

2009 Unified Carrier Registration Monthly Distribution Report - Through April 2009

Base State	Distribution Of Excess Revenue	Depository Balance	2009 Entitlement	Fees Collected		Excess Revenue	Short of Entitlement		Collected		
				Sep08-Apr09	TOTAL		\$	% Total	Entitlement	\$	%
All	\$ 10,551,982	\$ 13				\$ (10,551,995)	\$ 44,348,874		\$ 107,777,059	\$ 73,980,168	
AK	\$ 87,144		\$ 500,000	\$ 133,743	\$ 133,743	\$ -	\$ 366,257	0.83%	\$ 500,000	\$ 220,887	44.2%
AL*	\$ 251,843		\$ 2,939,964	\$ 1,881,495	\$ 1,881,495	\$ -	\$ 1,058,469	2.39%	\$ 2,939,964	\$ 2,133,338	72.6%
AR	\$ 99,428		\$ 1,817,360	\$ 1,399,474	\$ 1,399,474	\$ -	\$ 417,886	0.94%	\$ 1,817,360	\$ 1,498,902	82.5%
CA	\$ -		\$ 2,131,710	\$ 2,856,754	\$ 2,856,754	\$ (725,044)	\$ -	0.00%	\$ 2,131,710	\$ 2,131,710	100.0%
CO	\$ 175,646		\$ 1,801,615	\$ 1,063,394	\$ 1,063,394	\$ -	\$ 738,221	1.66%	\$ 1,801,615	\$ 1,239,040	68.8%
CT	\$ 580,783		\$ 3,129,840	\$ 688,872	\$ 688,872	\$ -	\$ 2,440,968	5.50%	\$ 3,129,840	\$ 1,269,655	40.6%
DE	\$ 48,768		\$ 500,000	\$ 295,030	\$ 295,030	\$ -	\$ 204,970	0.46%	\$ 500,000	\$ 343,798	68.8%
GA	\$ -		\$ 2,860,060	\$ 2,884,572	\$ 2,884,572	\$ (224,512)	\$ -	0.00%	\$ 2,860,060	\$ 2,860,060	100.0%
IA*	\$ -		\$ 474,742	\$ 1,841,278	\$ 1,841,278	\$ (1,366,536)	\$ -	0.00%	\$ 474,742	\$ 474,742	100.0%
ID	\$ -		\$ 547,697	\$ 606,899	\$ 606,899	\$ (59,202)	\$ -	0.00%	\$ 547,697	\$ 547,697	100.0%
IL*	\$ -		\$ 3,516,993	\$ 4,401,240	\$ 4,401,240	\$ (884,247)	\$ -	0.00%	\$ 3,516,993	\$ 3,516,993	100.0%
IN	\$ -		\$ 2,364,879	\$ 3,207,945	\$ 3,207,945	\$ (843,066)	\$ -	0.00%	\$ 2,364,879	\$ 2,364,879	100.0%
KS	\$ 697,263		\$ 4,344,290	\$ 1,413,769	\$ 1,413,769	\$ -	\$ 2,930,521	6.61%	\$ 4,344,290	\$ 2,111,032	48.6%
KY	\$ 922,248		\$ 5,365,980	\$ 1,489,871	\$ 1,489,871	\$ -	\$ 3,876,109	8.74%	\$ 5,365,980	\$ 2,412,119	45.0%
LA	\$ 738,498		\$ 4,063,836	\$ 960,008	\$ 960,008	\$ -	\$ 3,103,828	7.00%	\$ 4,063,836	\$ 1,698,506	41.8%
MA	\$ 227,642		\$ 2,282,887	\$ 1,326,131	\$ 1,326,131	\$ -	\$ 956,756	2.16%	\$ 2,282,887	\$ 1,553,773	68.1%
ME*	\$ 120,786		\$ 1,555,672	\$ 1,048,020	\$ 1,048,020	\$ -	\$ 507,652	1.14%	\$ 1,555,672	\$ 1,168,806	75.1%
MI	\$ 1,058,119		\$ 7,520,717	\$ 3,073,558	\$ 3,073,558	\$ -	\$ 4,447,159	10.03%	\$ 7,520,717	\$ 4,131,677	54.9%
MN	\$ -		\$ 1,137,132	\$ 2,179,687	\$ 2,179,687	\$ (1,042,555)	\$ -	0.00%	\$ 1,137,132	\$ 1,137,132	100.0%
MO	\$ 25,107		\$ 2,342,000	\$ 2,236,476	\$ 2,236,476	\$ -	\$ 105,524	0.24%	\$ 2,342,000	\$ 2,261,583	96.6%
