

Minutes of the Unifies Carrier Registration Plan Board of Directors Meeting
Conference Call
April 24, 2007

The meeting of the Unified Carrier Registration Plan Board of Directors (Board) was called to order by Avelino Gutierrez, chairman, at 12:05 p.m. EDT, on April 24, 2007.

Attendance:

Board of Directors - Avellino Gutierrez, Bob Pitcher, Rick Craig, Buddy Covert, Barb Hague, David Hugel, Frank LaQua, Dave Lazarides, Bill Leonard, Angel Oliver, Ruth Skluzacek, Craig Sharkey, Robert Voltmann, and Terry Willert.

Absent – Rich Schweitzer.

Self-introductions were made by others present.

The agenda was reviewed and approved.

Ground rules for the meeting were reviewed.

Robert Voltmann made a motion to approve as corrected the minutes of the March 15, 2007, UCR Board Meeting. Motion passed unanimously.

Dick Henderson, with the Commercial Vehicle Safety Alliance, provided an update concerning UCR/SSRS extension legislation. Basically, there has been no change since the last report.

David Hugel provided an update from the Federal Motor Carrier Safety Administration (FMCSA). He discussed procedural matters and exparte prohibitions with regard to the Notice of Proposed Rule Making for the UCR fee structure. The 90 day comment period on the proposed UCR fee structure started on April 2, 2007, when FMCSA accepted the Board input.

Bill Leonard, Chair, provided the report of Revenue and Fees Subcommittee. Bob Pitcher will come up with timeline by next meeting to begin work on the recommended 2008 fee structure.

Dave Lazarides, Chair, provided the report of UCR System Subcommittee. Texas has decided not to host the UCR online system for 2007 but has offered its prototype to any other state wishing to take the lead on this. See Exhibit A.

By mid May, Dave Lazarides will send to Avelino Gutierrez the basic requirements of a State for hosting the on line system.

Bob Pitcher, Chair, provided the report of the Industry Advisory Subcommittee.

Frank LaQua, Chair, provided the report of the Depository Subcommittee. AAMVA, NARUC, and IRP have all expressed interest in becoming the UCR depository and have requested a written description of the details required. Frank LaQua will move forward with developing depository requirements document, which should be ready by May 10, 2007. This will lead to a Request for Services.

Barbara Hague, Chair, provided the report of the Procedures Subcommittee. See Exhibit B. After review of the revisions to the UCR registration form she made a motion that the Board adopt the revised UCR registration form. Motion carried unanimously. See Exhibit C.

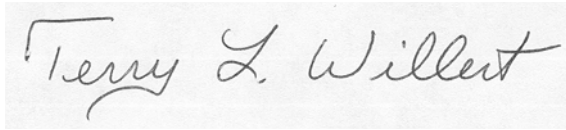
John Herzog, on behalf of the Commonwealth of Pennsylvania, requested that the Board retract from the Question and Answer document (Q&A) the question and answer regarding whether a

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state can collect an assessment from an interstate motor carrier that also holds an intrastate authority, based on intrastate revenue that was generated under the carrier's intrastate authority. See Exhibit D. By consensus of the Board, it was agreed to remove that question and answer from the Q&A. Terry Willert will make the revisions to the Q&A and submit them to Avelino Gutierrez before the next Board meeting.

The next meeting of the Board was scheduled for Monday, May 21, 2007, at 11:00 EDT.

Meeting adjourned at 2:15 p.m. EDT.

A handwritten signature in cursive script that reads "Terry L. Willert". The signature is written in black ink on a light-colored background.

Minutes approved by the UCR Board on May 21, 2007.
Terry L. Willert
UCR Board Acting Secretary

Willert, Terry

From: Gutierrez, Avelino A., PRC [Avelino.Gutierrez@state.nm.us]
Sent: Friday, April 20, 2007 4:09 PM
To: Angel Oliver; Barbara Hague; Bill Leonard; Bryan Price; Charles Covert; Craig Sharke; Dave Lazarides; David Hugel; Frank Laqua; Rick Craig; Rick Schweitzer; Robert Pitcher; Robert Voltmann; Ruth Skluzacek; Willert, Terry
Subject: FYI(Texas)
Importance: High

UCR Board Members--

Please be advised that based on what we have heard from the State of Texas, the issue of who will run the system in the first year will be a very important topic for discussion during our Board meeting on Tuesday. See below.

