

The sixtieth (60<sup>th</sup>) Unified Carrier Registration (UCR) Plan Board of Directors (Board) meeting was called to order by Avelino Gutierrez, Chairman at 12:04 p.m. EDT.

Attendance - Board of Directors:

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

Absent – Woody Chambers, Jay Gingerich and 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 welcomed the attendees.

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

Avelino Gutierrez established the **teleconference ground rules**.

Sandy Bowling moved to accept the minutes of the March 3, 2011, board meeting. Gene Eckhardt seconded the motion. The minutes were approved.

**UCR Legislative Update** – no update.

**FMCSA Update** – Bill Bronrott – On April 5, 2011, the notice was posted in the Federal Register requesting nominations to the Board of Directors for four (4) Directors. The seats are: Sandy Bowling, Frank LaQua, Neal Murphy and Angel Oliver. Deadline is on or before April 20, 2011. As of this report, no names have been submitted. The current Directors' terms expire May 31, 2011. Each existing Director whose term is about to expire was asked if they desired to continue service. Each Director responded affirmatively. Mr. Bronrott stated re-nomination should be confirmed in an email or in a letter to him, with a copy to Rick Wood and Jose Rodriguez.

MCMIS access – Jose Rodriguez – FMCSA is complete with the MCMIS requirements for the IT Division to provide to VOLPE. The Divisions that must authorize the functions will be getting their letter soon, as some new folks will get MCMIS. The states must be patient as there is only one person at MCMIS to assist. They are dealing with 41 states, in which only 20 states have responded, 21 states have not responded. Sandy Bowling offered to help with the list of states they haven't heard from. States who intend to use MCMIS for UCR functions pertaining to undeliverable addresses must provide a contact person's telephone number, email address and the name of the contact person to Jose Rodriguez.

Jose Rodriguez stated an active list of carriers that are not in compliance with UCR has been distributed. The next non-compliant list will be distributed right before September. Jose will take recommendations for improvements and feedback.

Jose Rodriguez has requested the UCR homepage be updated with information on the UCR Board of Directors. Avelino Gutierrez has stated he will take pictures of the Board members at the June meeting in Utah and will request the website be updated with Director's names, term, and biographical information.

Avelino Gutierrez thanked Jose for spearheading the effort to connect states with MCMIS. He continued it will help his state. Sandy Bowling also expressed her appreciation to Jose, stating she appreciates Jose working with her closely and the other states to get MCMIS access. Sandy continued she likes the new non-

compliance list, believes it is beneficial and that it will increase 2011 renewal registrations.

Scott Morris stated they received the list and compared it with the ITERIS report and found there to be a big difference. They are working with ITERIS to identify the differences and Scott will provide the results to Jose. The master list may need to add filters. Sandy commented she likes a list with every active carrier.

Scott Morris broached the issue of the latest AIPBA letter (attached as Exhibit B) stating that Mr. Lamb appears headed towards litigation, and that all board members may be served. With no funding and no counsel, how should they proceed? Rick Wood responded that at this point, the Government in the Sunshine Act has a specific exception for closing portions of any meeting, subject to that act, as it pertains to civil litigation. As a recommendation to Mr. Bronrott, he suggests any discussion to respond to that manner should be conducted in a non-public session.

Avelino Gutierrez stated that if anything arises in that regard, to please immediately notify him and FMCSA. He recommends they follow the advice of FMCSA and similar laws regarding litigation, in that those discussions are not subject to the open meetings act.

**Audit Subcommittee** – Avelino Gutierrez advises he has appointed Gene Eckhardt as Chair. Gene will accept the position and needs help sooner rather than later. Avelino would like a working draft of an audit procedure manual ready for editing at the June meeting. Frank LaQua offered to help and suggested the Best Practices Subcommittee be involved, as clean data is necessary. Dave Lazarides offered to help. Gene and Avelino will send out solicitation information and will set up a phone meeting or two prior to the next board meeting.

**Procedures Subcommittee** - Scott Morris – Moved to accept the proposed 2012 Distribution Method for 2012 (attached as Exhibit C). Neal Murphy seconded the motion. Scott Morris then moved to table consideration of the proposal until the June meeting for discussion in person at NCSTS and in UCR committee and before the full board. He would like all parties to review the proposal and consider alternatives. Sandy Bowling seconded. The motion to table passed.

Scott continued his Subcommittee will likely bring more items to the May board meeting for discussion at the June meeting.

**UCR System & Best Practices Subcommittees** - Dave Lazarides – Dave sent Sandy the latest percentages for 2010 and 2011 for posting on the website (Sandy noted they are already posted). Overall registration percentage is 65.41% (Participating states 68.15% with non-participating states at 51.45%). Dave is unaware of any particular system issues, registration is moving along well. No specific problems have been reported on updating of data. Dave wants to note that the upcoming cessation of the registrant DOT number will turn into a system issue at some point, not only in terms of doing, but in terms of undoing in terms of classifications. The ripple effect has not been addressed.

Dave commented on the new FMCSA non-compliant list. He first thanked Jose for getting the information to us, and for getting states access to MCMIS. He further commented that even if states have access, they may still be reticent to make changes to the system, even after due diligence. These states will continue to need ongoing support.

Dave continued with noting that having worked with non-compliant lists for several years, they have learned the lists are dynamic, not only are new guys added but existing carriers are modified by classification changes or inspection changes. Week to week the list changes, we may need more updates.

