

The fifty-ninth (59<sup>th</sup>) Unified Carrier Registration (UCR) Plan Board of Directors (Board) meeting was called to order by Avelino Gutierrez, Chairman at 12:05 p.m. EDT.

Avelino Gutierrez welcomed Neal Murphy, who was recently appointed to the UCR Board of Directors. The FMCSA appointment letter is incorporated as Exhibit B.

Attendance: Board of Directors:

Present - Sandy Bowling, Bill Bronrott, Woody Chambers, Gene Eckhardt, Jay Gingerich Avelino Gutierrez, Frank LaQua, Dave Lazarides, Scott Morris, Neal Murphy, Angel Oliver, Bob Pitcher, Rick Schweitzer and Bob Voltmann

Absent – Bill Leonard

Frank LaQua conducted a roll call of the States. **Self-introductions** of government and industry representatives were made by those in attendance.

Avelino Gutierrez moved to reappoint Lynne Jones as Secretary and thanked Jeanne Pickett for taking the minutes at the last meeting. The motion was seconded by Bob Voltmann. There was no discussion and the motion passed.

Avelino Gutierrez welcomed the attendees and established the **teleconference ground rules**.

Gene Eckhardt moved to accept the **meeting agenda**, which was seconded by Sandy Bowling. There was no discussion and the agenda was approved. The meeting agenda is incorporated as Exhibit A.

Sandy Bowling moved to accept the minutes of the February 3, 2011, board meeting. Neal Murphy seconded the motion. Woody Chambers commented on an error in a draft version of the minutes. The minutes were approved.

**UCR Legislative Update** - Dick Henderson not present. No others commented.

**FMCSA Update** - Bill Bronrott – commented both Jose Rodriguez and Rick Wood are present. Bill welcomed Neal Murphy to the Board. Bill stated the Federal Register notice requesting nominations for the four (4) reappointments should be published over the next week or so. Bill advised Jose will be attending the UCR Board meeting representing FMCSA in Park City in June. Bill then turned the remainder of the FMCSA update over to Jose to report on states' access to MCMIS.

Jose Rodriguez – Stated they had a good meeting with their IT division. Sandy Bowling was invited to attend. Jose stated he was happy to inform the Board they are working with Vivian to issue a request next week to add a return indicator for invalid address for states to use, as currently only FMCSA staff is authorized to do this. The change will be beneficial for both states and the divisions, saving both time and money.

Jose further commented that if UCR reports are needed advising which carriers have not paid UCR fees, the Board should provide a list of all the data needed. It would likely be a very large report. FMCSA would have to figure out how to develop the report and how often it could be run (possibly twice a year – in September and again in March).

It was commented that FMCSA's efforts providing data to states and working to achieve an undeliverable address indicator will be significant in order for states to achieve a 90% compliance ratio.

FMCSA may develop a report that lists all carriers, shippers, brokers, and leasing companies that have an

undeliverable address, by state. More details on this will be available later. Any report developed could be emailed to Bill Leonard.

Jose continued with an update on providing state access to MCMIS (for those state agencies that don't currently have MCMIS access). Jose intends to contact each state individually and determine the current process now as to which agency/s in the state currently have access and visit with the current state administrator to discuss the situation. If all else fails, FMCSA may have to provide access.

**Procedures Subcommittee** - Scott Morris – moved to adopt a resolution that detailed which states would have access to varying types of UCR noncompliance data and when. Scott clarified that regardless of which state contacted a non-compliant entity, the entity would have to register based upon Section 8 of the UCRA. The motion was seconded by Avelino Gutierrez. Gene Eckhardt commented the resolution went beyond what Washington initially requested and he would prefer more time to consider alternative language.

Dave Lazarides commented ITERIS would like the Board to establish the data ground rules before data is provided.

A friendly amendment was offered by Avelino Gutierrez and accepted by Scott Morris to amend the resolution allowing participating states within the FMCSA regions to have the non-participating state noncompliance data within their region, ensuring that noncompliant carriers would only be solicited by states that could likely act as the registration state.