MS	\$ 808,080		\$ 4,322,100	\$ 925,828	\$ 925,828	\$ -	\$ 3,396,272	7.66%	\$ 4,322,100	\$ 1,733,908	40.1%
MT*	\$ 98,668		\$ 1,049,063	\$ 634,369	\$ 634,369	\$ -	\$ 414,694	0.94%	\$ 1,049,063	\$ 733,037	69.9%
NC	\$ -		\$ 372,007	\$ 2,258,863	\$ 2,258,863	\$ (1,886,856)	\$ -	0.00%	\$ 372,007	\$ 372,007	100.0%
ND*	\$ 240,386		\$ 2,010,434	\$ 1,000,117	\$ 1,000,117	\$ -	\$ 1,010,317	2.28%	\$ 2,010,434	\$ 1,240,503	61.7%
NE	\$ -		\$ 741,974	\$ 1,238,326	\$ 1,238,326	\$ (496,352)	\$ -	0.00%	\$ 741,974	\$ 741,974	100.0%
NH	\$ 413,428		\$ 2,273,299	\$ 535,703	\$ 535,703	\$ -	\$ 1,737,596	3.92%	\$ 2,273,299	\$ 949,131	41.8%
NM	\$ 642,308		\$ 3,292,233	\$ 592,682	\$ 592,682	\$ -	\$ 2,699,551	6.09%	\$ 3,292,233	\$ 1,234,990	37.5%
NY	\$ 271,005		\$ 4,414,538	\$ 3,275,530	\$ 3,275,530	\$ -	\$ 1,139,008	2.57%	\$ 4,414,538	\$ 3,546,535	80.3%
OH	\$ 30,205		\$ 4,813,878	\$ 4,686,929	\$ 4,686,929	\$ -	\$ 126,949	0.29%	\$ 4,813,878	\$ 4,717,134	98.0%
OK	\$ 222,441		\$ 2,457,796	\$ 1,522,898	\$ 1,522,898	\$ -	\$ 934,898	2.11%	\$ 2,457,796	\$ 1,745,339	71.0%
PA	\$ 291,399		\$ 4,945,527	\$ 3,720,807	\$ 3,720,807	\$ -	\$ 1,224,720	2.76%	\$ 4,945,527	\$ 4,012,206	81.1%
RI	\$ 456,184		\$ 2,285,486	\$ 368,193	\$ 368,193	\$ -	\$ 1,917,293	4.32%	\$ 2,285,486	\$ 824,377	36.1%
SC	\$ 390,119		\$ 2,420,120	\$ 780,491	\$ 780,491	\$ -	\$ 1,639,629	3.70%	\$ 2,420,120	\$ 1,170,610	48.4%
SD	\$ 51,254		\$ 855,623	\$ 640,206	\$ 640,206	\$ -	\$ 215,417	0.49%	\$ 855,623	\$ 691,460	80.8%
TN	\$ 564,324		\$ 4,759,329	\$ 2,387,537	\$ 2,387,537	\$ -	\$ 2,371,792	5.35%	\$ 4,759,329	\$ 2,951,861	62.0%
TX	\$ -		\$ 2,718,628	\$ 5,512,234	\$ 5,512,234	\$ (2,793,606)	\$ -	0.00%	\$ 2,718,628	\$ 2,718,628	100.0%
UT	\$ 213,927		\$ 2,098,408	\$ 1,199,293	\$ 1,199,293	\$ -	\$ 899,115	2.03%	\$ 2,098,408	\$ 1,413,220	67.3%
VA*	\$ 564,224		\$ 4,852,865	\$ 2,481,491	\$ 2,481,491	\$ -	\$ 2,371,374	5.35%	\$ 4,852,865	\$ 3,045,715	62.8%
WA	\$ 37,733		\$ 2,487,971	\$ 2,309,380	\$ 2,309,380	\$ -	\$ 158,591	0.36%	\$ 2,467,971	\$ 2,347,113	95.1%
WI	\$ -		\$ 2,196,680	\$ 2,426,699	\$ 2,426,699	\$ (230,019)	\$ -	0.00%	\$ 2,196,680	\$ 2,196,680	100.0%
WV	\$ 223,022		\$ 1,431,727	\$ 494,389	\$ 494,389	\$ -	\$ 937,338	2.11%	\$ 1,431,727	\$ 717,411	50.1%
RD						\$ -	\$ -				
TOTAL	\$ 10,551,982		\$ 107,777,059	\$ 73,846,438	\$ 73,846,438	\$ (10,551,995)	\$ 44,348,874	100.00%	\$ 107,777,059	\$ 73,980,168	

