

The Ninetieth (90th) Unified Carrier Registration (UCR) Plan Board of Directors (Board) meeting was called to order by Avelino Gutierrez, Chairman at 12:00 pm PDT.

Attendance - Board of Directors:

Present – Avelino Gutierrez, Adam Anderson, Sandy Bowling, Bill Bronrott, Gene Eckhardt, Dave Lazarides, Scott Morris, Elizabeth Leaman, Angel Oliver, Robert Pitcher, Rick Schweitzer and Robert Voltman.

Absent –Mike Hoeme, Jay Gingrich, and Woody Chambers.

Avelino Gutierrez conducted a roll call of the States with **self-introductions** of government and industry representatives made by those in attendance.

Gene Eckhardt moved to accept the **meeting agenda**, which was seconded by Scott Morris. Agenda approved (Exhibit A) – Motion passed

Avelino Gutierrez established the **teleconference ground rules**.

Scott Morris moved to accept the **minutes of the June 11, 2014 Board meeting**, subject to be changed if some other notes are provided. Mike Hoeme seconded the motion. (Exhibit B) – Motion passed

UCR Legislative Update – No report

FMCSA Update – Bill Bronrott – Still working on the response for the Board regarding the use of funds for administrative purposes, expect to have it done by the next Board Meeting.

A letter did go out to appoint the newest member and the reappointment those members staying on.

Audit Subcommittee –Gene Eckhardt – No report at this time.

Administrative Fee's Subcommittee – Gene Eckhardt – requested if there were any other Board members willing to serve on the committee?

Current board members volunteering: Adam Anderson, Angel Oliver, Scott Morris, Dave Lazarides. Any other Board members wanting to serve on this committee should contact Gene.

Procedures Subcommittee – Adam Anderson – Presented and reported on the updates to the UCR registration form, Form UCR-1, Form UCR-2 and corresponding instruction's. (Exhibit C-E)

Adam Anderson motioned – That the Board accepts the changes to the Registration form, Form UCR-1 and UCR-2 with corresponding instructions and they be distributed to the States for the 2015 registration year. Seconded by Scott Morris - motion passed.

Depository Subcommittee - Scott Morris – reported on the total amounts collected. (Exhibit F)

A report was given regarding the distribution of the interest on the accounts for the prior registration years that are no longer active so those accounts can be closed. (Exhibit G)

Scott Morris motioned – That the Board approve that the final distribution of the interest collected for the registration years 2008, 2009, 2010, 2011 be done on an equal share to the states that did not meet their cap. – Seconded by Adam Anderson - motion passed.

Scott Morris motioned – That the Board to authorize the Depository Subcommittee Chairman to open an operating funds checking account with the same signatories as the other accounts. Seconded by Sandy Bowling - motion passed.

The Depository Subcommittee will need the appropriate contact information for all the states in anticipation that everyone will be donor states within the next five to six months.

Scott Morris reminded the other states to send in the reports as soon as possible.

Scott Morris reported that they are shooting for September 1 to have the data for the states entered into the system and send out billings.

Scott Morris reported that there are two states, Michigan and Alabama, have run into some fiscal issues. These two states have a fiscal calendar year ending September 30th.

Scott Morris requested approval from the Board for an early distribution to those states: \$462,320.00 to Alabama and \$3,003,792.00 to Michigan for 2014, and \$395,183 to Alabama and \$3,093,932 to Michigan for 2013.

Avelino Gutierrez – Motioned that an early distribution of \$3,093,932.00 for 2013 and \$3,003,792 for 2014 be made to the State of Michigan. Also, a distribution of \$395,183.00 for 2013 and \$462,321.00 for 2014 is made to the State of Alabama. Seconded by Gene Eckhardt - motion passed.

Scott Morris advised the donor states that invoices will be coming out and asked that those funds be sent in as soon as possible.

Scott Morris motioned – That the 2007 interest account be distributed as per the allocation report that had been distributed. Seconded by Gene Eckhardt – motion passed.

