DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Chapter III

[FHWA Docket No. MC9625]

RIN 2125AD91

Motor Carrier Replacement Information/Registration System

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); request for comments.

SUMMARY: This action is being taken in response to section 103 of the ICC Termination Act of 1995, which, among other things, added a provision requiring the Secretary of Transportation to initiate a rulemaking proceeding to replace the current Department of Transportation identification number system, the single State registration system, the registration/licensing system, and the financial responsibility information system with a single, on-line Federal system. The review and improvement of these information systems will benefit the motor carrier industry, the States, the Federal government, and the public. The FHWA requests public comment from interested persons on this action and, specifically, responses to the questions set forth in this document. Potentially affected persons and entities who may wish to comment include: members of the motor carrier, freight forwarder, and transportation broker industries (and those entities providing financial responsibility to them), shippers, the States, and the public at large.

DATES: Comments must be received on or before October 25, 1996.

ADDRESSES: Submit written signed comments to FHWA Docket No. MC9625, FHWA, Room 4232, Office of Chief Counsel, HCC10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed stamped postcard or envelope.

FOR FURTHER INFORMATION CONTACT: Ms. Dixie E. Horton, Office of Motor Carrier Planning and Customer Liaison, (202) 3664340, or Ms. Grace Reidy, Office of the Chief Counsel, (202) 3660761, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

The Congressional Mandate

The FHWA is initiating this rulemaking in response to a congressional mandate contained in section 103 of the ICC Termination Act of 1995, Pub. L. 10488, 109 Stat. 888, December 29, 1995, (the Act) which added 49 U.S.C. 13908. Section 13908 of title 49, U.S.C., directs the Secretary of Transportation to issue a rulemaking to ''replace the current Department of Transportation identification number system, the single State registration system under section 14504, the registration system contained in this chapter [139], and the financial responsibility information system under section 13906 with a single, on-line, Federal system.'' The registration/licensing system contained in 49 U.S.C. 1390113905 is intended to replace the operating authority requirement for for-hire motor carriers, while also applying to freight forwarders and transportation brokers, under the Interstate Commerce Act, as amended (formerly 49 U.S.C. 10921 *et seq.*).

The rulemaking required under 49 U.S.C. 13908, and a report to Congress on its findings, must be completed before January 1, 1998. According to the Act, the new system is to serve as a clearinghouse and depository of information on and identification of all foreign and domestic motor carriers, brokers and freight forwarders, and others required to register with the Department of Transportation. Also, it is to contain information on safety fitness and compliance with the required levels of financial responsibility.

Pre-Act Background

With the passage of the Motor Carrier Act of 1935, Pub. L. 74255, 47 Stat. 543, the Interstate Commerce Commission (ICC) was given regulatory authority over the motor carrier industry. The ICC was responsible for issuing operating authority and permits and administering matters related to insurance, safety, and enforcement as they applied to for-hire common and contract motor carriers. The ICC retained economic oversight over the for-hire segment of the motor carrier industry and jurisdiction over safety for both for-hire and private motor carriers, until 1967 when the Department of Transportation (DOT) was created. Within the FHWA, the Bureau of Motor Carrier Safety (which subsequently became the Office of Motor Carriers) was established for motor carrier safety activities. The FHWA began to require all motor carriers engaged in interstate or foreign commerce (not just for-hire) to obtain a USDOT identification number from the agency for safety purposes (53 FR 18052, May 19, 1988).

The FHWA received authority under the Motor Carrier Act of 1980 (Pub. L. 96–296, 94 Stat. 820) to prescribe minimum levels of financial responsibility for certain motor carrier classifications for safety reasons. The motor carrier classifications include: For-hire interstate motor carriers of property in vehicles with a gross vehicle weight rating (GVWR) in excess of 10,000 lbs.(including ICC-exempt); private and for-hire interstate motor carriers of certain hazardous materials; and intrastate carriers of hazardous materials in bulk. In 1982, the FHWA received authority under the Bus Regulatory Reform Act (Pub. L. 97–261, 96 Stat. 1120) to regulate the levels of financial responsibility covering for-hire motor carriers of passengers operating in interstate or foreign commerce. By these Acts, the number of motor carriers who must meet financial responsibility requirements as part of their safety compliance was expanded. There are approximately 170,320 carriers whose minimum financial responsibility is prescribed by the FHWA, about forty-five percent of which were also regulated by the ICC. Under the FHWA regulations, these carriers are not currently required to provide proof of insurance or other financial responsibility in order to receive a USDOT identification number. Instead, the FHWA verifies financial responsibility compliance as a part of its compliance review process. The actual review of financial responsibility requires that an FHWA safety specialist ensure that there is a valid endorsement (Form MCS–90 or Form MCS–82), or valid authorization to self-insure, at the motor carrier's place of business that indicates that the carrier possesses the required financial responsibility coverage meeting the minimum prescribed limits.

