

Gutierrez, Avelino A., PRC

From: james.davis@dot.gov
Sent: Tuesday, September 18, 2007 11:51 AM
To: dwright@fleetlegal.com
Cc: Gutierrez, Avelino A., PRC; rpitcher@trucking.org
Subject: Response to your questions on UCR

Mr. Wright:

Your recent e-mail communications to Mr. Hugel, Deputy Administrator of the Federal Motor Carrier Safety Administration (FMCSA), have been referred to me for a response. Your notes raise several points about the relationship between the Unified Carrier Registration (UCR) System, and the Unified Carrier Registration Plan and Agreement.

Despite the similarity in the names, the UCR System to be established by FMCSA under the provisions of 49 U.S.C. 13908 is distinct from the Unified Carrier Registration Plan and Agreement. The UCR Agreement is an interstate agreement established and administered in accordance with the provisions of 49 U.S.C. 14504a by the UCR Plan, an organization with its own board of directors. There is no statutory basis for your view that the several provisions enacted by SAFETEA-LU mentioned in your notes must be implemented by FMCSA to enable the UCR Plan and Agreement to be implemented.

However, as amended by SAFETEA-LU, 49 U.S.C. 13908(b) does require FMCSA to include in the UCR System "information with respect to ... compliance with the provisions of section 14504a." While FMCSA's new UCR System is not complete, we have, in cooperation with the UCR Plan and its participating States, developed and tested an interim capability to make information regarding compliance with section 14504a available on FMCSA's existing information systems. As a result, this requirement is satisfied until the new UCR System is completed. As you may be aware, the requirements of the UCR System are being addressed by a separate rulemaking.

Regarding the other points raised in your email, I am aware that you have had previous discussions with FMCSA staff regarding needed changes in our systems to accommodate changes resulting from the Agency's last reauthorization. In that regard, since our previous discussion with you, the Agency's field enforcement staff has been trained on this issue. As a result, no enforcement actions are to be initiated against either a motor carrier holding previously granted common carrier authority that provides contract transportation, or a motor carrier holding previously granted contract carrier authority that provides common carrier transportation. In addition, we have initiated the reimbursement process for those carriers that have registered for both common and contract since January 1, 2007, and we continue to work in the information technology system changes needed to eliminate this issue.

I hope this additional information is useful to you. Should you have any additional questions, please let me know.

Jim Davis
FMCSA CDL Team Leader
(202) 366-6406

This inbound email has been scanned by the MessageLabs Email Security System.

9/19/2007