

The sixty-sixth (66th) Unified Carrier Registration (UCR) Plan Board of Directors (Board) meeting was called to order by Avelino Gutierrez, Chairman at 10:05 a.m. MDT.

Attendance - Board of Directors:

Present – Adam Anderson, Bill Bronrott, Sandy Bowling, Woody Chambers, Gene Eckhardt, Avelino Gutierrez, Dave Lazarides, Scott Morris, Neal Murphy, Angel Oliver and Robert Pitcher.

Absent – Jay Gingerich, Bill Leonard, Robert Voltmann, and Rick Schweitzer.

Avelino Gutierrez conducted a roll call of the States with **self-introductions** of government and industry representatives made by those in attendance.

Scott Morris moved to accept the **meeting agenda**, which was seconded by Gene Eckhardt. There was no discussion and the agenda was approved. (Exhibit A)

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

Sandy Bowling moved to accept the **minutes of the October 27, 2011 Board meeting**. Woody Chambers seconded the motion. The minutes were approved with minor changes. (Exhibit B)

**UCR Legislative Update** – Dick Henderson – No changes in the authorization – looking for new avenues of funding. The Senate finance committee needs to raise 12 million for another bill. Dick announced his upcoming retirement. Adrian Galdia will be taking his place. Adrian has done legislative work with CVSA since August.

The Unified Carrier Registration Board expresses a sincere thanks to Richard for his help with the UCR program and friendship over the years. We would also like to wish him congratulations on his retirement.

**FMCSA Update** – Rick Wood – Jose was unable to attend –  
Question's asked of Rick by Avelino Gutierrez–

Q. Does the Board have the ability to sell the unregistered UCR list to someone and keep the fees for administrative purposes?

A. The Board can make use of the information how they see fit. It is public information. The revenue would not be generated from registration fees paid by companies – therefore the Board may retain the revenue.

Q. Can the Board have more than one entity operating a registration system?

A. The Board can determine how many registration systems it needs. Keep in mind the IT challenges of FMCSA resources – may have additional costs.

Scott Morris asked if FMCSA had been able to look at the issue with carriers based on the Indian Reservation's – this will be moved to the top of the pile.

Kathy – NE – asked if the Proposed URS rule making will have any effect on UCR

On page 27 of the proposed rule it states – For reasons stated in reason 1 – the replacement for SSRS is not addressed under URS.

Bob Pitcher – No it does not.

Scott Morris – one proposal in rule- new registration form – failure to update the MCS - 150 forms may cause a carriers DOT# to be inactivated.

The URS rule was published in the Federal Register on Wednesday October 26<sup>th</sup>, 2011.

**Procedures Subcommittee** - Scott Morris –Nothing to bring before the Board today. Working on the audit proposal and all the forms have been finalized and distributed.

The question was asked about the changes to the Q&A – They are located on Indiana's website, but they only have the July 8, 2010 addition.

Scott Morris - said he would get someone to work on updating the Q&A.

**UCR System & Best Practices Best Subcommittee**- Dave Lazarides – Received an unsolicited proposal from Iteris. They are interested in developing the next generation registration system. This information was shared with Indiana yesterday so they would be aware of it. (Exhibit C)

Avelino Gutierrez requested that the UCR System & Best Practices Sub-committee analyze the features of the proposal and report back to the Board at the next meeting.

Bob Pitcher volunteered to work on the Systems Sub-Committee.

Woody Chambers also asked if the \$3.00 fee is the same as fee Indiana fee, or in addition to the Indiana fee. All this info is to be brought to the next Board meeting.

Sandy Bowling – The Board has never actually said what the requirements or needs for the system are. Proposed that the Board come up with the guidelines of what the system should entail by the December 8 meeting.

Frank LaQua – The Board look at the Iteris proposal and is Iteris going to send out the notifications or are the states still going to send them out and what about the non-participating states.

Barbara Hague asked that the states be solicited for their comments.

Kathy / Co – if a formal RFP process as to be followed for this determination.

Gene Eckhardt asked if December was doable or is it something we need to spend more time on.

Avelino Gutierrez stated it is just a summary and if the Systems Sub-Committee needs more time than it will be granted.

Dave Lazarides – the committee has also been working with the Procedure Sub-Committee on the audit procedure.

**Audit Subcommittee** –Gene Eckhardt – Working with the Procedures Sub-Committee to be able to develop a proper and robust audit.

**Industry Advisory Subcommittee** – Bob Pitcher – Nothing to report.

**Revenue and Fees Subcommittee** - Dave Lazarides, Temporary Chair – The 2013 fees are based upon a model set-up.

There are two things that need to be addressed before any type of fee adjustment can be made or recommended.