--Avelino

-----Original Message-----

From: Lazarides, Dave [mailto:dlazarid@icc.illinois.gov]
Sent: Tuesday, April 17, 2007 2:25 PM
To: Gutierrez, Avelino A., PRC
Subject: FW: Texas

Please read the paragraph below that begins with "Our General Counsel..."

-----Original Message-----

From: Angel Oliver [mailto:AOLIVER@dot.state.tx.us]
Sent: Tuesday, April 17, 2007 2:32 PM
To: Ruth.Skluzacek@dot.iowa.gov; sytetime@hotmail.com; Lazarides, Dave; Bill.Debord@ky.gov; stoverr@schneider.com; tklingman@ups.com; Craig.Sharkey@walmartlegal.com
Subject: Re: Texas

Systems Committee Memebers:

Let me try to clarify what I said in the last conference call. I explained that my manager and director had met with our Assistant Executive Director and he had outlined three conditions for Texas' continued involvement with the development of a UCR system. Those conditions were:

1. Until one of our houses of legislature acts on granting statutory authority for us (Texas) to participate in UCR we are to stop any software development on the UCR system.
2. The Board will agree that the Texas system will be used (something like if we build it, we need some assurance that it will be used).
3. After the system is up and running, Texas will turn it over for it to be hosted by "someone" other than TxDOT.

When Dave read these conditions to the other members it prompted questions like: "Is Texas wanting some type of agreement signed that says the system will be used and who will that agreement be between will it be Texas and the Board or Texas and the individual states?" We discussed it and we thought that agreement would probably be between the states and Texas because the board couldn't make any state agree to use the system. I agreed with that statement, but said that I needed to get clarification.

The other questions that arose were about when Texas would turn over the system for hosting. I was asked when that would occur, I said I didn't know for sure and I was asked again did I know whether or not that would be after we hosted it for at least the first year. I recall saying that might be the case, but again I would have to get clarification on that response as well.

I say all that to set the stage for the following: I have had the opportunity to talk to

my manager and director and have gotten the following clarifications:

We understand that some states may not use the system, however, it is our hope that the board would promote/adopt it as a national solution/system. Therefore, the agreement would be between Texas and the Board.

Our General Counsel has advised us that there would be an unacceptable level of liability that Texas would be taking on by handling the data for all the states. Therefore, Texas will not host the system even for the first year. We will, however, turn it over to any other state that wishes to host the system.

I thought it was clear that I would be finding out the answers and that I could not commit to anything. I hope this clears up any misunderstanding/confusion. Please feel free to call if you have any questions, I will participate in the teleconference on Thursday and try to answer any other questions that you might have.

>>> "Lazarides, Dave" <dlazarid@icc.illinois.gov> 4/16/2007 3:39 PM >>>

I understand that there is confusion among committee members about where we stand with Texas.

Just to clarify my best understanding of where we are (per our phone conversation with Angel a couple of weeks ago) :

Texas will still host the state-access application the first year.

Texas would like individual letters of interest from states that intend to use their application to implement UCR registration. Several states are in the process of sending those letters.

Texas will not commit to any extensive modifications to the state-access application, but will do small changes as we get clarification from the Registration/Procedures committee.

Texas would like to "hand off" hosting the application after the first registration year. They are willing to give their application work to another entity that is willing to host it.

Angel, please correct me if I have misstated anything.

Thanks!

Dave

Explore solutions to "Keep Texas Moving" at the Texas Transportation Forum, July 18-20, in Austin, Texas.

Find out more at www.texas transportation forum.com

Angel D. Oliver, Supervisor
Credentialing Unit
Motor Carrier Division
Texas Department of Transportation
Telephone: 1-800-299-1700, Option 3, then 1
Fax: 512-465-3595
email: aoliver@dot.state.tx.us

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Report to the Board from the Procedures Committee
Dated: 04/20/07

This subcommittee met by conference calls on April 3rd and 11th, 2007. The meetings focused around the application form previously approved by the board. With the change of the fee structure and the inclusion of trailers in the determination of commercial motor vehicles, the Procedures Committee felt it needed to revisit the application form.

