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Advancing Program Symmetry for U.S.-Canada Investment in Cross-border Transportation¹

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The prospect of developing symmetrical border transportation investment programs is introduced first as a way to explore broader questions about how our countries can better advance border facilitation. Secondly, to the extent that such outcomes are of interest to the TBWG, it is hoped that this research provides a useful review of current dynamics and strategies.

Introduction. Reviewing the 17 years since the enactment of NAFTA, the U.S. and Canada have undertaken many initiatives to improve cross-border connections. While the range of issues that receive dedicated treatment is broad, this article focuses on cross-border transportation.

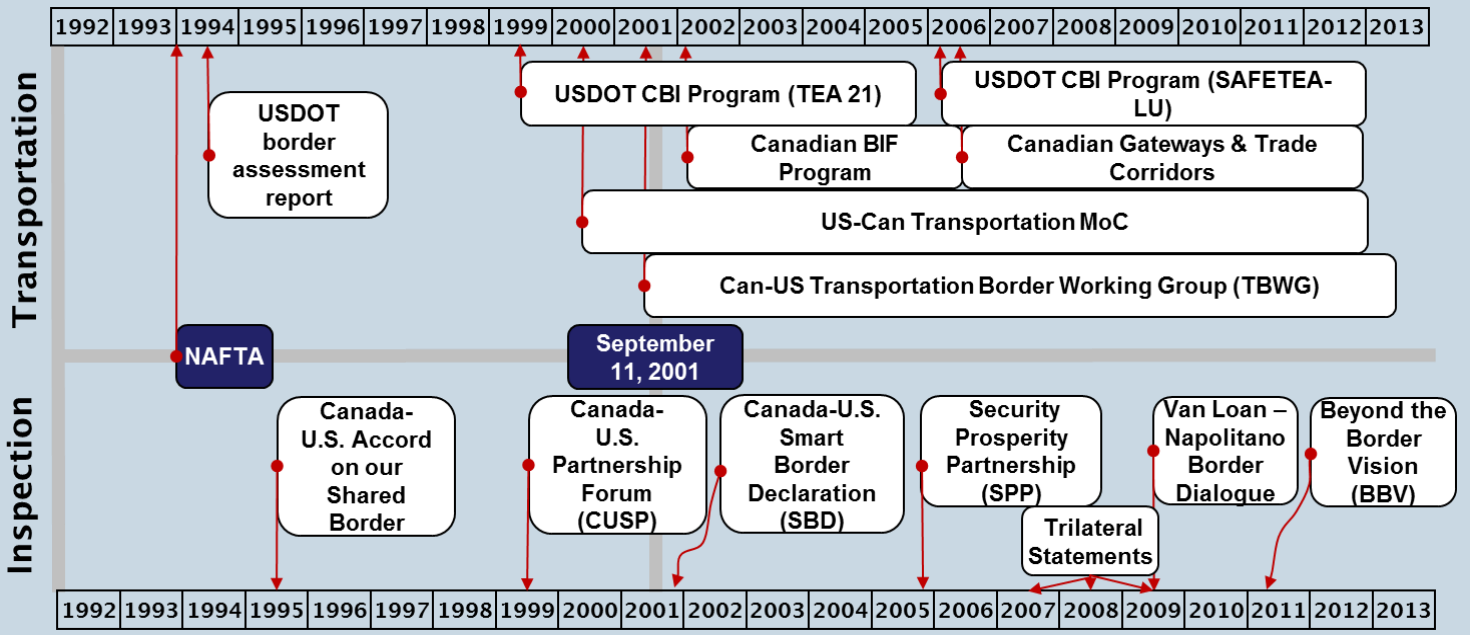
Since NAFTA, both countries have set up multi-year federal investment programs for cross-border transportation – the U.S. Coordinated Border Infrastructure Program (CBI) in 1998 and the Canadian Border Infrastructure Fund (BIF) in 2002. In 2000, the U.S. Department of Transportation (USDOT) and Transport Canada (TC) signed a memorandum of cooperation (MOC) on transportation issues which led to the creation of the U.S.-Canada Transportation Border Working Group (TBWG). These national programs and binational initiatives have encouraged cooperation across the border and between agencies, and set up an ongoing dialog to improve awareness of issues and practice. While these outcomes have benefited border *projects*, a longer-view assessment of how our countries might programmatically identify complementary investments has not been undertaken. Thus, starting from the assumption that a longer-term view of the U.S.-Canada border might be desirable, this article considers available resources and strategies that could be used to design and implement symmetrical border investment *programs*.