TIMELINE: UCR 2010 FEE DETERMINATION PROCESS

2009:

April 3: UCR Board submits recommended 2010 fee schedule to FMCSA.

April 23: FMCSA sends schedule back to UCR Board with request for more information.

July 14: UCR Board informs FMCSA that they cannot agree on a revised fee schedule.

July 15: 90 day clock starts running for FMCSA to issue new rule which they must **according to SAFETEA-LU** despite lack of recommendation from the UCR Board (Section 4305, Section 14504a—SAFE-TEA-LU).

September 3: FMCSA issues rule for notice and comment in which FMCSA says rule is a not significant Regulatory action within Exec. Order 128676.

September 28: Comment period closes.

October 15: 90 day clock stops; per SAFETEA-LU rule must be issued

November 12: UCR Board Conference call: FMCSA tells board that that rule is about to be sent to the Secretary's Office and repeats again it has not been deemed to be economically Significant requiring OMB review and should be issued soon.

November 12: UCR Board discusses timeline for states to prepare to send new 2010 registration fee Notices out to motor carriers by January 1 (rule has to be issued by December 1 to do This) and a possible grace period to Feb. 15 before hard enforcement.

December 3: CVSA learns from FMCSA that rule has now been deemed economically and otherwise Significant and final review process will take a while longer.

December 10: UCR Board Conference call at which FMCSA says consideration of the final fee rule is likely To take until at least March 2010 and also says that two components are used to Determine whether a rule needs a comprehensive OMB review—whether the rule Meets the economic threshold (\$100 million—it's a replacement fee) and whether It is significant in the sense that it generates public reaction which it does.

2010:

As of Feb. 3, 2010: The rule is still in DOT Secretary's office and has not gone to OMB yet. FMCSA Reports that it has been asked by the Secretary to provide more information and That new rule will not likely be issued until April, 2010.



Commercial Vehicle Safety Alliance

promoting commercial motor vehicle safety and security

December 7, 2009

Anne Ferro
Administrator
Federal Motor Carrier Safety Administration
U.S. Department of Transportation
1200 New Jersey SE
Washington, D.C. 20590

