

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

March 17, 2016

Tele-conference

The One Hundred Sixth (106<sup>th</sup>) Unified Carrier Registration (UCR) Plan Board of Directors (Board) meeting was called to order by Avelino Gutierrez, Chairman at 12:05 PM EST.

Attendance - Board of Directors:

Present – Avelino Gutierrez, Adam Anderson, Sandy Bowling, Mike Hoeme, Scott Morris, Elizabeth Leaman, Woody Chambers, Tina Thurman, Robert Pitcher, Angel Oliver, Monte Weiderhold, and Larry Herold.

Absent – Daphne Jefferson, Rick Schweitzer and Chris Burroughs.

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 Sandy Bowling Agenda (Exhibit A) – Motion passed

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

Elizabeth Leaman moved to accept the **minutes of the February 2<sup>nd</sup>, 2015 Board meeting**, seconded by Larry Herold, (Exhibit B) – Motion passed.

**UCR Legislative Update** – None

**FMCSA Update** – Rick Wood – received the nominations for appointment to the Board for NCSTS members and should have it completed soon. FMCSA is working on the issues that Sandy Bowling had sent out regarding the issues with the mc number for brokers.

**Revenue and Fees Subcommittee** – Larry Herold – has been working on the process of how we determine the fees.

Avelino Gutierrez moved that the Board direct the Chair to send a letter to FMCSA recommending the fees, fee brackets and the administrative fees for 2017 registration year to remain the same as the current fees, fee brackets and administrative fees, seconded by Adam Anderson.

Roll Call Vote: Yes – Adam Anderson, Sandy Bowling, Woody Chambers, Tina Thurman, Elizabeth Leaman, Mike Hoeme, Larry Herold, Scott Morris, Angel Oliver, Avelino Gutierrez

No: Robert Pitcher, Monte Weiderhold

Absent: Chris Burroughs, Rick Schweitzer, Daphne Jefferson.

Motion Passed

Avelino Gutierrez moved that the Board recommend to the states that the states begin enforcement for the 2017 registration year on January 1<sup>st</sup>, 2017, seconded by Elizabeth Leaman.

Woody Chambers and Monte Wiederhold expressed their concern about how unequal the enforcement is across the country.

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Roll Call Vote: Yes – Adam Anderson, Sandy Bowling, Tina Thurman, Elizabeth Leaman, Mike Hoeme, Larry Herold, Robert Pitcher, Scott Morris, Angel Oliver, Avelino Gutierrez

No: Woody Chambers, Monte Weiderhold

Absent: Chris Burroughs, Rick Schweitzer, Daphne Jefferson

Motion Passed

**Report by Dave Lazarides, UCR Board Contractor** – Dave Lazarides – reported on three items from the Scottsdale meeting.

Item number 1 -Board asked in Scottsdale that the parameters for the UCR universe be increased from 15 months to 24 months which increased the overall universe by about 1,000.

Item number 2 – assigned to get estimates for auditing the depository and the operating funds – was going to set up a conference call with Jackson/Thornton. Jackson/Thornton informed Dave that the Board is not ready to have audits performed yet and that it is Jackson/Thornton's responsibility to get the Board to that point.

Item number 3 – Suggestion was given to the Board to create its own UCR enforcement website – reason being that there have been issues with controlling the uploads and downloads. A couple of years ago Bronrott with FMCSA said that he would like to get out of the UCR all together. Dave indicated he had talked to Daphne Jefferson about this and she would get back to him by the June meeting. In regards to the payment records that states already send a registration record without payment information to FMCSA and they also send a payment record to Iteris. All the information is in the payment record and could really create an enforcement screen. Iteris has a search engine on the UCRLink and it is fed by Safer and the ability is there also to have it fed by the payment record.

Adam Anderson asked if Dave could get a report as to how often each state is reporting the registration payment.

Laurie asked a clarification question as to why the Board was wanting to create a separate database for enforcement.

Dave Lazarides clarified that states are already reporting to Iteris, but we are asking that they make those uploads on a more timely basis. The Board has no control over the uploads and the downloads of the data to Safer. By creating an in house enforcement site it can be better controlled.

