[Oral Argument Not Yet Set]

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

SMALL BUSINESS IN TRANSPORTATION COALITION, INC., *Petitioner*	:	**PETITION FOR REVIEW**
	:	**No. 26-1297**
v.	:	
FEDERAL MOTOR CARRIER SAFETYADMINISTRATION,	:	**On Petition for Review of Rules of the Federal Motor Carrier Safety Administration**
and	:	
UNITED STATES DEPARTMENT OF TRANSPORTATION,	:	
and	:	
UNITED STATES OF AMERICA, *Respondents*	:	

PETITIONER'S MOTION FOR LIMITED DECLARATORY RELIEF OR, ALTERNATIVELY, TO RESERVE THE FUNDING ISSUE FOR REMEDIAL BRIEFING

Petitioner Small Business in Transportation Coalition, Inc., through counsel, moves under Federal Rule of Appellate Procedure 27 for limited declaratory relief concerning the question of whether Respondents have lawful authority to directly fund the states' UCR entitlements under 49 U.S.C. § 13908(e), and/or the Federal

Motor Carrier Safety Act (FMCSA), 49 U.S.C. § 31131 et seq., which authorizes the Federal Motor Carrier Safety Administration to implement safety programs and provide grants to states under the FMCSA's Regulations codified at 49 CFR Part 350, Subpart B – MCSAP Administration, which sets the legal framework, goals, eligibility, funding allocation, and conditions for grant participation, and/or the discretionary grants (e.g., High Priority Grants, CDLPI, CMVOST) authorized under various provisions of the Federal Motor Carrier Safety Act and related appropriations, with specific program authorities codified in 49 CFR Part 350, but only insofar as that question is within the Court's jurisdiction and deemed by the Court necessary for the fair adjudication of the pending petition in a just and proper manner, which reconciles Petitioners' members interests against the states' funding needs and the interests of public safety.

Alternatively, Petitioner requests that the Court reserve adjudication of this question for remedial briefing if it becomes material to the disposition of this case. This motion does not seek an order directing any payments, transferring of appropriations, or guaranteeing replacement of State revenues but merely a declaration that Respondents do have lawful authority, statutory mandate, and/or discretion to fund the states' UCR entitlements if the Court sets the October 1, 2026 UCR fee rule aside .

RELIEF REQUESTED

Petitioner requests a declaration, if the Court deems such a declaration just and proper to resolve a live remedial issue properly before the Court, that affirms the setting aside of the challenged UCR fee rule would not in and of itself preclude FMCSA from as a contingency course of action exercising independent statutory authority FMCSA otherwise possesses under Federal law including, but not necessarily limited to, 49 U.S.C. § 13908(e), to expend qualifying motor carrier fees for statutorily authorized purposes and/or its authority to issue replacement Federally mandated and/or discretionary motor carrier safety grants to the states out of its $548 million budget for same[1].

Petitioner does not request a declaration that section 13908(e) independently guarantees UCR participating States replacement payments but that the agency has discretionary authority to ensure there is no lapse in funding should the UCR fee rule be set aside.

If the Court concludes that this issue is not presently justiciable, Petitioner alternatively requests that it reserve the question and, if necessary to adjudicate this

[1] FMCSA's FY 2025 budget of $966 million was about 0.8% of the total $127.6 billion spent by USDOT. As for 2027, FMCSA seeks $946 million, which includes $548 million for Motor Carrier Safety Grants and $398 million for Motor Carrier Safety Operations and Programs. https://www.transportation.gov/sites/dot.gov/files/FMCSA_FY_2027_Budget_Estimates_CJ.pdf. Additionally, FMCSA has cancelled and now has available grants previously earmarked to California ($158 million) and New York (New York's grant cancellations of $73.5 million are currently the subject of ongoing judicial review, as the Court knows)

question after deciding the merits, and direct focused briefing at that time on what, if any, lawful funding alternatives to UCR fees exist to maintain an adequate level of interstate highway safety.

BACKGROUND AND SCOPE

The pending petition challenges UCR fee rules. Petitioner's underlying position isthat Respondents failed to complete rulemaking required by 49 U.S.C. § 13908 and that the challenged rules therefore lack a lawful foundation. This motion does not ask the Court to resolve that merits contention on an incomplete presentation or to assume it is correct.