UCR Application Form

Discussion points and suggested changes to the attached revised form:

- Attempt to make the application a one-page form (modifications to Sections 4 & 5).
- Modification to Section 4 that makes it clear where the vehicle count was coming from (added two check boxes). Only two options under the law 1) MCS-150 or 2) total number owned and operated for the 12-month period ending June 30.
- Modifications to Section 4 to assist the customer in determining the number of vehicles to be counted (Vehicle Table similar to the MCS 150)
- Section 4 - The need to delete vehicles that may have been included on the MCS-150 that were used only in intrastate commerce and clarification that the act only allows for the option to exclude UCR count vehicles used exclusively in intrastate transportation of property, waste, or recyclable material (not passenger vehicles) (See 11405a.(f)(3) CALCULATION OF NUMBER OF COMMERCIAL MOTOR VEHICLES OWNED OR OPERATED.)
- Section 4 - clarified which vehicles under 10,001 lbs. can be added to the vehicle count.
- Modification to Section 5 layout and inserted the fees formally presented to FMCSA.

Motion: The Procedures Committee moves that the board accept the revised UCR application form.

The subcommittee will continue to review the procedures manual at its next scheduled conference call on May 9th 2007 and plans to have a final recommendation at the next scheduled board meeting.

Respectfully submitted,
Barbara Hague, Chair

Base State Logo, Name and Address

UNIFIED CARRIER REGISTRATION -Year _____
Renewal Due Date: December 31, _____

SECTION 1. GENERAL INFORMATION

USDOT Number	MC Number	FF Number	Telephone Number	Fax Number
Legal Name			E-Mail Address	
Doing Business Under The Following Name (DBA)				
Principal Place Of Business Street Address (See Instructions)				
Principal Business City		Principal Business State		Zip Code
Mailing Street Address				
Mailing City		Mailing State		Mailing Zip Code

SECTION 2. CLASSIFICATION – Check All That Apply

Motor Carrier Motor Private Carrier Broker Leasing Company Freight Forwarder

SECTION 3. FEES DUE-BROKERS, FREIGHT FORWARDERS AND LEASING COMPANIES ONLY

Note: If your company is also a motor carrier or motor private carrier, skip this section and go to section 4.

Brokers, freight forwarders and leasing companies (not a motor carrier combination), please submit the amount due of \$ 39.00 in the form of a credit card, Check, Cash or Money Order payable to _____ and go to Section 7.

SECTION 4. NO. OF MOTOR VEHICLES– MOTOR CARRIER & MOTOR PRIVATE CARRIER

Check only one box:

- The number of vehicles shown below have been taken from section 26 of your last reported MCS-150 form.
- The number of vehicles shown below is the total number owned and operated for the 12-month period ending June 30.

NUMBER OF STRAIGHT TRUCKS AND TRACTORS (COLUMN A)	NUMBER OF TRAILERS (COLUMN B)	NUMBER OF MOTOR COACHES, SCHOOL BUSES, MINI-BUSES, VANS AND LIMOUSINES (COLUMN C)	TOTAL (COLUMN D)
1. (Optional) Under this program you have the option to <u>delete</u> any vehicles in Column A or B above that you have reported on your MCS 150 that are used <u>only</u> in intrastate commerce. <i>(See instructions.)</i> ()			
2. (Optional) You may <u>add</u> vehicles that (a) <u>have not been shown</u> on the MCS 150 form that are defined as commercial motor vehicles operating solely in intrastate commerce; and/or (b) other self-propelled motor vehicles operating in intrastate or interstate commerce that: <ul style="list-style-type: none"> ▪ Have a gross vehicle weight rating or gross vehicle weight of 10,000 lbs or less, or a passenger capacity of 10 or less, including the driver; ▪ Used on the highways in commerce; and ▪ To transport passengers or property for compensation. <i>(See Instructions for definition of commercial motor vehicle)</i> 			
3. Total Number of Vehicles (TOTAL (COLUMN D) minus LINE 1 plus LINE 2)			

