

## **Minutes of the One Hundred Sixteenth Unified Carrier Registration Plan Board of Directors Meeting**

February 7<sup>th</sup>, 2017

In Person/Tele-conference

The One Hundred Sixteenth (116<sup>th</sup>) Unified Carrier Registration (UCR) Plan Board of Directors (Board) meeting was called to order by Avelino Gutierrez, Chairman at 9:00 am PST.

Attendance - Board of Directors:

Present – Avelino Gutierrez, Adam Anderson, Sandy Bowling, Woody Chambers, Tina Thurman, Daphne Jefferson, Larry Herold, Mike Hoeme, Elizabeth Leaman, Scott Morris, Bob Pitcher, Carol Fallin and Monte Wiederhold.

Absent – Chris Burroughs and Rick Schweitzer.

Avelino Gutierrez moved that the Board reconsider the sending of the letter to FMCSA requesting the fee reduction and open up a time frame for public comments, seconded by Bob Pitcher, motion passed.

The time frame for public comment will be a week to ten days:

Scott Morris discussed the proposal for the fee reduction. It was a little different than the original proposal because it did not address the overages that already been collected (Exhibit A). The proposed is a two-step proposal.

Public Comments for the Fee reduction, 2 comments:

Randy Coplin, Michigan State Police, requested that the Board proceed very cautiously because of state budgets are projected out up to 18 months in advance while I recognize that the excess fees have to be returned there needs to be a mechanism in place in which we can recover the short falls and states are adequately reimbursed from one year to the next for the full amount.

Mr. Berndnder with the Wisconsin Dept. of Transportation – I do appreciate the Boards work on this issue do intend to be full participant's in this program. I certainly endorse the prior comments of making sure we receive our entitlements and just wanted to add that I think the approach is good to correct the over collection and provide for a stable collection for the future. I have not followed it closely enough to know exactly what if there is a stated cost across the board for future years. The next step would be to estimate that and then one could decide if the registration figure for 2019 would be \$73 or \$74.

Avelino Gutierrez closed the phone comment period and moved that the written comment period remain open until February 20<sup>th</sup> 2017 at 5 pm EST to allow for written comment in the form of email or written mail. Seconded by Robert Pitcher, motion passed.

The written comments are to be sent to [Avelino.gutierrez@state.nm.us](mailto:Avelino.gutierrez@state.nm.us) or PO BOX 1269, Santa Fe NM, 87564

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

Adam Anderson moved to accept the **meeting agenda**, which was seconded by Scott Morris (Exhibit B) – motion passed.

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Woody Chambers moved to accept the **minutes for the December 15<sup>th</sup> 2016 Board meeting**, seconded by Sandy Bowling, (Exhibit C)

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

### **UCR Legislative Update – No Update**

**FMCSA Update** – Daphne Jefferson, Deputy Administrator FMCSA – delaying full implementation of the URS to allow states to do their testing due to some issues with the system. Continuing with the new application tool. FMCSA welcomed the new Secretary of Transportation MS. Chau.

Woody Chambers asked Daphne and Rick Wood asked for an update on the UCR suffix on the 392.2 violation code. Rick Wood asked for more clarification on what Woody is looking for. Rick and Woody will talk offline.

There had been recommendations that FMCSA help promote the UCR and there is a link now on the FMCSA website.

### **Report by DSL Transportation Services, Inc. – Dave Lazarides –**

**Audit Subcommittee** – Mike Hoeme – Inga Johnson (Alaska) and Mark Burn (Nebraska) joined the Subcommittee. Been working on some IRP reports to help with auditing. Further testing is ongoing with additional states.

Mike gave a reminder that he needed to have states resend their 2015 reports. He only received a handful and reminded that the 2016 is due by June 1, 2017.

**Procedures/Best Practices Subcommittee** – Adam Anderson – reported the subcommittee's work on the FAQ's. A list was sent out to everyone and asked everyone to review that list of the items being looked at and any suggestions on the proposed changes (Exhibit D). Also reviewing the 15 minute upload for data to Iteris.

Adam turned time over to Scott Morris on a proposed change to acknowledgement of funds received by states for funds from the Depository.

