



# Arizona Department of Transportation

## Office of the Director

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano  
Governor

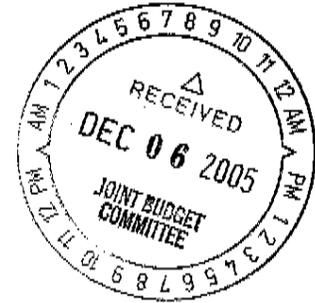
Victor M. Mendez  
Director

David P. Jankofsky  
Deputy Director

December 6, 2005

Ms. Monica Seymour, Deputy Director  
Governor's Office of Strategic Planning and Budgeting  
1700 West Washington, Suite 500  
Phoenix, AZ 85007

Mr. Stefan Shepherd, Assistant Director  
Joint Legislative Budget Committee  
1716 West Adams  
Phoenix AZ 85007



Dear Ms. Seymour and Mr. Shepherd:

The following is in response to the OSPB and JLBC recommendations contained in the final Strategic Program Area Review/Ports-of-Entry that accompanied your letter of November 29, 2005. We appreciate the opportunity to respond.

### Response to OSPB Recommendations:

**OSPB Recommendation #1:** *"The interagency agreements covering the collaborative efforts and joint operations between ADOT, DPS, and ADA should be continued. This will allow these agencies to further share resources while retaining their specialized enforcement roles and ensure the program's effectiveness. The program should also step up its statewide efforts to extend operational coverage at the ports and use weigh-in-motion mainline screening systems. These efforts will enable port clearance of safe and compliant carriers, improve customer service and reduce personnel resources at the fixed POE."*

**Agency Response:** ADOT agrees with the recommendation. In addition to our current agency partnerships with ADA and DPS, we all partner and share resources with other state and federal agencies, including: the Arizona Radiation Regulatory Agency, Arizona Department of Weights and Measures, Federal Motor Carrier Safety Administration (FMCSA), United States Border Protection, United States Customs and other local government entities. These added partners allow our agencies to better achieve agency specific goals and improve our program enforcement effectiveness without added personnel resources.

ADOT also agrees with the recommendation to step-up its statewide efforts to extend operational coverage at the ports and use weigh-in-motion mainline



Ms. Monica Seymour  
Mr. Stefan Shepherd  
December 6, 2005  
Page Two

screening systems. The use of technology is important to improve the program's overall effectiveness by reducing the number of trucks that the port staff would otherwise have to manually screen for mandated documents and safety compliance. Furthering the implementation of innovative technology applications will require initial resource investment in order to foster efficiencies, increase productivity and enable the program to increase its processing capacity.

**OSPB Recommendation #2:** *"The mobile inspection levels should be increased to complement the existing fixed POE network and to ensure a rigorous enforcement system. To meet state and federal expectations in preserving the highway infrastructure, the program should include an effective combination of fixed ports and mobile unity enforcement. There is presently a potential risk of losing substantial revenues, as motor carrier traveling within the State will likely to go unchecked and receipts uncollected."*

*"It remains important for MVD and ADA in particular, to continue to sustain vigilant enforcement efforts at the fixed ports of entry. These inspection systems are primarily designed to ensure compliance with Arizona entry requirements at the borders and to safeguard the agricultural industries and protect the enforcement by preventing non-compliant cargos from entering the state in the first place."*

*"The agencies should also jointly examine efficient ways to further realign POE structure and direct additional resources toward mobile enforcement operations to enhance interior inspections and detection."*

**Agency Response:** ADOT agrees with the recommendations. However, budgetary constraints and personnel shortages have prevented MVD from achieving this objective. Consequently, realigning resources to mobile enforcement can only happen by reducing fixed port coverage. Therefore, additional resources are critical for a successful mobile and fixed enforcement program.

ADOT is not the only agency in need of additional resources to implement a more comprehensive mobile enforcement program. In 2000, ADA and MVD developed plans to expand joint agency operations at other fixed ports and actively participate with DPS and MVD in intrastate mobile enforcement operations. During that same year, ADA advised MVD that due to the agency's budgetary constraints they were unable to expand their port presence and did not have the resources available to participate in mobile enforcement operations. More recently, ADA advised MVD that they have experienced additional budgetary reductions, which further prevents the agencies' ability to enhance.

