

NEW MEXICO PUBLIC REGULATION COMMISSION



1120 Paseo de Peralta
P.O. Box 1269
Santa Fe, New Mexico 87504

AVELINO A. GUTIERREZ

Staff Counsel
Legal Division, Room 516
Direct: (505) 827-4565
Fax: (505) 827- 4155
E-mail:
avelino.gutierrez@state.nm.us

December 6, 2006

The Honorable Mary E. Peters
Secretary of the United States Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

**ALSO SENT VIA FACSIMILE,
TO: (202)366-3224**

Dear Madam Secretary:

On behalf of the Board of Directors of the Unified Carrier Registration Plan ("Board"), enclosed please find the Board's recommended initial annual fees and fee brackets for calendar year 2007 as required under the Unified Carrier Registration Act of 2005 (Subtitle C of Title IV of P.L. 109-59-"Act").¹ The Board stands ready, willing, and able to assist you in fulfilling your statutory obligation to set fees within 90 days after receiving this recommendation by providing you with the information you need to justify the fees and brackets. To that end, the following documents are enclosed:

- Report of the Revenues and Fees Subcommittee-Recommended Fee Structure Discussion including Appendices A-O with Appendix N containing the Board's Recommended Fee Bracket Structure
- Discussion of Entities Subject to Fees Under the UCRA Program

In making this recommendation, the Board first calculated an overall revenue requirement from statutorily named fees allocated to participating states from revenues derived under the UCR Agreement. The Board then set fees and brackets as required under the Act including the requirement of no more than 6 and no less than 4 brackets and the requirement of a progressive fee scale.² In arriving at an overall revenue figure of \$106,772,400, the Board included the revenues all Single State Registration

¹ 49 U.S.C. § 14504a(d)(7)

² 49 U.S.C. § 14504a(f)(1)(C) and (D)

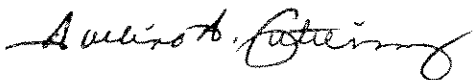
System ("SSRS") states reported as received for the 2004 registration year,³ the fees that each state, which collects intrastate registration fees, reported it collected in calendar year 2004 from interstate motor carriers, et al.,⁴ \$500,000 each from states that did not participate in SSRS but who filed a State Plan with United States Department of Transportation stating, among other things, that it has or will have the legal authority, resources, and qualified personnel necessary to administer the Uniform Registration Carrier Agreement promulgated by the Board,⁵ and an estimate of the administrative costs associated with the Unified Carrier Registration Plan and Agreement.⁶

The Board and, in particular, its Revenue and Fee Subcommittee ("Subcommittee") spent a great deal of time arriving at the brackets and their associated fees. In doing so, the Board made certain assumptions that are set out in detail in the enclosed Report of the Revenues and Fees Subcommittee-Recommended Fee Structure Discussion. Throughout their deliberations, the Board was cognizant of the task of setting fees in an environment where many new and untested variables exist. For example, under SSRS, fees were neither charged nor collected by the states from private motor carriers, freight forwarders, leasing companies, or brokers. Under UCR, these entities are required to register for the first time and their total number and overall percentage of registration are unknown.

In spite of these and other difficulties, the recommended fee bracket structure represents a consensus of all of the members of the Revenue and Fees Subcommittee and the Board as a whole. The enclosed documents explain the work and thought processes of the Subcommittee and Board in arriving at the final fee bracket structure. The Board believes that its fee bracket recommendation is reasonable and justified by the enclosed documents.

Although many states and some organizations are lobbying Congress for a one-year extension of the SSRS Program, the Board believes that as a matter of prudence and good sense, it can no longer wait for Congress to determine the fate of SSRS but must instead prepare for implementation of the UCR Program at the earliest possible date and therefore is compelled to submit its fee bracket structure recommendation to you at this time, which will bring the Board 90 days closer to registrations under the UCR Program. If you require additional information, please contact us.

Sincerely,



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



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

cc: John H. Hill, FMCSA Administrator
David H. Hugel, FMCSA Deputy Administrator

³ 49 U.S.C. § 14504a(g)(1)

⁴ 49 U.S.C. § 14504a(g)(2)

⁵ 49 U.S.C. § 14504a(g)(3)

⁶ 49 U.S.C. § 14504a(d)(7)(i)