- 1- The issue with the excess retreat. (Exhibit D)
- 2- We have to meet the 90 percent registration threshold of another 35,373 carriers.

Until this happens we will not recommend changes to the registration fees.

Motion made by Dave Lazarides - The fees for 2013 be set at the same level as 2012  
Seconded by Neil Murphy.

Question from Angel Oliver to Dave Lazarides – How would Texas's request for a cap adjustment affect the fees?

Scott Morris and Avelino Gutierrez both expressed concerns that it could cause a problem. Avelino further expressed that it could mean the fees would have to go into a rule making procedure to change the Target Revenue.

Avelino Gutierrez asked Angel when she thought they would know their revised cap.

Angel Oliver replied they are just in the beginning stages of doing the documentation – It could take another 2-3 months.

Rick Wood – the process of approval is done each year. 2012 will not change from 2011. Fees have to be done by request from the Board.

How much is Texas looking at increasing their entitlement by –

Angel Oliver – about 2-4 million dollars.

Avelino Gutierrez – can the current fee structure absorb that amount?

Gene Eckhardt – There is a potential for disproportionate impact to states. Texas is collecting almost 8 million dollars and a 2 million dollar difference is going to impact the recipient states.

It's a no win situation – it may show an increase of 1.8% and we don't increase the fee now for a small amount or later they will wonder why we didn't increase it earlier – no win.

FMCSA is not sure how it would affect the fees – it would have to go through a rule making procedure.

Woody Chambers – Were the figures submitted by Texas correct in the beginning?

Angel Oliver – The fees regarding the SSRS were correct the fees for intrastate were not.

Reminder of a pending motion by Dave Lazarides on the 2013 fees to keep the same and seconded.

Scott Morris – given our experience I would like to proceed and look at the proposal from Texas in terms of the fees for the next year (2014). There is no data available let's move ahead.

Avelino Gutierrez – agree and would not preclude Texas from coming to the Board with a change at a later date.

Avelino Gutierrez called for a roll call vote on the motion to keep the 2013 fees the same as 2012.

Sandy Bowling – Yes, Neil Murphy – Yes, Woody Chambers – Yes, Scott Morris – Yes, Adam Anderson – Yes, Dave Lazarides – Yes, Angel Oliver – No, Bob Pitcher – Yes, Bill Bronrott– abstain, Gene Eckhardt – Yes, Avelino Gutierrez– Yes.

Motion passes 10 yes, 1 no, 1 abstain. The fees for 2013 will be set as the same as 2012.

**Registration System of the State of Indiana** – Sandy Bowling – forms 1 & 2 are now on the Indiana homepage. If a carrier chooses option B they are told they have to keep a record of the vehicles and were to get the form and complete it or something comparable. The same applies for those who remove intrastate vehicles.

There have been some citations that have been getting dismissed by the courts because there was no expiration date. The system has been modified to include an expiration date.

The bad check report has been fixed – it has been color coded and they say pending to indicate that Indiana is working on those. When it changes to pink the states are required to then collect the money from the carrier. (Exhibit E)

Vehicle count audit report – shows when carriers remove their intrastate vehicles - see form circulated with reports. (Exhibit F)

Follow up report on the high number of undeliverable addresses – 150,000 of those come from Canada and Mexico – there's a problem with the Mexican database.

Rick Wood – Clarification of addresses just in Mexico?

Sandy Bowling – Canada also.

Montana and North Dakota – started validating the addresses which greatly reduced the number letters coming back.

If any states still need the ability to tag carriers with undeliverable addresses in MCMIS – email Sandy Bowling the names of the people needing access.

**Depository Subcommittee** - Scott Morris – Final bills sent out to states for 2007, 2008, 2009. They are due by November 11 for the final distribution. For the 2009, 2010 and 2011 distribution, the paperwork has been gathered and the bills should go out to the states by the next meeting. (Exhibit G)

**Old/New Matters:**

**Future Board Meetings:**

December 8, 2011 12:00 pm – 3:00 pm EST  
February 2, 2012 12:00 pm – 3:00 pm EST  
March 8, 2011 – 12:00 pm – 3:00 pm EST  
Combined NCSTS in June in Chicago, IL

The Board adjourned at 1:32 pm EDT.

Minutes approved by the UCR Board on December 8, 2011.

Adam Anderson, UCR Board acting Secretary

Exhibit A - Meeting Agenda  
Exhibit B - September 22, 2011 Board Meeting  
Exhibit C - Iteris Registration Proposal  
Exhibit D - National Retreat  
Exhibit F - Bad Check Report  
Exhibit G - Audit Report  
Exhibit F - State Systems Report