SECTION 5. FEE TABLE

Number of Vehicles	Amount Due	Number of Vehicles	Amount Due	Number of Vehicles	Amount Due
0-2	\$39.00	6-20	\$231.00	101-1000	\$3,840.00
3-5	\$116.00	21-100	\$806.00	1001 or more	\$37,500.00

SECTION 6. FEES DUE – MOTOR CARRIER & MOTOR PRIVATE CARRIER

Using the number of vehicles in Section 4, Line 3 above, enter the Amount Due from the table above. \$
Note: Payment can be made in the form of Credit Card, Check, Cash or Money Order. MAKE CHECKS PAYABLE TO: _____

SECTION 7. CERTIFICATION

I, the undersigned, under penalty for false statement, certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the applicant. (Penalty provisions subject to the laws of the registration state.)

Name Of Owner Or Authorized Representative (Printed)		Date
Signature		Title

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 171 05-3265
April 16, 2007

Avelino Gutierrez, Chairman
Unified Carrier System Board of Directors
P.O. Box 1269
Sante Fe, NM 87504

Re: Q & A Interpreting the Section 14504a(c)(1)(D) of the UCR Act.

Dear Chairman Gutierrez:

The Unified Carrier System Board ("UCR Board") recently issued an opinion document, the Question and Answer: Informal Guidance For Interested Parties ("Q&A") (Attached). In its Q&A, the Board addressed various issues involving the UCR Act, 49 U.S.C. § 14504a. Included in the Q&A was the following (p.7):

Can a State collect an assessment from an interstate motor carrier that also holds intrastate authority, based on intrastate revenue that was generated under the carrier 's intrastate authority?

No, this assessment cannot be collected because it is an unreasonable burden pursuant to section 14504a(c)(1)(D).

Upon learning of this Q&A, legal staff of the Pennsylvania Public Utility Commission contacted various offices and agencies, including the Office of Chief Counsel of the Federal Motor Carrier Safety Administration and UCR Board member Terry Willert, to discuss the origin of the Q&A and the opinion provided. Based on these discussions as well as the Commission's review of the UCR Act, I am requesting that the UCR Board retract the referenced Q&A.

The 15 member UCR Board was established by the UCR Act at Section 14504a(d). Pursuant to its statutory authorization, the Board is to issue rules and regulations governing the UCR Agreement, prescribe forms and formats for submission of information by a base-State, the transmission of that information, the payment and distribution of excess fees, and notice and procedures by a carrier in connection with changing its base state. 49 U.S.C. § 14504a(d)(2)(A). Additionally, the Board shall provide for the administration of the UCR agreement, provide procedures for dispute resolution under the agreement, and shall designate a depository for UCR funds. 49 U.S.C. § 14504a(d)(2)(B), (C), and (D). No where in its statutory authorization does the Board have the authority to interpret the "unreasonable burden" provision of the UCR Act, 49 U.S.C. § 14504a(c).

Based on the foregoing, the Commission requests that the Board, at a minimum, retract the subject Q&A interpreting the "unreasonable burden" provision at 49 U.S.C. § 14504a(c)(1)(D). Simply put, the Commission believes that the Board acted beyond the scope of its statutory authority in issuing this particular Q&A.

Additionally, the Commission believes that the Board not only acted beyond its statutory authority, but also believes that the Board's interpretation is incorrect. The UCR Act does not and was not intended to affect a State's ability to assess interstate carriers for revenues generated solely from intrastate transportation.

Based on the foregoing, the Commission requests that the Board reconsider and retract the subject Q&A. If you have any questions, please contact Assistant Counsel John Herzog at 717-783-3714. Please inform the Commission of the Board's disposition of this matter.

Very truly yours,

Wendell F. Holland, Chairman
Pennsylvania Public Utility Commission

cc: Karen O. Moury, Director of Operations
Bohdan R. Pankiw, Chief Counsel
Robert J. Longwell, Deputy Chief Counsel
John Herzog, Assistant Counsel
Send via fax -505-827-4155 (Avelino Gutierrez)