Scott Morris explained the issue is when states have to acknowledge those funds received in a timely manner but it is not happening. Scott explained that the actual transaction is done by the Bank and if there is a problem there they are quickly identified and he is notified by the bank and he gets ahold of the State.

Scott Morris moved that the need to have the States acknowledge the receipt of the Depository Distributions funds be removed from the depository function, seconded by Adam Anderson, motion passed.

An e-mail will go out when the system has been updated to remove this requirement it may take a few months.

States still have to acknowledge the funds received from Indiana.

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**Indiana System Subcommittee** – Scott Morris – time was given over to Sandy Bowling to give a report on the System. The team has finally been created to work on the UCR stuff all the time. The team did a lot of testing with the upload and downloads with the cloud environment. Also offering an online chat line and other enhancements (Exhibit E). Sandy will make sure there is a report provided each month on the status.

Scott Morris reported that Jim Poe is no longer with Indiana. Scott and Dave will be heading to Indiana to test some of the enhancements that have been completed.

Dave Lazarides said one of the things they are trying to do is to accommodate more web browsers. The team we have with Indiana is working really well.

Scott Morris brought of the fact that with the changes in Indiana that our MOU expires in about 21 months and if something was to happen and Indiana not renew the MOU or if they exercise the 90 out clause, the Board does not have a Plan B or contingency plan with that in mind Scott recommended that the Board develop a plan b by first developing a design document.

Scott Morris moved that the Board direct Dave Lazarides to come back to the Board next month with a list of resources and a proposal to develop a design document relative to a new registration system, seconded by Adam Anderson, motion passed.

**Indiana Department of Revenue** – Sandy Bowling – reported on some of the statistics of what they do. Sandy said she wrote 1,189 IT remedy tickets from 2015 through 2016 (Exhibit F). Sandy recommended that each state go into the registration System and pull a report that show's how many registrations that are processed in house versus online.

Avelino Gutierrez moved that the Board authorize payment to the Indiana Department of Revenue in the amount of \$40,242.60, for the postage and mailing of the 2017 notices and the delinquent notices for 2016, seconded by Adam Anderson, motion passed (Exhibit G).

Sandy Bowling – a few months back Len Shenk from Ohio took on the task of creating a database for the motions voted upon and she asked if Tina could post it on the website. Avelino mentioned that this would be one of the tasks the administrator will take on also to keep up to date.

Sandy Bowling asked for clarification that if a company should have paid the 2015 registration fees and did not, should they be getting citations now that the system has shut down the 2015 registration year?

Avelino Gutierrez moved that the Board recommends to the States that citations should only be issued by the states for the current registration year and the prior year, seconded by Robert Pitcher, motion passed.

**Industry Advisory Subcommittee** – Bob Pitcher – The subcommittee has reviewed the topic of the fee adjustment that would be taking into account the excess fees collected in 2016 and the projected for 2017 along with the unspent administrative fees (still to be determined and would have to wait until 2019 for the adjustment). Another item discussed was the audits of the motor carriers and the states, it seems to be well in hand and whether the states are actually

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doing the audits is another topic since most have not bothered to turn in their report. Also discussed the UCR Q & A, the Indiana Registration System and the dispute resolution.

**Revenue and Fees Subcommittee** – Larry Herold – Reported that before we can properly set fees we need to have an operating budget. Dave Lazarides reported on the operating budget (Exhibit H).

Robert Pitcher mentioned that he presumed that some of the line items such as the consulting that could possibly be put into the RFP. Dave and Scott agreed that that could be a possibility and we will have to wait and see.

Avelino Gutierrez brought the fact that this budget did not include a reserve fund.

Larry Herold moved that the Board approve this per forma operating budget as an interim budget for calendar year 2017, seconded by Scott Morris, motion passed.

Larry Herold then brought up the discussion about a reserve fund, especially if something was to change in our relationship with Indiana (not that we want any change). No decision taken at this time on how much the reserve should be.

**Requests for Proposals** – Scott Morris – reported on the three responses that had been received on the RFI's. These responses were used to help formulate the Request for Proposal (Exhibit I). Scott asked that the Board members review the RFP document and if there is anything that needs to be changed let him know but be specific as to what you want it to say. The target date to send out the RFP is March 1<sup>st</sup>, 2017, but if possible to release it sooner. Due date for responses March 31<sup>st</sup>, 2017. Review and then hold an in-person interview for finalists on April 27<sup>th</sup> and then the Board make a decision on April 28<sup>th</sup> on who to award the contract to.