Ms. Monica Seymour  
Mr. Stefan Shepherd  
December 6, 2005  
Page Three

joint agency interior inspections. However, to the extent possible, MVD will continue to assist ADA in the screening of agricultural carriers.

**OSPB Recommendation #3:** *"The program should step up its automation efforts and invest in innovative methods and proven infrastructure technologies to improve processing efficiencies."*

**Agency Response:** ADOT agrees with the recommendation. MVD has entered into a partnership with Help Inc. and currently utilizes PrePass™, as Arizona's electronic pre-clearance system, at seven of the major interstate ports. This electronic clearance technology has vastly improved processing efficiencies without compromising regulatory compliance or public safety.

Research is being conducted regarding the feasibility of adding other pre-clearance systems, such as *Norpass* or *Green Light* at these facilities to increase the electronic pre-clearance process, which will direct more resources to those carriers with unknown safety records.

Additional technologies added to commercial vehicle screening efforts include the Operational Roadside Computer Systems (ROCS). This system, included in Arizona's CVISN project, will make available to the POE personnel delinquent tax account information. This system will provide our employees information regarding delinquent accounts owed by specific carriers.

In 2001, ADA developed a digital imaging system at the laboratory coupled with digital imaging photography at the ports with ADA presence. This technology allows digital photo imaging of certain organisms at the inspection sites to be electronically transmitted to the laboratory for analysis. The inspectors can then obtain the real-time results from the laboratory as a result of upgrading the technology to digital imaging.

Furthering the implementation of innovative technology applications will require initial resource investment in order to foster efficiencies, increase productivity and enable the program to increase its processing capacity.

**OSPB Recommendation #4:** *"DPS should, in collaboration with MVD, examine options to establish safety inspection coverage at all international ports to strengthen its enforcement activities."*

**Agency Response:** ADOT defers to DPS for an answer to this recommendation. However, MVD takes every opportunity to collaborate with DPS. As an example, MVD has entered into a partnership with the Federal Motor Carrier Safety Administration (FMCSA), which requires MVD to take a leadership role in all aspects of international traffic associated with the NAFTA

Ms. Monica Seymour  
Mr. Stefan Shepherd  
December 6, 2005  
Page Four

implementation. MVD, DPS and FMCSA entered into a mutual assistance agreement to enhance safety inspection operations along the international border. FMCSA provides ADOT an annual grant of \$1.4 million dollars to fund enforcement activities. With the present volume, and future increases in commercial traffic, and the full implementation of NAFTA expected at these international facilities and in the border zone in general, it is imperative that the present staffing levels be maintained by MVD to meet the production levels expected.

The Motor Vehicle Division Enforcement Services Program is also pursuing multiple improvement projects to improve and increase the capacity to screen international traffic for safety issues at or near the border area and we look for ways to utilize the DPS capability in those screening efforts.

**Response to JLBC Recommendations:**

**JLBC Findings and Recommendations #1:** *"Fill existing positions before requesting more staff. If requesting more staff, provide an analysis of how additional revenues would offset additional costs."*

**Agency Response:** ADOT has had tremendous difficulties in filling positions at the ports. The reasons include:

- o Finding staff with a willingness to work in rural and remote areas of the state
- o Finding staff willing to work a variety of shifts to provide 24-hour port coverage, or work rotating shifts at non-24-hour ports.
- o Most significantly, we have difficulty attracting candidates who can pass the required background checks.
- o Even after we successfully qualify, hire and train officers, ADOT continues to lose staff to other, higher-paying law enforcement agencies. Retention is an additional issue with these positions.

**JLBC Recommendation #2:** *"Formalize written IGAs with ADA to ensure interagency cooperation. Co-write a 5-year ports plan with DPS and ADA and update it annually."*

**Agency Response:** ADOT generally agrees with the recommendation as long as the differing missions of the agencies are recognized. In fact, ADOT has been at the vanguard of proposing cross training and has taken on several duties, such as checking agricultural manifests and applying the proper documentation as trucks proceed through the ports on behalf of ADA and vehicle safety inspections on behalf of DPS.