Laurie asked what it is that the Board is trying to control.

Scott Morris explained that looking at the issues with the upload and downloads and drivers getting citations for not have the registration completed when they actually had been. Also, he explained that Safer doesn't get all the information for that registration and the rest is given to Iteris. Also, yes there were some issues with FMCSA on the uploads and they are fixing them but they have their time frame to fix things.

Rick Wood clarified that from the outset FMCSA has made a great effort in trying to comply with

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its obligation to display the registration data.

**Audit Subcommittee** – Angel Oliver – Reported that the committee did meet and that the first question was – what was the committee going to do with the reports. What was decided was to look at 10 % of the states and ask if there are any states that would like to volunteer to do peer reviews.

The next question was what is the Audit Subcommittee going to do about states that do not comply with the audit/reporting requirement.

The committee also tossed around the schedule of doing the peer review such as a 10% a year. What roll could UCR Inc be assigned in doing the peer review audit – maybe a clerical role?

Also the committee discussed adjusting the percentages on the audits that have to be done.

Angel presented her proposed budget for the audit subcommittee (Exhibit C).

Angel Oliver moved that the Board approve the proposed Audit Subcommittee budget, seconded by Mike Hoeme.

Roll Call Vote: Yes – Adam Anderson, Sandy Bowling, Tina Thurman, Elizabeth Leaman, Mike Hoeme, Larry Herold, Scott Morris, Angel Oliver, Avelino Gutierrez

No: Woody Chambers, Monte Weiderhold and Robert Pitcher

Absent: Chris Burroughs, Rick Schweitzer, Daphne Jefferson and Larry Herold (left after his report).

Motion passed.

**Procedures/Best Practices Subcommittee** – Adam Anderson – reported on a needed standard that the Audit Subcommittee can use as a standard for states to know what can be considered an audit. This standard would actually be the use of the matrix.

Discussed the changes that had been made to sections 18 and 19 of the UCR Agreement (Exhibit D)

Adam Anderson moved that the Board approve the addition language as discussed to bring the Agreement up to date, Seconded by Robert Pitcher, Motion Passed.

Adam Anderson motioned to modify the language a little in the previous motion, this would change the period at the end of the first sentence to a comma and then change the uppercase T to a lower case t, seconded by Robert Pitcher, Motion Passed.

**Industry Advisory Subcommittee** – Robert Pitcher – Do expect that there will be an Industry Subcommittee meeting in Providence Rhode Island.

**Dispute Resolution Subcommittee** – Tina Thurman – Just waiting on a response from the State of Illinois.

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Scott Morris is going to contact one of the Illinois Commissioners to try and get some type of movement from the backside.

A discussion was held over the aspect of what type of litigation the Board can take against a state that is not complying with the Agreement.

**Indiana System Subcommittee** – Sandy Bowling – reported that the process to re-upload all the registration data shall be completed by tomorrow. The percentage reports had not been sent out because the information is not accurate. The e-mail blast had been discontinued and is now up and running again. If anyone gets a call from someone that says the UCR fee has been paid forward the USDOT number to Sandy.

Sandy reported that she will request the list of non-compliant carriers from FMCSA now that the upload issue has been fixed. Hopefully by the next Board meeting Sandy hoped to have a report on how many report cards had been returned. One item that has been noticed is that a lot of these carriers had never paid the fees in the past.

**Administrative Fee's Subcommittee** – Elizabeth Leaman – Reminded everyone that when traveling to make sure hotel costs are the GSA rate because any charges over that will be the traveler's expense.

Reported on the costs associated with using Cisco as the vendor for the board meetings and that the cost would be 6 cents per minute/per person, be able to display all the documents online for everyone to see them, also all callers can be muted just in case someone puts us on hold.

Elizabeth Leaman moved that a contract be engaged with CISCO to make it available to the Board with the understanding that it would cost .06 cents per minute, Tina Thurman, Motion Passed.

**Depository Subcommittee** - Scott Morris – Reviewed the states system reports (Exhibits E) Scott reviewed the bank balance report for January and February (Exhibit F), the operating funds report for January and February (Exhibit G), Depository Budget report (Exhibit H).

