



The Public Utilities Commission of Ohio

Monitoring marketplaces and enforcing rules to assure safe, adequate, and reliable utility services.

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August 15, 2008

Avelino A. Gutierrez
New Mexico Public Regulation Commission
Transportation Division
P.O. Box 1269
Sante Fe, NM 87504-1269

Dear Mr. Gutierrez:

We are writing the board to request clarification regarding a number of important enforcement issues related to UCR. Since it is essential that all states enforce UCR in the same manner and states are currently issuing violations for failing to register under UCR, we believe it is of the utmost importance that the board provide guidance as soon as possible on how to properly enforce the provisions of UCR. To that end, below please find a number of specific scenarios dealing with UCR that we would like to see addressed. In each of these instances, the vehicle is greater than 10,001 GVWR.

1. A carrier has a USDOT number (interstate) and occasionally transports freight across state lines. During a trip the carrier is moving freight between two points in the same state. They are not registered under UCR. Should a violation be listed on the inspection report for no UCR registration?
2. A carrier has a USDOT number (interstate) and is returning from dropping freight in another state. The vehicle is currently empty. The driver has no bills and his log book shows a drop in another state. The carrier is not registered under UCR. Should a violation be listed on the inspection report for no UCR registration?
3. A carrier has a USDOT number (interstate) and is transporting trash across state lines. The carrier is not registered under UCR. Should a violation be listed on the inspection report for no UCR registration?
4. A carrier has a USDOT number (interstate) and is transporting freight across state lines. They claim to have registered 2 vehicles with UCR as interstate and 20 as intrastate only. The carrier is registered under UCR. It can not be determined during a roadside inspection which vehicles are registered as interstate. Should a UCR violation be listed on the inspection report?

5. A leased vehicle is stopped for an inspection. The carrier's name and USDOT number and the leasing company's name and USDOT number are both displayed on the vehicle. Both USDOT numbers are interstate. Neither USDOT number is registered under UCR. Should a violation be listed on the inspection report? Who should the violation(s) be listed against, carrier, leasing company or both?
6. A construction company is doing roadwork on a bridge over a river between 2 states. They drive a rubber tire crane (off-road motorized construction equipment) greater than 10,001 GVW across the state line on a daily basis. The construction company does not have a USDOT number. They only have pickup trucks less than 10,000 GVWR and use contract carriers to move material and equipment between job sites. The construction company is not registered under UCR. Is the construction company required to be registered under UCR operating off-road motorized construction equipment in interstate commerce?
7. A private carrier is transporting property across state lines in a one ton truck greater than 10,001 GVWR. They have never been registered with USDOT and have no USDOT number. The carrier is not registered under UCR. Should a violation be listed on this inspection report for no UCR registration?
8. A for-hire bus with a maximum seating capacity of 11 people, including the driver, picks up passengers at an airport. Some of the passengers are from out of state. The passengers are transported 22 miles to a downtown drop off location. The carrier has a USDOT number (interstate) but is not registered under UCR. Should a violation be listed on this inspection report for no UCR registration?
9. A carrier is moving an empty intermodal container between two points in the same state to a train or ship yard to be sent internationally. The carrier is registered as an intrastate only carrier. The carrier is not registered under UCR. Should a violation be listed on this inspection report for no UCR registration?
10. A farmer is moving grain from his farm across state lines to a processing plant. He has a USDOT number (interstate) but is not registered under UCR. Should a violation be listed on the inspection report for no UCR registered?
11. The definition of a motor carrier includes, vehicles designed or used to transport more than 15 passengers, including the driver, and not used to transport passengers for compensation. Does this make a motor private carrier of passengers essentially a for-hire carrier according to the definition and then subject to UCR?
12. A carrier operated during 2007 as an interstate motor carrier but did not pay UCR for the year. Now the carrier has filed an application form for 2008.
 - Can the state refuse to process the 2008 application until the 2007 obligation has been paid in full?

Avelino A. Gutierrez

August 15, 2008

Page 3 of 3

- Can the state apply the funds submitted for 2008 to the amount due for the 2007 (or any previous year that a carrier has not paid) UCR first making them legal for that year and then apply any remaining funds to 2008 and require the carrier to submit the rest of the funds necessary to pay for 2008?
13. Assuming a carrier had not paid UCR during 2007 but had paid for it for 2008. How should a violation for failing to pay 2007's UCR be written?
- Should it be one single violation for the entire year?
 - Should it be a separate violation for every day in which the company was operational regardless of whether or not a load was transported in commerce?
 - Should it be a separate violation for every day of the year that the company was operational and transported a load and if so, would it matter if the load was an interstate or intrastate load?

Thank you in advance for your consideration of this important matter. Should you have any questions or need any clarification on any of these issues, please contact Alan Martin at (614) 466-0785.

Sincerely,



Robert E. Marvin, Director
Transportation Department
Public Utilities Commission of Ohio

cc: Federal Motor Carrier Safety Administration
Commercial Vehicle Safety Alliance