UCR System Subcommittee & Best Practices Best Subcommittee- Dave Lazarides – Expressed his appreciation for Indiana's help and in the continued e-mail blasts that seem to help.

Industry Advisory Subcommittee – Robert Pitcher – Reported that unless congress acts today or tomorrow that the highway trust fund will be shut down because it has fallen to the minimum amount. This means that states will not be receiving distributions from this fund until more revenue is received.

Robert Pitcher led the discussion regarding the Letter from the Texas Trucking Association. This letter was regarding Texas's requirement that interstate carriers are

required to carry a cab card in the vehicle for the insurance that lists all the vehicle information on it. The Texas Trucking Association was seeking guidance from the Board. (Exhibit H)

Robert Pitcher – Motion – The Board of Directors of the Unified Carrier Registration Agreement dully resolves that the Texas requirement to carry and display a cab card including a current equipment list in their vehicles operating in Texas appears to violate the Unified Carrier Registration Act, as codified in 49 United States Code 14506, in so far as the Texas requirement may be applied to Interstate Motor Carriers – Seconded by Rick Schweitzer

Angel Oliver – reviewed Texas’s position on this requirement and that it has been a requirement for more than 10 years.

Rick Wood – It is FMCSA’s position that the UCR plan does not have the authority to make a determination of the validity of the Texas regulation applied under whatever circumstances. That the proper action the Texas Trucking Association should make is to seek relief in Federal court.

Robert Pritcher – Clearly Texas does require a document to be carried in the vehicle and that the Board can issue some type of guidance as it has done before in the FAQ’s.

Rick Schweitzer – this provision was included as part of the package and it was indicated by congress that the UCR provision would be the only way to handle interstate carriers. That this is intimately included in the plan and the Board should have the ability to issue guidance on this issue.

Scott Morris – asked FMCSA if anyone has requested relief from the Secretary or if Texas has sought relief on this issue from the Secretary.

Rick Wood – Indicated that there has been an instance where FMCSA has made a ruling and that 14506 has been used in Federal court too. He also reiterated that this really is a Federal issue and should be heard by a Federal Tribunal.

Scott Morris – That the Board meeting would not be the place to resolve this, and instead, it should go through the dispute subcommittee which has not been created by the Board yet.

Robert Pitcher withdrew the motion and it was accepted by Rick Schweitzer.

Revenue and Fees Subcommittee - Dave Lazarides, Acting Chair – No report

Registration System of the State of Indiana – Sandy Bowling –

E-mail blasts will be going out the first week of every month.

Reminder that Indiana will be closing the books for 2012 on October 1st. So any actions needing to be cleared up have to be done by then.

The new vendor should be going live tomorrow. A new chart will come out with the new charges from the vendor. Reminder that there will be two separate fees showing on the credit/bank statements.

A request was sent to FMCSA for the mailing lists and just waiting for it to comeback. Hopefully the lists will be ready and sent out by the end of next week.

Sandy asked, for consistency, what information should be showing on the safer website. This question comes from another committee that Sandy attends because enforcement personnel don't really look at the Y for the payment.

On the FAQ's, one of the other enforcement issue's is Question L-23. Some states require that if a new carrier gets its USDOT number in December, it has to pay the UCR fee's for that year. The question is: Do we need something in writing? The Procedures subcommittee will work up the Q&A for discussion.

Old/New Matters:

Future Board Meetings:

August 28th, 2014 12:00 pm – 3:00 pm EDT
October 16th, 2014 12:00 pm – 3:00 pm EDT
December 4th, 2014 12:00 pm – 3:00 pm EST

The Board adjourned at 2:05 pm PDT.

Minutes approved by the UCR Board on .

Adam Anderson, UCR Board Secretary

- Exhibit A – Meeting Agenda
- Exhibit B – May 15, 2014 Board Meeting Minutes
- Exhibit C – 2015 Registration Form & Instructions
- Exhibit D – UCR Form 1 & Instructions
- Exhibit E – UCR Form 2 & Instructions
- Exhibit F – State Collection Reports
- Exhibit G – Interest Distribution
- Exhibit H – Texas Trucking Association