Dear Administrator Ferro

**Re: Docket No. FMCSA-2009-0231, RIN 2126-AB19
Fees for the Unified Carrier Registration Plan and Agreement**

We have learned that in the process of reviewing FMCSA's rule under Docket No. FMCSA-2009-0231 for the Unified Carrier Registration Plan and Agreement (UCR), the Office of Management and Budget is considering reversing the August 24, 2007 decision (Docket No. FMCSA-2007-27871) that the UCR fee schedule was deemed to NOT be economically significant. It was estimated at that time that new entities subject to the UCR fee requirements would result in slightly less than \$50 million per year. In addition, for the large majority of motor carriers that constitute the for-hire side of the trucking industry, the new UCR fee simply replaces fees that were paid under the previous Single State Registration System (SSRS). It is very important to note here that the replacement fee under UCR is considerably less than the pre-existing SSRS fees and has reduced the economic burden on the for-hire side of the industry. The proposed new fee schedule announced by the Federal Motor Carrier Safety Administration in September 2009, while higher than the 2007 schedule, still remains significantly less than the old SSRS fees. Most importantly, the new fee structure is designed to eliminate a shortfall of approximately \$38 million in annual collections. We fail to see why the new UCR fee rule under Docket No. FMCSA-2009-0231 has any more economic impact than the one issued in 2007.

Even more important is the fact that action on both the 2007 rule and pending 2009 rule promulgated by FMCSA is undertaken pursuant to provisions in the Unified Carrier Registration Act of 2005, enacted as Subtitle C of the Title IV of SAFETEA-LU, the Highway Act of 2005. This legislation mandated that the amount of revenue received by the states under the SSRS system was to be matched by revenues generated

1101 17th St., N.W. Suite 803 Washington, DC 20036
Phone: 202-775-1623 Fax: 202-775-1624 www.cvsa.org

under the new UCR program. In other words, the states were to be made whole under the new program. As indicated above, the fee schedule in place since 2007 has not met this goal, and, hence, the new increase in fees proposed by FMCSA. Over the last 3 years since the program's creation, this has amounted to a shortfall of more than \$100 Million that is due to the participating states. It seems to us, therefore, that there is no choice but to carry out the will of Congress.

The forty-one states participating in the UCR use their apportioned revenues from the new program (as did the states with the SSRS revenues) for motor carrier safety and enforcement programs. The shortfall in revenues cited above has impeded efforts by these states to implement aspects of these programs and in many instances, have resulted in furloughs and layoffs since funding received from the UCR, as well as MCSAP, is used for enforcement officer salaries. In addition, some states use their UCR revenue as matching funds to receive grants under FMCSA's Motor Carrier Safety Assistance Program (MCSAP), and the shortfall has made this more difficult. It is clear the shortfall is having a significant safety and economic impact on states.

Timing for the implementation of the final rule setting the 2010 UCR fee schedule is critical. SAFETEA-LU, in addition to mandating that the states be made whole under the new program, also specifies that the Secretary of Transportation shall set the fees for the initial annual fees for the next agreement year within 90 days after receiving the UCR Board's recommendation. It is our understanding that the 90 day clock for the current fee proposal started running on July 15, 2009.

The UCR Board in its conference call of November 12, 2009 discussed the fact that if the new rule was not announced by December 1, states would not be able to process their new registration forms reflecting the fee schedule and mail it to motor carriers by January 1, 2010. Any delay beyond January 1 will result in a further loss of revenue to the states for important safety programs and will jeopardize jobs. We fail to see by any measure how this can be allowed to happen.

For your benefit, we have attached our comments to Docket No. FMCSA-2009-0231 to help clarify our position on some of the more minute details of the rule. If you have any questions regarding anything contained in this letter, we are available at any time to discuss it with you further. We also would be happy to meet with you, should you feel it appropriate.

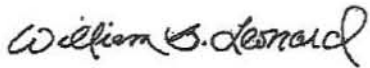
1101 17th St., N.W. Suite 803 Washington, DC 20036
Phone: 202-775-1623 Fax: 202-775-1624 www.cvsa.org

Thank you in advance for your consideration in this matter.

Sincerely,



Stephen A. Keppler
Interim Executive Director, Commercial Vehicle Safety Alliance



William Leonard
President, National Conference State Transportation Specialists



Charles D. Gray
Executive Director, National Association of Regulatory Utility Commissioners