Ms. Monica Seymour  
Mr. Stefan Shepherd  
December 6, 2005  
Page Five

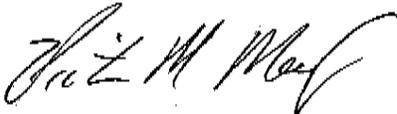
Regardless, ADOT will continue to work with its sister agencies to foster continued cooperation between all users at the ports. To that end, ADOT commits to being a fully integrated partner in any joint effort to develop plans as suggested in the recommendation.

**JLBC Finding #3:** *"ADOT's collection of performance measurement data has improved since the 2000 POE SPAR."*

**Agency Response:** ADOT appreciates the recognition for all the hard work MVD has put into its performance measures and continues to strive for ways to identify and report meaningful and reliable data.

We look forward to the final SPAR report. If you have any questions please direct them to Terry Trost, (602) 712-8981.

Sincerely,



Victor Mendez, Director

VM/ng

JANET NAPOLITANO  
Governor



DONALD BUTLER  
Director

# Arizona Department of Agriculture

1688 W. Adams Street, Phoenix, Arizona 85007  
(602) 542-4373 FAX (602) 542-5420

December 8, 2005



Richard Stavneak, Director  
Joint Legislative Budget Committee  
1716 West Adams  
Phoenix, Arizona 85007

Gary Yaquinto, Director  
Governor's Office of Strategic Planning and Budgeting  
1700 West Washington, Suite 500  
Phoenix, Arizona 85007

Dear Mr. Stavneak and Mr. Yaquinto:

Thank you for the opportunity to share with you the Arizona Department of Agriculture's (ADA) response to the findings and recommendations of the Strategic Program Area Review (SPAR) for the Ports of Entry.

As the SPAR report explains, the ADA is mandated to cooperate with the Arizona Department of Transportation (ADOT) at Arizona's borders to intercept plant pests, weeds and plant and livestock diseases. In large part, due to the ADA's presence at the ports, Arizona's economy benefits from producers' ability to ship agricultural goods and products from one of the only federally pest-free states in the country. From farmers to ranchers, landscape contractors to nurseries, as well as the general public, the ADA is assuring the State's numerous interests are protected from plant and animal pests and diseases.

We generally support the findings and recommendations of the SPAR, and have the following comments with regard to its content.

First, the ADA fully supports the recommendation that it work with ADOT and the Department of Public Safety (DPS) to co-write a strategic plan for the ports to facilitate communication, and upon publication of the SPAR, the ADA will participate in its development with ADOT and DPS.

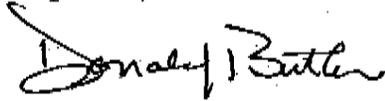
Arizona Department of Agriculture  
Strategic Program Area Review Response  
December 8, 2005  
Page 2

Second, as a state-wide program with only 41 authorized FTEs (10 FTEs are funded through contract with CDFA), the ADA has worked diligently to find innovative and cost-effective means to continue to operate at the ports of entry. As noted in Appendix B, only two of the four major interstate ports of entry are staffed by the ADA seven days a week, twenty-four hours a day (24/7) due to funding. The contract with CDFA is the only means of support to continue with 24/7 operations at the two eastern, interstate ports of entry, and this funding mechanism has proven tenacious.

However, if there are further efficiencies to be gained to the benefit of Arizona agriculture and the public, without compromising the quality of services provided by the ADA, we will work with our sister agencies to see them implemented.

We look forward to the publication of the Ports of Entry SPAR. If you have any questions or concerns about the ADA response, please contact G. John Caravetta, Associate Director, at (602) 542-0996.

Respectfully,



Donald Butler  
Director

DB/jc/lh

# ARIZONA DEPARTMENT OF PUBLIC SAFETY

2102 WEST ENCANTO BLVD. P.O. BOX 6638 PHOENIX, ARIZONA 85005-6638 (602) 223-2000



JANET NAPOLITANO  
GOVERNOR

ROGER VANDERPOOL  
DIRECTOR

December 9, 2005

Mr. Gary Yaquinto, Director  
Governor's Office of Strategic Planning and Budgeting  
1700 West Washington, Suite 500  
Phoenix, AZ 85007

Mr. Richard Stavneak, Director  
Joint Legislative Budget Committee  
1716 West Adams  
Phoenix, AZ 85007

Dear Messrs. Yaquinto and Stavneak:

This responds to your November 29, 2005 letter regarding the Ports-of-Entry SPAR.

