

**Minutes of the Ninety-First Unified Carrier Registration Plan Board of Directors Meeting**  
August 28, 2014

The Ninety-First (91st) Unified Carrier Registration (UCR) Plan Board of Directors (Board) meeting was called to order by Avelino Gutierrez, Chairman at 12:00 am EDT.

Attendance - Board of Directors:

Present – Avelino Gutierrez, Sandy Bowling, Gene Eckhardt, Dave Lazarides, Mike Hoeme Scott Morris, Elizabeth Leaman, Angel Oliver, Robert Voltman and Woody Chambers

Absent – Adam Anderson, Bill Bronrott, Robert Pitcher, Jay Gingrich and Rick Schweitzer

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 Sandy Bowling. Agenda approved (Exhibit A) – Motion passed

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

Gene Eckhardt moved to accept the **minutes of the July 31, 2014 Board meeting**, subject to be changed if some other notes are provided. Scott seconded the motion. (Exhibit B) – Motion passed. 2 minor changes were noted.

**UCR Legislative Update** – No report

**FMCSA Update** – Rick Wood and Gerald – No report

Scott Morris asked for the status of the project on carriers who fail to file biennial updates, knowing they get a temporary inactive status, realizing that will cause those carriers start dropping out of the UCR rolls. Rick Wood responded the process is underway to deactivate the carrier's USDOT number after about a 2 month period after they get the notice to update. Rick Wood continued they will confirm that time frame and advise at the next meeting. Scott Morris asked also for some statistics on the deactivation process so the Board can get an idea of the impact.

Sandy Bowling commented she would be getting those from Jeff, including new lists.

Mike Hoeme commented the FMCSA did start the deactivations in March. In Kansas, 178 have been deactivated.

Rick Wood confirmed there was no need for FMCSA to provide an update since Sandy will be providing.

Cathy Lopez from CO PUC asked about motor carriers with MC numbers that haven't had USDOT numbers. Rick Wood advised that issue is covered in the rules adopted in the URS rulemaking that went final earlier this year. Mr. Wood continued that for the most part, the rules go into effect 3 years after they were published.

Sandy Bowling stated the effective date for most rules is October 15, 2015. Ms. Bowling asked what will happen to carriers that currently receive an MC number only because their vehicles are less than 10,001 pounds (they are a for-hire operation but not a commercial vehicle operator). Mr. Wood says carriers operating vehicles under 10,000 pounds or 9 passengers,

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will now have a USDOT # and operating authority.

Cathy Lopez then asked FMCSA what they intend to do with UBER and Lyft which are Transportation Network Companies that are for-hire. Scott Morris asked if this is related to UCR. Chairman Gutierrez stated we will confer via email with FMCSA on those types of matters.

Rick Wood then reported they need a little more time to finish the administrative fees opinion but that they are still working on it.

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

**Administrative Fee's Subcommittee** – Gene Eckhardt – No report at this time.

**Procedures Subcommittee** – Will report at the end of the agenda since Adam Anderson is not on the call at this time.

**Depository Subcommittee** - Scott Morris – Advised he had already reported on the amounts collected for July (attached as Exhibit X) which has been previously distributed. The fees are still trending that we will hit our cap in December through February time frame.

The 2007 and 2008 interest distributions were made this month.

The 2009 distribution will be made sometime in September (Alabama PSC is moving offices on Monday, September 8, 2014 – so Scott won't be able to work on UCR after that).

Scott advised for those states that owe funds to the depository, the money is due on the 19<sup>th</sup> of September. If not paid, that state's funds will be cut off from the Indiana system.

They will start testing the Indiana system depository next week and will hopefully begin to process 2013 and 2014 distributions after that.

The 2010 final excess fee distribution will be made after the money comes in – hopefully in October.

After that, they will calculate the interest distribution for 2010, and the distribution will occur a couple weeks will happen after that.

After he's settled into the new office, they will begin work on the 2011 final distribution. Invoicing will likely happen in October. Once made, add 45-60 days before the funds will actually be distributed with interest a couple weeks after that.

2012 is still an active year on the Indiana System until October 1<sup>st</sup>; it will be an active year for states with their own systems until the end of the calendar year. The 2012 final distribution will happen after the end of the year, which is sitting with a little over a million dollars right now.

Updates for the bank of North Dakota – the 2015 account have been established. We will be instituting an administrative fees account in November.

We will be closing the 2008 account next month, followed by the 2009 account then 2010 and then 2011.

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Chairman Gutierrez asked Scott Morris if they have made the distribution to Michigan and Alabama yet. Scott Morris replied they have not. He's hoping to use the Indiana system for that and if not, on September 15<sup>th</sup> he'll direct funds to their account manually. He continued he may hold off on the Alabama distribution until the Indiana depository system can be used.

Scott Morris continued the states should see 2014 distributions in probably October, as they will send out invoices in September. States have 30 days to send the funds, but some states take longer than that - it usually takes about 90 days.

**Industry Advisory Subcommittee** – No report

**UCR System Subcommittee & Best Practices Best Subcommittee** - Dave Lazarides combined his reports together.

**Revenue and Fees Subcommittee** - Dave Lazarides, Acting Chair

Dave Lazarides states because we're getting so close to capping, they are cognizant of the things that will make this happen. As a result, they are trying to ensure everything is done timely. The Indiana large emailing will go out the first few days of September which hopefully will stimulate carriers to register before 2015.