Rick Wood will check to see if the review of the RFP's needs to be a closed session.

Scott Morris moved that Board allow the release of the RFP upon approval of the taskforce (Scott Morris, Avelino Gutierrez, Rick Schweitzer, Adam Anderson), seconded by Larry Herold, motion passed.

**Dispute Resolution Subcommittee** – Tina Thurman – reviewed the draft copy of the Dispute Resolution Procedure and asked that the Board Members review the document and report back to her and Robert Pitcher on any suggestion by February 28<sup>th</sup> (Exhibit J).

Avelino Gutierrez gave a special thanks to Robert Pitcher for his help in drafting the procedure.

**Administrative Fee's Subcommittee** – Elizabeth Leaman – tabled the website development until the Administrator has been chosen and that the go to meeting is due up for renewal and will look at the pricing but this too may be part of the Administrators duties.

**Depository Subcommittee** – Scott Morris – reviewed the preliminary Schedule of Operating Fund Activity (Exhibit K). Scott gave some preliminary numbers for the registration totals for 2015 (\$112,725,023), 2016 (\$116,653,609), 2017 (\$106,583,045). Scott then reviewed his Subcommittee Budget (Exhibit L).

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Scott Morris moved that the Board approve the operating budget for the Depository Subcommittee of \$135,000, seconded by Elizabeth Leahman, motion passed.

Scott looked into bringing on a temporary employee to help out with the functions. However he found out he could not bring someone into the office space there. He did find an office space to rent and he proposed that he could bring on a temporary office assistant to help with depository functions and asked for authorization to enter the agreement for 6 months. This space can also be used during the transition with the Administrator.

Scott Morris move that the Board authorize him to be able to enter into an agreement with Kelly Services for 6 months to provide an administrative assistant and with Regis for a 6 month lease for office space, seconded by Adam Anderson, motion passed.

Scott Morris welcomed Carol Fallin to the Depository Subcommittee.

Scott Morris moved that the Board authorize that Carol Fallin be added to the list of signatories at the Bank of North Dakota, seconded by Mike Hoeme.

Scott Morris moved that he be allowed to open a new savings account for the 2017 registration and another account for excess funds, seconded by Woody Chambers, motion passed.

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

Avelino Gutierrez reviewed the invoice from NCSTS for the UCR's portion of bill for the San Diego, in the amount of 3,466.33 for food meeting room and av costs.

Avelino Gutierrez moved to reimburse NCSTS in the amount of \$3,466.33, seconded by Carol Fallin, motion passed.

Sandy Bowling brought the issue with the Student Bus Transportation for Nebraska and Mike Hoeme responded that Nebraska will receive a letter from Avelino Gutierrez confirming Nebraska's stance on the audit.

### **Future Board Meetings:**

March 14<sup>th</sup>, 2017 12:00 PM EDT

April 28<sup>th</sup>, 2017 27<sup>th</sup>, 28<sup>th</sup> in Atlanta Georgia

May 25<sup>th</sup>, 2017 12:00 PM EDT

June 3<sup>rd</sup> thru 7<sup>th</sup>, 2017, Board Meeting on June 7<sup>th</sup>, 2017 9:00 AM EDT (Santa Fe, NM)

Minutes approved by the UCR Board on March 14<sup>th</sup>, 2017 .

Adam Anderson,  
UCR Board Member/Secretary

Exhibit A – 2018/2019 Fee Recommendation to FMCSA

Exhibit B – Meeting Agenda

Exhibit C – December 2016 Board Meeting Minutes

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Exhibit D – UCRA Q & A Suggested Revisions

Exhibit E – UCR Summary Enhancements

Exhibit F – Stats for 2017

Exhibit G – Invoice for Indiana Mail Outs

Exhibit H – Budget Outline

Exhibit I – UCRA RFP Draft

Exhibit J – Draft UCR DR Procedures

Exhibit K – Schedule of Operating Fund Activity