An Updated View Of The Context For Collaboration

Relative to the border alone, Figure 1 shows a timeline of transportation and inspection initiatives. Through the ebb and flow of attention given to these agreements, a lot of institutional capacity for collaboration has been added to the community of interest in U.S.-Canada border facilitation. The potential to deepen collaboration on transportation investments has been improved. The literature reviewed for this article's underlying paper provides important observations of specific trends in this regard. A recent summary of where these trends leave us is Kirton & Guebert's assessment that "soft-law" mechanisms have proven more meaningful than "hard-law" instruments, and have facilitated a process of "institutional meshing" built on incremental, path-dependent successes (2010).

¹This article is based on a paper recently completed for the Border Policy Research Institute by the same author: *Advancing U.S.-Canada Border Transportation Planning & Programming*. The full Research Report is available at www.wwu.edu/bpri

Figure 1: Timeline of U.S.-Canada Transportation and Border Security Initiatives Since NAFTA



Looking at the last 15 years of border transportation projects, cooperative work on projects of mutual interest has benefited from such meshing. Path-dependent collaboration has also resulted in important agreements for enabling cross-border partnerships on data-collection, funding, and information-sharing. While these activities are less involved than the creation of complementary investment programs explored by this article, such initiatives are much more feasible as a result of the foundation provided by these many incremental successes.

State-Province Partnership Initiatives

In addition to the deeper institutional capacity that recent collaboration has produced, emergent state-province executive-level partnerships present another significant ingredient for advancing binational initiatives. Several Canadian provinces and U.S. border states have cross-border agreements and declarations to support shared regional objectives and specific undertakings. These soft-law partnerships likely offer new opportunity for supporting border-wide objectives. Four state-province arrangements (SPAs) are identified and reviewed in the longer paper: New York–Quebec, 2002; Vermont–Quebec, 2003; Saskatchewan–Montana, 2004; and Washington–British Columbia, 2005. The actions these arrangements have fostered illustrate how such initiatives could be embraced to help advance U.S.-Canada *federal-federal* goals. As with federal-federal initiatives, a broader mix of elected executives and bureaucrats involved can diversify the base of interest. In their 2008 follow-on cooperative agreements, the WA Governor and BC Premier included two descriptions of federal advocacy goals. The first stated that various elements of a border strategy are the responsibility of “our respective federal agencies” and therefore the Governor and Premier need to work together to voice a consistent message with Washington, DC, and Ottawa. The second goal committed the WA and BC executives to communicate preferences on compliance with the then-pending U.S. “passport requirement” (WHTI).

State and provincial *executives*, unlike regional transportation *agencies*, can appropriately advocate for federal policy and legislative change and could be productively connected to national-level binational objectives. It seems that state and provincial leaders would be motivated advocates for many components of binational declarations like the Beyond the Border Vision.

The Conceptual Proposal – Symmetrical Investment Programs

Over the last 15 years, the U.S. and Canada have advanced, through legislation, border-transportation investment programs. The U.S. Coordinated Border Infrastructure Program (CBI) and Canada’s Gateways and Border Crossings Fund (GBCF) are two such examples.

The proposal here is to conduct a joint process of identifying mutual policy objectives and designing complementary border investment programs. This is not seen as a binational program administered by an international institution but rather symmetrical programs administered separately by our respective federal agencies. Dimensions that could benefit from and affect better alignment include timelines, program purposes, and financial award requirements.