DPS is in general agreement with the facts of the report. Below are our comments regarding two recommendations.

OSPB Finding 4, Recommendation 4, Page 7

*DPS should, in collaboration with MVD, examine reasonable options to establish practical safety inspection coverage at all international ports to strengthen its enforcement activities.*

**Comments:** DPS evaluates its operations along the border on an ongoing basis. We have determined that – at the present time – we do not need a full-time presence at the smaller ports-of-entry. This is based on the following:

1. Incoming traffic counts at the smaller ports are low. In fact, traffic decreased at some ports. The following chart is a comparison of annual incoming traffic in 1994 (the year of the proposed NAFTA border opening) and 2003. The information is derived from the US Department of Transportation.

Port-of-Entry	1994	2003
Nogales	191,902	243,365
Douglas	37,140	26,122
Lukeville	2,498	821
Naco	5,240	3,643
Sasabe	1,230	1,324
San Luis	44,472	37,975

SPAR

December 9, 2005

Page 2 of 3

2. The Federal Motor Carrier Safety Administration (FMCSA) has officers stationed at the smaller ports. These officers conduct inspections full-time.
3. MVD personnel at these ports are trained to conduct motor carrier inspections. In fact, MVD recently received a renewal of their NAFTA grant from the FMCSA to pay for MVD personnel at these ports.
4. DPS has a schedule established for 80-hour inspection classes in response to MVD's request for more training of international port personnel. This is a requirement of the grant noted in 3. above.
5. Safety inspections generally last 30 minutes. The existing federal and MVD personnel can easily handle the traffic at the smaller ports.
6. It is also very important to recognize that the traffic counts above include repeated trips by the same vehicles and drivers. For example, a truck and driver may cross the border twice or even three times in one day, taking cargo from the border warehouses in Mexico to US warehouses within the commercial zone. Thus, if the vehicle is inspected once, it does not need to be reinspected again that day.

Furthermore, vehicles which meet certain strict safety criteria, receive a decal which is effective for 3 months – essentially enabling the truck to cross and re-cross for 3 months without reinspection during that 3-month period. This reduces the number of trucks to be inspected even further.

Thus, while the truck crossing numbers are correct, in reality, they do not reflect the count of vehicles that need to be inspected. That number is much lower than the actual traffic count.

7. Traffic is seasonal. During the winter produce season, traffic tends to be heavy, while there is only a trickle of incoming traffic during the late spring to early fall. The traffic during the "produce season" can be 45% higher than the average daily count for the year.
8. DPS has conducted train-the-trainer classes in Mexico to certify Mexican federal officers as trainers to train their own people in conducting safety. This means that trucks will be inspected before they cross the border, thereby reducing the need for inspection again on the US side.

DPS takes this information into account when assessing our need to be present at all international ports. While we maintain a daily presence at the Nogales port, DPS believes that its officers' time is better spent patrolling the roads near the smaller ports as opposed to being stationed full-

SPAR

December 9, 2005

Page 3 of 3

time in these locations. Officers are always available for MVD and federal personnel should their assistance be requested.

We will continue to work with MVD to assess safety inspection needs at the International Ports and take into account traffic changes that may occur over time.

JLBC Recommendation 2, Page 8

*.....ADOT, ADA and DPS should co-write a 5-Year Strategic Plan for the ports and annually jointly update the plan to help facilitate communication.*

**Comments:** Even though DPS' presence at the ports-of-entry is minimal, we would be happy to participate in a strategic planning program. However, since the ports are the responsibility of MVD, we believe that MVD should lead the process.

If you have questions, please contact Major Deston Coleman at 602-223-2789.

Sincerely,

*Roger Vanderpool*, Chief, Agency Support Division

Roger Vanderpool  
Director