

**Gutierrez, Avelino A., PRC**

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**From:** nancy.scibek@dot.gov  
**Sent:** Tuesday, October 23, 2007 1:11 PM  
**To:** Gutierrez, Avelino A., PRC  
**Cc:** david.hugel@dot.gov; john.steinhoff@dot.gov; frederic.wood@dot.gov  
**Subject:** UCR Plan and FMCSA



U.S. Department  
of Transportation

Deputy Administrator

1200 New Jersey Ave., S.E.  
Washington, D.C. 20590

Federal Motor Carrier  
Safety Administration

**OCT 23 2007**

Mr. Avelino Gutierrez  
Chairman  
Board of Directors  
Unified Carrier Registration Plan  
1120 Paseo de Peralta  
Santa Fe, NM 87504

Dcar Mr. Gutierrez:

I understand the Board of Directors of the Unified Carrier Registration (UCR) Plan is preparing to submit to the Federal Motor Carrier Safety Administration (FMCSA) a recommendation for adjustment of the established fees, to be applicable in registration year 2008. The FMCSA will of course proceed with the expeditious consideration of this recommendation in accordance with the procedures and standards specified in 49 U.S.C. 14504a. However, before the UCR Plan submits any such recommendation, I would like to propose that the chairman of the revenue and fees subcommittee meet with FMCSA staff to discuss informally any issues that have arisen during the development of any new fee recommendation. You will recall that just such an informal discussion was held last year to discuss the 2007 fee recommendation and that it was very useful to both FMCSA and the UCR Plan in identifying issues that might be presented in the fee recommendation.

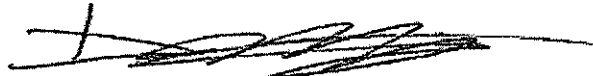
On another matter, since the adoption of the 2007 fees and the commencement of registration and collection of fees by the UCR Plan, FMCSA and its staff here at headquarters and in various States have received a number of inquiries from interested and affected persons regarding the applicability of the fees, interpretation of the statute and similar matters. I understand that many of these inquiries have been referred to FMCSA and its staff by the States (both those participating in the UCR Agreement and those not participating). The statute clearly provides that the UCR Plan is "responsible for developing, implementing, and administering" the UCR Agreement. For this reason, FMCSA should not respond to inquiries regarding the interpretation or application of 49 U.S.C. 14504a except as they may involve matters clearly assigned to FMCSA (such as, for example, setting the fees). The administrative costs included in the 2007 fee recommendation submitted by the UCR Plan contemplated establishing a help desk to respond to inquiries regarding the implementation and administration of the UCR Agreement. I urge the board of directors to move ahead with the establishment of this help desk to provide a

One additional matter should be addressed by the UCR Plan. As you know, since the creation of the UCR Board FMCSA has been handling and bearing the cost of the preparation and publication of meeting notices for UCR Board meetings in the Federal Register as required by the Government in the Sunshine Act. I am hereby requesting that the UCR Plan, which is an independent agency, now undertake the necessary steps to prepare and handle the publication of its own notices. I believe that our staff has previously provided you with the necessary information for establishing a separate account with the Office of the Federal Register for the use of the UCR Plan.

I would also like to advise you that I will not be able to participate in the next board of directors meeting, scheduled for November 1, 2007, I have however requested members of my staff to sit in on the conference call to identify any issues raised that FMCSA may need to review and respond to.

Please let me know if you have any questions concerning these matters.

Sincerely yours,



David H. Hugel

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