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December 5, 2007

Mr. Avelino Gutierrez, Esq.
Chairman, Board of Directors
Unified Carrier Registration Agreement
PERA Building
P.O. Box 1269
Santa Fe, NM 87504

Via Electronic and US Mail

RE: Unified Carrier Registration (UCR) Program - Louisiana
File No.: 17424-5

Dear Mr. Gutierrez:

I am writing on behalf of the Louisiana Motor Transport Association, Inc. ("LMTA") regarding concerns the LMTA has with the implementation of the Unified Carrier Registration ("UCR") Program in Louisiana. Specifically, the LMTA is concerned about the lack of requisite authority of the Louisiana Public Service Commission ("LPSC") to administer the UCR.

As you know, under 49 U.S.C. § 14504a(e), no State shall be eligible to participate in the unified carrier registration plan unless the State submits a plan to the Secretary of the Federal Motor Carrier Safety Administration ("FMCSA") "identifying the State agency that has or will have the legal authority, resources, and qualified personnel necessary to administer the agreement in accordance with the rules and regulations promulgated by the board of directors." Thus, neither the federal law nor the FMCSA grants state agencies the authority to administer the UCR. Rather, it relies upon each State to identify the agency that has the requisite authority under state law to administer the UCR.

The LMTA understands that the LPSC identified itself to the FMCSA as the agency having the requisite authority and ability to administer the UCR. I am specifically referring to a letter dated October 19, 2006, from the LPSC to the FMCSA stating that the LPSC, on behalf of the State of Louisiana, submits a UCR Agreement State Plan and elects to participate in the UCR, and further representing through an attached affidavit of Lawrence St. Blanc dated October 24, 2006, that the LPSC has or will have the legal authority and resources to administer the UCR. However, the LMTA is not aware of any public notice, docket or public hearing wherein the LPSC considered and determined that it had the authority and resources to act on behalf of the State of Louisiana as UCR administrator. Further, the LMTA is not aware of any

legislation granting the LPSC the authority to administer the UCR. Moreover, unlike agencies in other states that are seeking or have obtained enabling legislation providing them authority to administer the UCR, the LMTA is not aware of any action being taken by the LPSC to obtain the requisite authority, despite it not currently having that authority.

While the LPSC did not open any public docket or conduct a public vote on whether it should implement the UCR, it recently opened a public docket to adopt fines for motor carriers that do not register with the LPSC for the UCR. Because there has been no previous docket to consider the LPSC's authority to administer the UCR, the LMTA has had to raise those issues in that docket, although the docket was initiated only to consider the adoption of fines on motor carriers not registering with the LPSC.¹ Obviously, the LMTA believes that any action of the LPSC to establish fines is premature in light of the serious threshold issues concerning the LPSC's authority to administer the UCR in the first place.

Notably, the Louisiana Department of Public Safety, not the LPSC, has administered the FMCSA's regulations, as well as state highway safety regulations, over all motor carriers (private and common carrier alike) for decades. The LMTA believes the Department of Public Safety is the proper agency to administer the UCR. In fact, the Louisiana Legislature adopted legislation in 2006 granting the Department of Public Safety the authority to administer the UCR, only to have the legislation vetoed by Governor Blanco at the request of the LPSC. It is anticipated that legislation granting the Department authority to administer the UCR will be filed once again in the 2008 legislative session.

By contrast, the LPSC does not have jurisdiction over private carriers, freight forwarders and brokers. Further, the LPSC has exercised its existing authority over common carriers to grant or deny certifications, and regulate the rates, routes and services to the public, i.e., for economic regulation of common carriers. Whether the LPSC has the authority necessary to administer a FMCSA safety program like the UCR over common carriers is questionable, especially considering the historic role of the Department of Public Safety in enforcing safety regulations in Louisiana. But, at a minimum, enabling legislation would be necessary for the LPSC to administer the UCR over all motor carriers considering its clear lack of authority over private carriers, freight forwarders and brokers.

If the LPSC has identified itself as the agency having the legal authority to administer the UCR, and the LPSC does not have such authority, it is unclear whether the State of Louisiana can have a validly established state UCR program. The proper implementation of the UCR in Louisiana is extremely important to the LMTA. The LMTA understands that members of the

¹ The LMTA has identified the following critical threshold issues, among others, for consideration by the LPSC: (a) whether any revenue the LPSC is to derive from the UCR will actually be used for motor carrier safety programs, enforcement and the administration of the UCR plan and agreement; (b) whether the LPSC has jurisdiction over private motor carriers, brokers, freight forwarders, leasing companies so as to have the legal authority to administer the UCR; and (c) whether the LPSC has jurisdiction over for-hire motor carriers so as to have the legal authority to administer the UCR.

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UCRA Board have become aware of this issue. Therefore, the LMTA wanted to advise the UCRA Board of its concerns regarding the LPSC's implementation of the UCR.

Should you have any questions, please feel free to give me a call.

Very truly yours,



Gordon D. Polozola

GDP/jmp

cc: Robert Pitcher – Vice Chairman, Board of Directors
Commissioner Jay Blossman - LPSC
Commissioner Dale Sittig - LPSC
Commissioner James Field - LPSC
Commissioner Foster Campbell - LPSC
Commissioner Lambert Boissiere - LPSC