolution in place during the 106<sup>th</sup> Congress, with the exception that Daschle will automatically become the Senate Majority Leader and all the chairmen of the Senate's 20 committees will switch from Republicans to Democrats. Until then freshman senators will be without committee assignments.

The new organizational resolution, which is currently being negotiated and is subject to a filibuster, will likely give Democrats one-seat majorities on all committees. The resolution is expected to leave unchanged the even split of staff and resources that had been agreed to under the 50-50 deal.

Democratic senators unofficially confirmed that the ranking Democrat on the Environment and Public Works Committee, Democratic Whip **Harry Reid** (D-Nevada), had committed to allowing Jeffords to become chairman of that committee, as Reid would be too busy with Whip responsibilities on the Senate floor to serve as chairman. Reid reportedly agreed to let Jeffords take the chairmanship of the committee, which has jurisdiction over the federal-aid highway program, as a reward for giving Democrats the majority.

With this new majority, Daschle promises to run the Senate the old-fashioned way: throw a bill on the floor, let all sides take a whack at it for a week or two -- hopefully not three -- and wrap it up late on a Thursday. This strategy requires the majority, particularly one with a 51-49 edge (since Jeffords will vote with the Democratic caucus), to take tough votes and to stick together. Whether this style of governing will prove to be more effective is still unclear. Most observers believe a long learning curve is expected as members of the Senate work out where they and their staffs should sit much less how the Floor is to be run. The general feeling is that Congress will still be in Washington over the Christmas break.

By leaving the GOP, Jeffords will strip his colleagues, including some close friends, of their chairmanships. Transportation-related committees will see key shifts in power. As mentioned above, Jeffords may be allowed to chair the Environment and Public Works Committee, currently led by Republican **Robert Smith** (New Hampshire). If not Jeffords or Reid, then the next highest ranking Democrat to lead the committee would be Florida Senator **Bob Graham**. The Transportation and Infrastructure Subcommittee, now led by **James Inhofe** (R - Oklahoma), would be led by Montana Senator **Max Baucus**. The Senate Commerce, Science, and Transportation Committee, which has jurisdiction over rail, aviation, and motor carrier issues, would shift leadership from **John McCain** (R - Arizona) to **Ernest Hollings** (D - South Carolina). Texas Senator **Kay Bailey Hutchison** (R) will lose the chairmanship of the Aviation Subcommittee, probably to **Jay Rockefeller** (D - West Virginia). Texas Senator **Phil Gramm** (R) will lose the chairmanship of the powerful Senate Banking, Housing, and Urban Affairs Committee, which has jurisdiction over transit issues. The new committee chairman will be **Paul Sarbanes** (D - Maryland). And finally, but perhaps most importantly, the Appropriations Committee will again be led by Senator **Robert Byrd** (D - West Virginia) and Washington Democrat **Patty Murray** will chair the Transportation Appropriations Subcommittee.



## Highways & Transit Subcommittee Visits CA & TX

### *Trip Reveals Need for Dedicated Inspection Facilities in Texas*

Four members and the staff of the U.S. House Committee on Transportation and Infrastructure's Subcommittee on Highways and Transit traveled to Otay Mesa, California, and Laredo, Texas in mid-May to see for themselves the status of motor carrier safety inspection facilities and operations along the U.S.-Mexico border. At Otay Mesa, a state-constructed and -operated motor carrier safety inspection facility, the subcommittee saw a complete inspection operation dedicated to motor carrier safety using a system of pre-clearance stickers for trucks inspected within the last 90 days.

In Laredo, where more than 40% of the U.S.-Mexico truck traffic crosses two bridges, the motor carrier safety inspection operations are much less effective due to limited space for inspection activities. Both the Federal Motor Carrier Safety Administration (FMCSA) and the Texas Department of Public Safety (DPS) have small areas within the US Customs inspection lots to conduct their safety inspections. And, when the bridges are very busy, Customs restricts the safety inspection activities even more. For this reason, the State of Texas has developed plans to construct inspection facilities adjacent to the bridges. However, the City of Laredo contends that construction of these facilities near the bridges will "create a truck stop" and harm the reliable flow of revenues from the bridges into the city coffers.



**Laredo Mayor Betty Flores** shared these concerns with the members of the subcommittee during their tour of the Laredo bridges. Laredo officials would prefer to work with Mexican officials to clear their trucks in Mexico before they reach the border. TxDOT and DPS presented an overview of the state's proposed inspection station concept for the committee. The state's preference is to construct these facilities at the 8 busiest crossings in Texas, at locations as close to the crossings as possible to prevent unsafe trucks from getting onto the Texas highway system without impeding the flow of commerce.

FMCSA, DPS, and TxDOT staff indicated their readiness to build and operate enhanced inspections facilities once additional federal funds become available. When DPS and TxDOT stated that it would take between 18 and 24 months to open the first of the proposed inspection facilities, committee members wondered what that would mean to public safety, considering that proposed rules would allow Mexican carriers to apply for authority to operate beyond the commercial zones as soon as January 2002. FMCSA officials responded that the agency does not anticipate a large increase in the number of Mexican trucks on US highways.

The FMCSA estimates that most Mexican motor carriers will choose to limit their operating authority to the existing commercial zones along the border, where some 9600 Mexican carriers currently have authority to operate. The reason for this expectation is that Mexican motor carriers have not yet established relationships with distributors beyond the commercial zones for backhaul loads (to take products back to Mexico) that will make a longer-haul, US access operation profitable. In the immediate future, FMCSA anticipates that some 3500 motor carriers will apply for operating authority beyond the commercial zones, and most of those will be in California, where carriers want access to the Port of Los Angeles. In Texas, FMCSA expects Mexican carriers to apply for authority to operate in the US for limited distances, say to San Antonio, Houston, or Dallas/Fort Worth. As the Mexican carriers establish business relationships within the United States, only then will we see any significant number of Mexican trucks outside the border region. In contrast, FMCSA regulates some 500,000 US interstate motor carriers throughout the United States.

The *Federal Flyer* is a publication of the TxDOT Legislative Affairs Office. It is intended to provide up-to-date information on major legislative activities in the 107th Congress for the management of the Texas Department of Transportation, state leaders, and others interested in Texas transportation issues. This report will also feature key activities in the national transportation community. Sources include news services and staff reports.

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