Scott discussed the depository module changes that are being made that will help change the system to how we do business and reminded everyone to go in and acknowledge the funds each month. There have been invoices sent out and Scott reminded everyone to return the funds as quickly as possible.

Distributions will be going out and states need to go in and acknowledge they received the funds.

Scott reviewed the past due Invoice report (Exhibit I).

Sandy Bowling asked Scott if Indiana should send the money for Illinois to the Depository. Scott will be visiting with Illinois and discussing it further.

Scott reviewed the distribution reports (Exhibit J) and mentioned that the September 2015 distribution will be going out shortly. Scott also reported that Jackson/Thornton will be handling the distributions from now on.

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Scott Morris gave an update on the Polycom phone and the projector. Previously there was an amount of \$300.00 approved for the Polycom and it is looking like that will not be enough. Scott reported he could not find a Polycom for that amount.

Avelino Gutierrez moved that the amount approved for the Polycom be increased by \$150.000 for a total of \$550.00, seconded by Elizabeth Leaman, Motion Passed.

Scott Morris reported he had received invoices from Jackson/Thornton, Iteris and the attorneys and they are within the contract.

Woody Chambers commented that on the Operating Funds report for February that it looks like the UCR Board is picking up the tab for those that are on the NCSTS. Avelino Gutierrez explained that the amount is actually split between NCSTS and UCR. Some of the items such as the AVI equipment. On days that the UCR is using the AVI and NCSTS is not then UCR pays the full cost.

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

Avelino Gutierrez reviewed the list of the Board members and he will make one little correction and forward it to Adam Anderson and then it will be sent out to everyone (Exhibit K).

Avelino Gutierrez had forwarded an e-mail chain to everyone that discussed the use of the shield that is similar to the one AASHTO uses. The Board had previously approved the shield pending the approval by AASHTO (Exhibit L)

Avelino Gutierrez updated the Board on the status for taskforce created to work with Indiana on updating the MOU. A meeting has been set up in late April.

Avelino Gutierrez moved that the Board authorize a budget of \$6,000 for the travel to Indiana, Seconded by Adam Anderson, Motion Passed.

Dennis Clydesmith asked a question on the definition on the interstate commerce – is it based upon the vehicle or the commodity. This was in relation to farmers hauling their own farm products.

Adam Anderson explained the federal definition of interstate transportation. A vehicle transporting a load from one place to another within the state and that commodity is being transported out of that state by someone else. The original move is considered interstate because the commodity was intended to be moved out of state from the beginning.

Elizabeth Leaman brought up an issue about a busing company in Massachusetts that will be using the buses to transport campers in the summer with the question is it a for-hire transportation or not. Rick Wood reminded that this was a separate issue than the previous issue because the busing issue is a private motor carrier of passengers, which is exempt from UCR.

Sandy Bowling is going to send some documents over to Rick Wood that is showing that these type of operations are being changed by FMCSA to an exempt status.

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### **Future Board Meetings:**

May 12<sup>th</sup>, 2016 12:00 PM to 3:00 PM EDT

June 5<sup>th</sup> – 8<sup>th</sup> in Providence, Rhode Island. Board meeting on the June 8<sup>th</sup>, at 8:00 AM to 12:00 PM EDT.

July 14<sup>th</sup>, 2016 12:00 PM to 3 PM EDT

August 11<sup>th</sup>, 2016 12:00 PM to 3 PM EDT

The Board adjourned at 3:00 PM EST.

Minutes approved by the UCR Board on May 12, 2016.

Adam Anderson, UCR Board Secretary

Exhibit A – Meeting Agenda

Exhibit B – Board Meeting Minutes

Exhibit C – Audit Subcommittee Budget

Exhibit D – Proposed changes to Sections 18 & 19 of the Agreement

Exhibit E – State System Reports

Exhibit F – Bank Balance Reports

Exhibit G – Operating Funds

Exhibit H – Depository Budget Report

Exhibit I – Past Due Invoices

Exhibit J – Distribution Reports

Exhibit K – List of Board Members

Exhibit L – E-mail Chain with AASHTO