JURISDICTION AND PROCEDURAL BASIS

The Declaratory Judgment Act permits relief only in an actual controversy within the Court's jurisdiction. 28 U.S.C. § 2201(a). It does not supply an independent jurisdictional basis for the requested funding ruling. Petitioner therefore requests a declaration only if the Court determines that the issue is a concrete component of the remedy in this proceeding. If it is not, the Court should reserve the issue rather than decide the legality of hypothetical future expenditures.

Federal Rule of Appellate Procedure 27 supplies the motion procedure. Petitioner does not invoke Federal Rule of Civil Procedure 57 as a source of appellate procedure or jurisdiction, does not claim an entitlement to a speedy

hearing under that rule, and does not request emergency treatment. The Court may decide the motion without oral argument under Federal Rule of Appellate Procedure 27(e).

STATUTORY GROUNDS AND LIMITS

A. Section 13908(e) preserves specified uses of qualifying fees; it is not a general replacement-funding mandate.

Section 13908(e) permits fees collected under section 13908 to be credited to the Department of Transportation appropriations account for the purposes for which the fees were collected and makes those fees available for those purposes until expended. Section 13908(d) identifies distinct fee purposes: processing new registrations, financial-responsibility filings, and access to or retrieval of information, including specified system-operation and administration costs. The source and authorized purpose of any proposed expenditure therefore matters.

Petitioner's proposed interpretation is limited: invalidation of a particular UCR fee rule does not, without more, determine the legal availability of funds collected under a different, valid authority. Whether section 13908(e) permits a specific payment requires identification of the fees, their authorized collection purpose, the relevant account, available balances, and the proposed use. Petitioner does not ask the Court to infer those facts from historical application volumes or estimated gross receipts.

B. The separate UCR revenue-distribution provisions must be addressed.

Section 14504a establishes the UCR Plan and Agreement framework. Its subsections (g) and (h) govern participating States' shares of revenues generated under the UCR Agreement and distribution through the designated depository. Those provisions cannot simply be treated as a guarantee payable from any FMCSA account. Any contention that section 13908(e) permits replacement State payments must be reconciled with that separate statutory structure.

C. Appropriations restrictions remain applicable.

Under 31 U.S.C. § 1301(a), appropriations generally may be used only for their authorized objects. A declaration cannot itself create spending authority. Petitioner accordingly does not seek a ruling that a proposed agency budget, the existence of a grant program, or cancellation of unrelated grant frees funds for UCR replacement payments. Nor does Petitioner ask the Court to compel expenditure of funds without an identified legal basis and an adequate record.

ALTERNATIVE REQUEST FOR FOCUSED REMEDIAL BRIEFING

If the Court determines that funding consequences require consideration in selecting relief, Petitioner requests an opportunity for focused briefing addressing: (1) whether a concrete funding issue is properly before the Court; (2) the relationship between sections 13908(d)–(e) and 14504a(g)–(h); (3) any legally available funding authority and any record support for available funds; and (4) the relevance, if any, of those matters to the remedy. This request does not assume that alternative funds exist or that the Court may order their use.

Petitioner does not request summary disposition of the petition or characterize this motion as dispositive merely because it concerns a potentially important remedial question. Petitioner also does not seek to alter any existing merits schedule through this motion. If the Court regards the request as premature, Petitioner requests denial without prejudice to presenting a properly supported remedial argument when and if it becomes material.

CONCLUSION

Petitioner respectfully requests the limited declaration described in Section I only if the Court finds it jurisdictionally proper and necessary to disposition of an actual remedial controversy. Alternatively, Petitioner requests that the funding question be reserved for any necessary remedial briefing, or that the request be denied without prejudice as premature. Petitioner seeks no payment order and no advisory ruling concerning unproposed agency expenditures.

Date: November 19, 2026

Respectfully submitted,

/s/ Laurence L. Socci
Laurence L. Socci
D.C. Circuit Court Bar No. 63865
Socci Law Firm
P.O. Box 14051
Washington, DC 20044
(202) 262-5843
laurence.socci@soccilawfirm.com
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November 2026 a copy of the foregoing Petitioner's Motion for Declaratory Relief was filed with the Court and served on all counsel of record through CM/ECF.

/s/ Laurence L. Socci
Laurence L. Socci
D.C. Circuit Court Bar No. 63865
Socci Law Firm
P.O. Box 14051
Washington, DC 20044
(202) 262-5843
laurence.socci@soccilawfirm.com
Counsel for Petitioner

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Attorney for Small Business in Transportation Coalition

Date: November 19, 2026