On the best practices side, Dave would like to have one session at the June meeting. Before then, he may have a webinar to talk about demonstrating some UCR best practices. He will send information out but requested that any state that has a particular issue that needs addressed, to email or call Dave so he can come up with an answer. Tom Klingman suggested they compare UCR registrants from year to year.

**Industry Advisory Subcommittee** - Bob Pitcher – No report, but did want to advise he won't be in Utah, but Tom Klingman will chair the UCR and NCSTS industry meetings.

**Revenue and Fees Subcommittee** - Bill Leonard – no report.

**Depository Subcommittee** - Frank LaQua – Apologized for not having a written report for the board meeting. Stated there has been no change in 2007 receipts (\$74 million) or in 2008 receipts (\$78 million). For the subsequent years, receipts are now at:

- 2009 - \$83 million
- 2010 - \$92.25 million
- 2011 \$83.5 million

Distribution from 2010 is at \$18.5 million. The bank currently has \$15 million, and is still \$3.5 million short, but they intend to make a distribution this month. Scott Morris has been helping Frank.

For 2011, they have close to \$4.5 million on hand right now. Frank reports they intend to distribute this month if possible.

Scott stated if the timing of the distribution is a fiscal issue for the state (late fiscal year vs. beginning of the new fiscal year), to let him know.

**Registration System of the State of Indiana** – Sandy Bowling – Sandy sent out the FMCSA 2011 non-compliance list. Anyone that has questions can direct them to Sandy. Each participating state's information was sent to that state. Non participating state information was not forwarded. It needs to be determined who should get that information.

Scott commented that's one of the items he wants to forward next month to discuss in June. Scott will have one alternative at the next board meeting or may have several options for discussion.

#### **Old/New Matters:**

Tom Klingman commented an association representative had apprised him there was a UCR enforcement problem in that not all enforcement knows which website to look at. He stated if there's a lag in uploading of information, additional training may need to be conducted. Sandy stated there was a hiccup in November that has been reported. They are comparing all paid records to ensure all records were uploaded. Sandy will assist in any issues or problems that are brought to her attention.

Scott Morris stated there were a couple of incidents on the Georgia line recently. Their data wasn't uploaded into SAFER. He encourages the industry folks to check 48 hours after registration to ensure it is listed on SAFER. Dick Henderson has advised enforcement is going to the right place, but he intends to put additional information together for enforcement. Once the enter button works property (VOLPE said the change will allow an executed query by depressing the enter key instead of requiring the submit button to be clicked – the change should be in place in a couple of months) that may reduce any misconception.

Kathy Beedle from Nebraska asked for an explanation of the percentages shown in the non-compliant column. She stated it doesn't match the FMCSA list. Dave Lazarides responded that number represents the carriers in the base state who are active interstate carriers, brokers, leasing companies that have had inspections, crashes, a UCR registration or a MCS-150 change in the last 12 months. Scott Morris reiterates they are comparing the lists between UCRLink and FMCSA. He feels it is important to compare apples with apples. He will report back with the results.

Adam Anderson asked Sandy Bowling if there a timeline on the bad check payments getting updated. He commented the list keeps showing ones that have been collected. Sandy stated their IT people are going to get it fixed and recommends printing one off that the state works from, and keep a copy to compare to the subsequent list. She reported if there's a bad check payment, the record in SAFER is reversed (so it doesn't show it is paid). They used to do that once a week, now they're doing it three (3) times a week.

Adam Anderson asked a question if a for-hire passenger bus is listed on the noncompliant list, and the bus only operates on an Indian reservation, do they need UCR. The operations fall under UCR except for the fact as to where the operations are conducted. Scott Morris will handle this in the Procedures Subcommittee.

Cathy Beedle asked if the Board will be considering the establishment of 2012 fees at the next meeting. Mr. Gutierrez stated he would talk to Bill Leonard about it, but that 2012 fees will be addressed no later than July.

Frank LaQua noted that Craig Hansen (California) is retiring and he would like to offer his congratulations on behalf of the UCR community and the IRP community. He continued with his appreciation for participating on UCR conference calls, paying their bills on time and posing excellent questions that were challenging at times. Frank wishes him good luck in retirement. Mr. Gutierrez concurred.

Future Board meetings are scheduled for:

- 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 1:30 – 4:45 MDT 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.

Sunday, June 12<sup>th</sup> a.m. – NCSTS Executive Committee Meeting

Monday, June 13<sup>th</sup> – General meeting of NCSTS – Non-UCR items and presentations

Tuesday, June 14<sup>th</sup> a.m. – NCSTS UCR

Tuesday, June 14<sup>th</sup> p.m. – UCR Board Subcommittee Meetings

Wednesday, June 15<sup>th</sup> a.m. – UCR Board Meeting 8 – 12 MDT –

Anticipate having telephonic ability for both days. Sandy noted she can provide a call-in number.

Wednesday, June 15<sup>th</sup> p.m. – NCSTS Executive Committee Meeting

- Thursday, July 14, 2011, 12 noon – 3 p.m. EDT by teleconference July

The Board adjourned at 1:16 EDT.

Minutes approved by the UCR Board on May 12, 2011.

Lynne Jones, UCR Board Secretary

Exhibit A – Meeting Agenda

Minutes of the Sixtieth Unified Carrier Registration Plan  
Board of Directors Meeting Teleconference  
April 14, 2011  
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Exhibit B – AIPBA Cease and Desist Letter

Exhibit C – Proposed Distribution Method for Registration Year 2012