

~~U~~nified ~~C~~arrier ~~R~~egistration ~~A~~greement

UCR Board

*Avelino A. Gutierrez, Chair
Robert Pitcher, Vice-Chair*

*P.O. Box 1269
Santa Fe, NM 87504
(505) 827-4565
avelino.gutierrez@state.nm.us*

July 11, 2008

The Honorable Mary E. Peters
Secretary
United States Department of Transportation
1200 New Jersey Ave., S.E.
Washington, D.C. 20590

SENT VIA FACSIMILE,
(202) 366-3224, AND
REGULAR, FIRST CLASS,
POSTAGE PREPAID MAIL

Dear Secretary Peters:

On June 10, 2008, the Board of Directors of the Unified Carrier Registration Plan ("Board") voted to recommend that you keep fees and fee brackets for the 2009 registration year at the same levels as previously set for the 2008 registration year. Significant to its decision is the Board's understanding from the Federal Motor Carrier Safety Administration ("FMCSA") that an expedited adjudication process is available in setting 2009 registration year fees and fee brackets. Also influencing the Board's decision was FMCSA's notification to the Board of a May 9, 2008 White House Memorandum that except in extraordinary circumstances, that through the end of President Bush's term of office regulations should be proposed no later than June 1, 2008 and final regulations should be issued no later than November 1, 2008. The Board recognized that if it recommended different fees and fee brackets for 2009, a rulemaking would have been required and that a recommendation had not been made prior to June 1.

Because the Board understands that FMCSA has requested the Board submit a revised calculation of State revenue entitlements for 2009 attached please find a table detailing State entitlements for 2009. Please note that the entitlement figures for 2008 and 2009 are identical. This, in part, reflects the fact that since the Board's 2008 fee recommendation was submitted, no additional states have filed a state plan. The Board is aware of the deadline contained in the Unified Carrier Registration ("UCR") Act that in order to participate in UCR a state must submit a state plan to you on or before August 10, 2008. 49 U.S.C. § 14504a(e)(1). The Board believes, without knowing for certain, that no additional non-participating UCR states will file a state plan before that date.

The Board further understands that FMCSA asks the Board to affirm that the fees originally set in 2007 for the 2007 registration year and continued for the 2008 registration year will be sufficient to provide the revenues to which the States are entitled for 2009. Although the Board cannot guarantee that the fees set in 2007 will be sufficient

to provide the revenues to which the State are entitled to for 2009, the Board continues to believe with more time to register entities subject to the UCR Act¹, some of whom did not register in 2007 or 2008, along with implementation of certain practices by the States, such as checking that carriers register in the correct bracket, combined with a meaningful roadside enforcement program², that the States will be made whole in 2009.

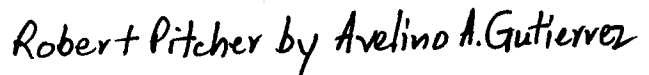
To illustrate the desire of the Board and the states to commence the 2009 registration period and thereby maximize recovery of the states' entitlement, on June 10, 2008, the Board by consensus agreed to ask the National Conference of State Transportation Specialists ("NCSTS")³ to set the UCR Registration period for 2009. NCSTS subsequently recommended that registration applications be mailed no sooner than September 1 and no later than September 30⁴ and that roadside enforcement for 2009 begin on January 1, 2009.

The Board stands ready and willing to assist you in setting a fee structure for 2009 as soon as possible. If you have any questions regarding the Board's new recommendation, please contact us. Thank you for your attention to this matter.

Sincerely,



Avelino A. Gutierrez
Chair, Board of Directors
Unified Carrier Registration Plan



Robert Pitcher
Vice-Chair, Board of Directors
Unified Carrier Registration Plan

cc: Unified Carrier Registration Plan Board of Directors
John H. Hill, Administrator, FMCSA
David H. Hugel, Deputy Administrator, FMCSA
Julie Otto, Transportation Specialist, FMCSA
Jason Hartman, Management Analyst, FMCSA

¹ Fees for the 2007 registration year were set by rulemaking published in the Federal Register on August 24, 2007, leaving approximately four months to collect the states' entitlement. Fees for the 2008 registration year were set by "technical correction" published in the Federal Register on February 26, 2008, leaving approximately ten months to collect the states' entitlement.

² Owing to various factors, neither the NCSTS nor the Board recommended enforcement of UCR at the roadside for 2007. The NCSTS and the Board recommended roadside enforcement of UCR for the 2008 registration year commencing July 1, 2008.

³ NCSTS is a non-profit organization made up of state agencies in part responsible for overseeing the administration of the UCR Agreement.

⁴ A registration period for the 2009 registration year that begins on or about September 1, 2008 would give the states approximately fifteen months to collect the states' entitlement which is similar to the registration period customarily utilized under the predecessor program to UCR, the Single State Registration System, Pub. L. No.104-88.