The envisioned development process for symmetrical programs in two countries also presents special requirements. First, agencies working within groups like the TBWG would need a mandate for drafting strategic objectives and a multi-year funding target. Second, once the proposals move to budgeting and/or legislative authorization processes, the asymmetries of the U.S. and Canadian forms of government are made clearer by the many additional opportunities for U.S. legislators and committees to modify or eliminate the bill. To maintain effective communication about iterative bill changes and retain sufficient program alignment, a pre-arranged mechanism for monitoring and consultation between legislative actors would have to be established.

The Beyond The Border Vision Declaration

The most recent binational initiative is the February 2011 Beyond the Border Vision Declaration (BBV) signed by President Obama and Prime Minister Harper. The BBV clarifies intentions of the two executives on many items that certainly align with the planning and investment scenarios reviewed here. Several of the intentions could support the sense that alignment of border investment programs is a logical fit within the BBV strategy and that our leaders have a shared interest in jointly identifying underlying strategic goals, planning for and improving cross-border transportation through investment in infrastructure, and considering joint programs.

Several authors have assessed the BBV. Christopher Sands, in his paper “The Canada Gambit” makes three points that are fitting here. First, “There is no new mechanism or incentive in the Washington Declarations that would justify higher expectations.” (p. 28). Second, much of this boils down to politics and a lack of political will (the inherent turnover in representative democracy, competing domestic and other international issues, etc.) (p. 24). Lastly, the BBV does not include state or local governments (p. 20). Daniel Schwanen, in his paper, “Beyond the Border and Back to the Future” (2011), adds, “a slim, dedicated bilateral office or commission should be set up to pursue the overarching commitment resolving coordination issues as they arise...”(p. 6). He continues that such a commission “of necessity would involve the public and legislators from the northern US states... and could also be an important locus of political support in Congress...” (p. 6).

Strategies And A Scenario For Moving Ahead

This section returns to the goal of creating symmetrical border transportation investment programs. This hypothetical is presented as both a practical exploration and an academic exercise. Below, four strategies are listed with steps to implement them. To complement this section, Figure 2 is a map of cross-border facilitative mechanisms. Among the mechanisms portrayed are three discussed in the following strategies: state-province partnerships, TBWG, and the BBV Declaration. These mechanisms are traced back to their national, state, and provincial government branches to better illustrate how progress on border facilitation could be enhanced by broadened engagement.

