



U.S. Department
of Transportation

**Federal Motor
Carrier Safety
Administration**

Chief Counsel

1200 New Jersey Avenue, SE
Washington, DC 20590

June 13, 2019

Amanda L. Narog, Esquire
Bopp Law Firm
1 South 6th Street
Terre Haute, IN 47807

Re: Unified Carrier Registration Plan

Dear Ms. Narog:

This letter responds to your email sent on June 10 to Charles Fromm, Deputy Chief Counsel of the Federal Motor Carrier Safety Administration (FMCSA). Your email refers to a prior communication from your client, Mr. James Lamb, regarding FMCSA's recent determination that its disclosure of certain records from MCMIS, a Privacy Act System of Records, to the UCR Plan was authorized pursuant to an applicable routine use.

According to 49 U.S.C. 14504a(a)(8) and 14504a(e), the UCR Agreement is a Congressionally authorized interstate compact agreement among participating States. Under 49 U.S.C. 14504a(a)(9), the UCR Plan is an agency of the 41 participating State governments charged with administering the UCR Agreement. As an agency, the UCR Plan is an entity of each of the State governments participating in the UCR Agreement, exercising an aggregation of authority from these States. *Jacobson v. Tahoe Regional Planning Authority*, 566 F.2d 1353, 1359 (9th Cir. 1977). It is not a "non-profit organization" as contended by you and Mr. Lamb.

Because the UCR Plan is an agency acting on behalf of each of the 41 States participating in the UCR Agreement, the UCR Plan and the member States are authorized to receive Privacy Act protected information from FMCSA's MCMIS system under routine use #5 of the MCMIS system of records notice.¹ The conditions for this routine use are satisfied, as State agencies (including the UCR Plan) use this information to investigate and enforce compliance with the provisions of 49 U.S.C. 14504a that are applicable to various elements of the motor carrier industry, such as the requirements to register and to pay the applicable annual fees. Section

¹ See 78 FR 59082 at 59085 "5. To Federal, State and local government agencies for the purposes of driver, motor carrier, broker, and freight forwarder investigations, and enforcing commercial operating statutes and regulations."

14504a (which is among the sections included in 49 U.S.C., Subtitle IV, Part B) and 49 CFR part 367 are among the "commercial operating statutes and regulations" that are enforced by States that are participants in the UCR Agreement and by State agencies such as the UCR Plan.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Mullen", with a long horizontal flourish extending to the right.

Jim Mullen