Tom Klingman suggested the resolution be withdrawn in its entirety at this time. He believes the resolution is a great first step, but obviously needed more discussion and agreement on the approach to be taken. John Jabas suggested standard letter language be drafted. It was commented the statistics regarding compliance data is posted on the national UCR registration website.

Scott Morris called for a vote on the previous motion. The roll was called to adopt the amended resolution. The motion passed 9-3 with two absent. The adopted resolution is incorporated as Exhibit C.

**UCR System & Best Practices Subcommittees** - Dave Lazarides – Stated much of his committee reports revolved around areas that have already been discussed in this meeting. He stated he intends to further enhance the compliance/non-compliance data statistics and have them posted on the national UCR registration website.

Industry Advisory Subcommittee - Bob Pitcher – no report

Revenue and Fees Subcommittee - Bill Leonard – not present

**Depository Subcommittee** - Frank LaQua - In light of the inability to proceed on depository matters due to the absence of Bill Leonard, Frank would like to add additional members to the procedure. Frank then moved for the procedure to be amended to allow depository billings be send out by either himself, Sandy Bowling or Scott Morris. The disbursement spreadsheet could be developed by Bill Leonard, Sandy Bowling or Scott Morris and that any two of the four members (Frank Laqua, Bill Leonard, Sandy Bowling or Scott Morris) could request disbursement of depository monies from the depository bank. The Motion was seconded and approved. Depository reports incorporated as Exhibit D.

**Registration System of the State of Indiana** – Sandy Bowling – no report

**Audit Subcommittee** – Bill Leonard, Acting Chair – not present

**Old/New Matters:**

Avelino Gutierrez stated a letter dated March 3, 2011 would be mailed to Mr. Lamb. A change from the original draft is removal of everything on page two that related to the access and retrieval fees, as they apply to the URS not UCR. The Board was given an opportunity to make suggestions during the meeting. No motion was needed for approval. This letter is incorporated as Exhibit E.

Avelino discussed the Sunshine Act and commented his belief that as long as there is no statutory or board explicit authority delegated to the subcommittees to take action on behalf of the board, the Board subcommittee meetings do not have to be noticed. As an additional precaution, he verified no subcommittee contains a quorum of the board and would like to ensure that continues to prevent rolling quorums or any other potential violation of the Sunshine Act. There was discussion, and determined no motion was needed for approval. Research decision notes incorporated as Exhibit F.

Woody Chambers asked about the proposed distribution of 2012 depository monies and any penalties that could be applied to states that have a less than 90% collection ratio. Scott Morris replied this discussion has been tabled until the in-person meeting scheduled for this summer.

Future Board meetings are scheduled for:

- Thursday, April 14, 2011, 12 noon – 3 p.m. EDT by teleconference.
- Thursday, May 12, 2011, 12 noon – 3 p.m. EDT by teleconference.
- In Person meeting at Park City Utah. Subcommittee meetings will be held Tuesday, June 14<sup>th</sup>, afternoon from 1:00 until finished. A new Audit Chair will be appointed. The Audit Committee will need to write procedures, a lot of groundwork between now and then. Full Board Meeting - Wednesday, June 15<sup>th</sup> from 8:00 – noon MDT.

A proposed agenda and information about rooms will be sent before the next UCR Board Meeting. Anticipated NCSTS meeting dates/times are:

Sunday June 12th p.m. – NCSTS Executive Committee Meeting  
Monday – General meeting of NCSTS – Non-UCR items and presentations  
Tuesday a.m. – NCSTS UCR  
Tuesday p.m. – UCR Board Subcommittee Meetings  
Wednesday a.m. – UCR Board Meeting  
Wednesday p.m. – NCSTS Executive Committee Meeting

The Board adjourned at 1:35 p.m. EST.

Minutes approved by the UCR Board on April 14, 2011.

Lynne Jones, UCR Board Secretary

Exhibit A – Meeting Agenda  
Exhibit B – FMCSA Murphy Appointment Letter  
Exhibit C – Procedures Committee Resolution  
Exhibit D – Depository Reports  
Exhibit E – UCR Board letter to AIPBA  
Exhibit F – Subcommittee Meeting Posting Research Notes