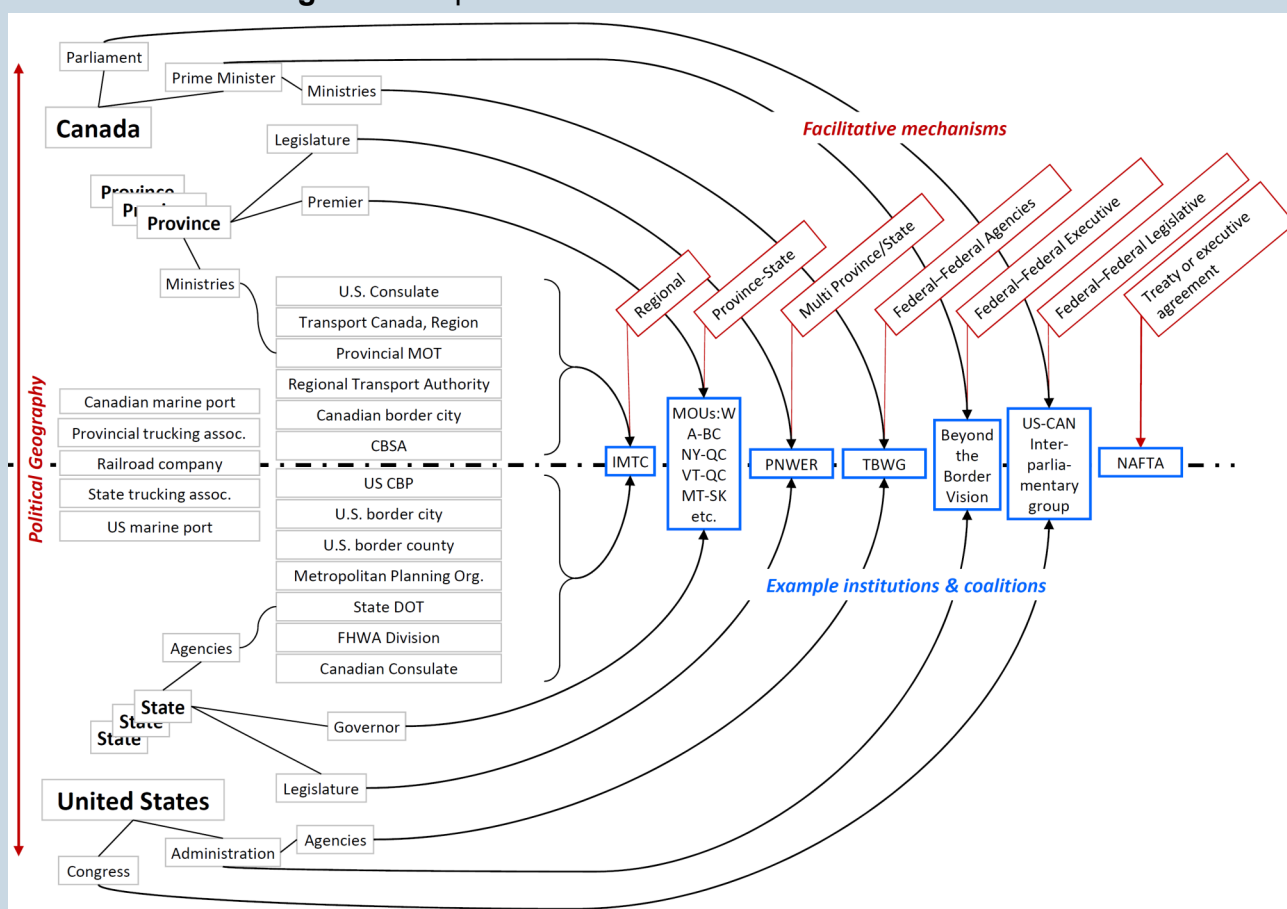
Strategy 1—Continue to build the foundation

TBWG, a key, existing government-to-government collaboration could be better equipped to support parallel program development if such activity were formally incorporated in its mandate. Such activity is envisioned in the binational MoU that underlies TBWG and would also complement BBV goals.

Strategy 2—Pursue opportunities availed by the BBV Declaration

The BBV’s section on “planning together” is a clear opportunity. TBWG is an appropriate body to act on this intention. Additionally, linking the TBWG and the Beyond the Border Working Group (BBWG) would offer an essential professional network including state and provincial agency representatives. Within the context of the BBWG, the TBWG lead agencies (U.S. Department of Transportation and Transport Canada) could clarify a mandate for coordinated program development.

Figure 2: Map of Cross-Border Facilitative Mechanisms



Strategy 3—Regularize involvement of state and provincial leaders

Given states’ and provinces’ interest in executive level strategic policy collaboration, involvement of these same leaders with ongoing federal initiatives should be encouraged. This broadened array of interest could be an important, additional source of political will for sustaining progress on BBV goals. In coordination with their agency participants in TBWG, state and provincial executives (governors and premiers) could open a dialog with their regions’ federal legislators in support of objectives like symmetrical border investment programs. They could also be an important part of connecting each country’s federal legislators towards collaboration on complementary program features, criteria, and authorities.

Strategy 4—Consider strategies for coordination between both countries’ federal legislators

Increasing involvement of U.S. and Canadian federal legislators is an appropriate strategy if we want to improve our odds of synchronizing cross-border transportation investments of two sovereign states. Continued inattention to these authorities will stall progress and retain gradualism over innovation. Pursuit of this strategy could entail open discussions about corresponding draft-legislation that results in legislative authorization of such things as matching timelines, project priorities, eligible-use criteria, etc. But, while this type of scenario may be feasible, some entity needs to track progress and facilitate communication.

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