If states have exempted themselves from the Indiana mass emailing, then their own email campaign should be active.

In order to make distributions on a timely basis they need business rules – which include the states to report timely and to provide money timely.

They are going to get a walk through the Indiana depository system the day after Labor Day. If it goes well, they could implement the end of next week but they will need financial folks to test the system vigorously.

Laure in California asked for a brief rundown of how this is supposed to work. Dave Lazarides responded they can talk offline as in each state's case, there may be adjustments. After Indiana collects the funds, as they make refunds, it will automatically adjust the overall revenue except for the states that run their own system. States with their own system will need to report adjustments.

Scott Bryer commented their financial staff doesn't understand why they are receiving additional funds at this time. Scott Morris commented those funds are making up prior year shortfalls but over the next 18 months, that issue should resolve itself as each year each state reaches their cap.

**Registration System of the State of Indiana** – Sandy Bowling

The new percentages are on the home page of the National UCR system.

Reminder to states - if you have any 2012 outstanding adjustments, they must be finished by Sept 30<sup>th</sup>.

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There is one state with 2012 issues that will affect their funds. Sandy is unable to reach them as the state will not return phone calls or emails. Chair Gutierrez asked Sandy to contact him directly to discuss.

Everybody should have already received the data from FMCSA Tech Support for the 2015 mail-out including addresses for carriers. Everyone should be working on the 2015 mail-outs.

The UCR National Online System has a new vendor for the UCR fees. There is one issue relating to selecting a debit or credit card which should be fixed before October 1<sup>st</sup>. Also, this vendor verifies the address that must match the billing statement location. There are online messages to assist the carriers when a problem is detected.

At the first of the month for five months now, the National UCR System has sent email blasts to all carriers that have not registered. The last week of September, there will be one final blast to all 2014 carriers. October 1<sup>st</sup>, there will be an email blast to 363,487 new and renewal carriers.

**Old/New Matters:** Chairman Gutierrez hopes all states are preparing their mail-outs, postcards and/or email blasts for the 2015 registration year. This is crucial to meeting the overall cap. Research has shown timely mail-outs (timeline) are the key to increase revenues. At the next UCR Board meeting, a roll call will be held to determine any states that have NOT sent out registration materials for 2015.

Chairman Gutierrez asked if there are any states that do not anticipate being able to hit the October timeframe? Angel Oliver from Texas stated that due to the close of the fiscal year, they may be a little late, but the middle of October to early November for Texas carriers is the worse case scenario.

**Procedures Subcommittee** – in Adam Anderson's absence, Lynne Jones summarized the proposed updates to the UCR Agreement. Scott Morris moved to adopt the changes. Woody Chambers seconded the motion.

Sandy Bowling asked if the date on the cover would be changed. Lynne Jones responded it would reflect the date the Board adopts any changes.

Rick Wood wanted share with the Board his concern over the change on page 9 which adds the provision that says vehicles with IRP plates cannot be excluded from the count. The statutes summarizes the registrant has the option to exclude any vehicle used exclusively in intrastate commerce. While Mr. Wood admits to being no expert in IRP agreement, there are provisions in the Plan that allows an apportioned vehicle to be used in intrastate movement and listed Sections 510, 515, 1110 and in the foreword. He's concerned that by putting this limitation in flatly prohibiting an IRP vehicle from being excluded may provide an unwarranted limitation.

John Jabas commented that it's very rare and that the exclusion holds the water test.

Scott Morris commented putting an apportioned license plate on the vehicle speaks to the intent to operate in interstate commerce. The committee's position is the carrier can't declare the vehicle in two different ways.

Chairman Gutierrez commented Bob Pitcher did have input and advised changes were made to his satisfaction.

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Rick Wood stated they may want to have further discussion offline and that this is not a major issue.

Discussion pertaining to intrastate transportation and the lack of a definition as well as other topics were generally discussed.

Kathy Beedle from Nebraska asked for an audit reporting form.

Paul Berdander from Wisconsin asked for a definition of retreat and retreated and if there are retreat reports. He was advised there are and they are posted online. Mr. Berdander asked for a  $\frac{3}{4}$  of the state's vote on any agreement changes. The amendment was not accepted.

Laure from California asked for the required date for the report to be sent to the Chairman of the Audit Subcommittee was changed from April 1<sup>st</sup> to June 1<sup>st</sup>. The request was accepted. A typographical error was corrected changing a date from May 3<sup>st</sup> to May 31<sup>st</sup>.

The motion passed and the changes were approved.

**Future Board Meetings:**

October 16<sup>th</sup>, 2014 12:00 pm – 3:00 pm EDT  
December 4<sup>th</sup>, 2014 12:00 pm – 3:00 pm EST

Possible in-person meeting late February. May schedule a board meeting in January.

Laure from California asked what statute prohibits the states from voting on amendments. Rick Wood advised it is 49 USC Sec. 14504a d4c addresses the voting issue.

Woody Chambers asked to revisit the TX issue. It was decided 49 USC 14506 is not part of the UCR agreement and therefore was not relevant to the UCR Board meetings.

The Board adjourned at 1:07 pm CDT.

Minutes approved by the UCR Board on 10/16/2014.

Lynne Jones for Adam Anderson, UCR Board Secretary

Exhibit A – Meeting Agenda  
Exhibit B – Board Meeting Minutes  
Exhibit C – ?  
Exhibit D – ?  
Exhibit E – ?  
Exhibit F – ?  
Exhibit G – ?