

Unified Carrier Registration Agreement (UCRA) Fees

The UCR Plan Board of Directors (Board) considered three options for 2008 UCRA fees.

- Option 1 kept fees the same as 2007, which would not require rulemaking but would require adjudication by FMCSA to amend its original order setting 2007 UCRA fees so that the fees would apply for 2007 and subsequent years.
- Option 2 increased the fees to provide for an additional seven million dollars for several new States coming into the UCRA. Option 2 would require rulemaking.
- Option 3 included the Option 2 increase plus it accounted for bracket creep (carriers registering in categories lower than the MCMIS database indicated).

The Board adopted Option 1 as the fee structure for 2008 fees.

A memo from Julie Otto (FMCSA) was discussed regarding steps necessary for the Board to recommend withdrawal of its original recommendation for 2008 UCRA fees. Avelino Gutierrez (New Mexico PRC), as Chair of the Board, will handle this by letter to the FMCSA.

There was additional discussion regarding recuperation of shortfalls in revenues from one year by increasing fees for the subsequent years, which will be a subject for further consideration with regard to setting 2009 UCRA fees.

UCRA On-Line Registration

Assuming that the FMCSA accepts the Board recommendation of Option 1, the Indiana DOR (INDOR) can have its system ready for 2008 as early as the end of February.

The list of names and addresses of entities subject to UCRA fees for 2008 will come from the INDOR list of carriers that have registered in 2007 and the USDOT list.

INDOR has made a five-year commitment, through a memorandum of understanding, to provide the national UCRA online registration system beginning in 2007.

INDOR will only be making payments to the states by automatic funds transfer (ACH).

Enhancements to the INDOR system get overwhelming if each state wants changes unique to itself and, for that reason, the Board will act as the buffer in determining what enhancements should be made. Suggested enhancements to INDOR system should be provided to Dave Lazarides (Illinois CC) who will coordinate any enhancements with the UCR Systems Subcommittee and INDOR. A list of enhancements and activities will be provided to the states. Dave's contact info is: dlazarid@icc.illinois.gov; 217-782-9228; or 527 E Capitol Avenue, Springfield, IL 62701.

The FMCSA is in the process of certifying each state that has its own UCRA registration system to enable those states to upload their UCRA registrations into the SAFER system, which can be viewed at <http://www.safersys.org/>. The cost to the FMCSA is too high when converting flat files from uncertified states into data that can then be used in SAFER. For that reason the Board passed a motion that any state that registers entities subject to the UCRA for 2008 and subsequent years must be certified by FMCSA to upload that years' registration data prior to registration of those entities.

Legislation

The SAFETEA-LU technical corrections bill has passed House but is on hold in the Senate for reasons other than the UCRA. At best it may be passed in the summer. If it doesn't pass, it may come back in a reauthorization bill next year.

The issue regarding whether there should be a financial responsibility component for motor private carriers in the UCRA was discussed. The technical corrections bill includes the deletion of the financial responsibility component.

Enforcement

The Board passed the following motions:

- The Board encourages States to require the justification of non-payment of 2007 fees before the carrier is allowed to pay the 2008 fees.
- The Board encourages States to take enforcement action to enforce 2007 and 2008 fees for at least their own carrier base according to their state statutes.

Additional UCRA enforcement tools for 2008 and future years that were discussed included:

- PrePass is working on UCRA compliance as a qualification criteria.
- CVSA is discussing UCRA compliance as a part of its inspection criteria.

Bill Leonard (New York DOT) advised that he will work with INDOR to create a list of carriers that have not registered in the UCRA for 2007. That list will then be provided to the states.

UCR Depository

The UCR Depository spreadsheets for October and November were reviewed as was the process for determining and authorizing the disbursements. In October, three states were donor states. The process changed for November as the number of donor states increased but they would not have all of their money until they received it from INDOR and certain states that have not submitted their excess fees.

The Bank of North Dakota is the depository bank. Payments to recipient states from the depository will be made by automatic funds transfer only.

Survey

The NCSTS Motor Carrier Registration (MCR) committee will survey states as to what they do and what they are willing to do with regard correcting MCMIS information. Also included will be a survey of best practices regarding how states obtain compliance with the UCRA.

Mike Hoeme (Kansas CC), Sandy Bowling (INDOR), Terry Willert (Colorado PUC), Frank LaQua (North Dakota DOT), Tom Klingman (UPS), and Julie Otto were appointed to a working group to conduct the above survey with Sandy and Terry as co-chairs.

UCR Audit Subcommittee

The Board passed a motion to form a UCR Audit Subcommittee. Buddy Covert (West Virginia PSC) was appointed as the Chair.

State Participation

The Board received a letter dated December 28, 2007, from the Hawaii Department of Transportation stating that Hawaii would not participate in the UCRA.

Training

The Board approved the Training Guide prepared by the UCR Procedures Subcommittee. The training is provided from a state, industry, and enforcement perspective. The Training Guide will be distributed electronically as soon as it is available.

A working group was established to study the issue of multiple definitions of the term "commercial motor vehicle" and come back to the Board with a recommendation. Also to be studied is the question of preemption of intrastate fees and renewals. The group includes Bob Pitcher (ATA), Mike Hoeme, Scott Morris (Alabama PSC), Terry Willert, Rick Woods (FMCSA), and Lynne Jones (Oklahoma CC). Recommendations that are approved by the Board will most likely become part of the UCRA Question and Answer document.

The Board passed the following motions, which will be incorporated into the UCRA Question and Answer document:

- Motor private carriers of passengers are not subject to UCR fees.
- If an entity has requested a refund from a State because it is not subject to the UCR and if the State also determines that the entity is not subject to the UCR, then the State must refund the monies.
- Motor carriers, both for-hire and private, that are exempted from UCR fees may be subjected to the regulations of the State in which operations are being conducted.
- Charities and non-profits are subject to the UCRA.
- Motor carriers operating in interstate commerce solely in Hawaii are subject to the UCRA.