The ICC continued the economic regulation of approximately 74,179 for-hire interstate and foreign motor carriers of property and passengers, which were also regulated by FHWA, by requiring operating authority or permits and by imposing more complex financial responsibility requirements as a precondition to receiving and holding these authorities or permits. The financial responsibility requirements were prescribed at 49 CFR Part 1043 and took the form of certificates of insurance, surety bonds, self-insurance, endorsements, or trust agreements.

Carriers (as well as freight forwarders and transportation brokers) regulated by the ICC had to be in continuous compliance or risk revocation of their operating authority. Their insurance/surety companies and financial institutions had to give the ICC advance notice of any cancellations. The ICC maintained an automated monitoring system of insurance compliance which was updated continuously. In FY 1995, for example, the ICC used its insurance monitoring system to revoke the operating authorities of approximately 4,629 for-hire motor carriers, many of which were reinstated when they later came into compliance.

As a result of the Act, Congress terminated the ICC and transferred to the FHWA the functions concerning the ICC's remaining licensing and financial responsibility requirements. But the Act converted the former operating authority/permit system of the ICC into a registration/licensing system and, essentially, adopted the parameters of the ICC's then current insurance filing and monitoring system into this registration system. The Act also adopted the existing Single State Registration System (SSRS) which is explained below. The savings provision in section 204 of the Act preserved all effective ICC regulations, rules, and decisions until the Secretary finds modification of these documents warranted, thereby preserving the *status quo* for the interim. The FHWA gave public notice of the continued effectiveness of these ICC documents in 61 FR 14372, April 1, 1996. Congress eliminated the ICC's entry regulations in favor of a Federal registration/licensing system. Congress also elected to retain the ICC's proof of insurance system as a condition for obtaining and retaining a registration/license to operate as for-hire motor carriers. Although for-hire, ''regulated'' motor carriers represent only some twenty-three percent of all motor carriers, they transport fully half of all freight moving in interstate commerce. Private motor carriers of nonhazardous property represent about fifty-four percent of all motor carriers, and are not subject to any Federal financial responsibility requirement. The rest of the universe is comprised of private hazardous, ICC-exempt, intrastate hazardous in-bulk, private passenger, mail, and other miscellaneous carriers.

Systems to be Replaced Through the Rulemaking

The following discussion addresses the four current systems that section 13908 requires to be replaced with a single, on-line Federal system.

1. Department of Transportation Identification Number System

Currently, a Form MCS–150, Motor Carrier Identification Report, must be filed by all motor carriers operating in interstate or foreign commerce. Subsequent to filing, a motor carrier receives a USDOT identification number which must be displayed on all of the carrier's self-propelled commercial motor vehicles (CMVs). 49 CFR 390.21. These numbers are used by the FHWA to track the motor carrier's safety performance. The universe of carriers subject to the DOT number identification system includes approximately 320,857 motor carriers, including some 6,600 bus carriers, engaged in interstate or foreign commerce that are subject to the Federal Motor Carrier Safety Regulations. Attached, as Appendices A through C, respectively, are copies of Forms MCS–150, MCS–90, and MCS–82, the required certificate of insurance or surety bond endorsements for covered property carriers, which display the information required by those forms.

2. Single State Registration System Under 49 U.S.C. 14504

In 1965, Congress authorized the States to police unauthorized operations by interstate for-hire motor carriers, and allowed the States to enforce this provision through a multi-State filing system of operating authority registration, the so-called ''bingo stamp'' program. Under the bingo stamp program, participating States were allowed to collect registration fees from motor carriers on a per vehicle basis to administer the program and, through enabling State statutes, to enforce the program by issuing citations for failing to register. Because the bingo stamp program was perceived as too costly, and a regulatory burden on interstate motor carriers (H.R. Conf. Rep. No. 102–404. 102d Cong., 1st sess. 437(1991)), the Congress, in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102–240, 105 Stat. 1914), established the SSRS and directed the ICC to implement regulations converting the bingo stamp program to a Base State insurance registration program. The SSRS, under the supervision of the ICC, required ICC-regulated carriers to: File proof of operating authority and insurance with their Base State; pay the Base State filing fees that are subject to allocation among all the participating SSRS States in which the carriers operate; and keep a copy of the receipt issued by their Base State in each of their CMVs. Participation in the SSRS was limited to those 38 States that were collecting fees for a vehicle identification stamp or number as of January 1, 1991. The ISTEA directed that the only fees charged could be those for filing proof of insurance (a pre-condition for interstate operating authority), and that the fees were frozen to the amount a SSRS State charged as of November 15, 1991, but in no case could they be higher than $10 per vehicle (including reciprocal agreements). In 1993, the ICC issued rules for the SSRS States to follow. When challenged, these rules were upheld by the court, with one exception concerning who makes the official copies of the Base State-issued receipt. *Nat'l Ass'n of Regulatory Util. Comm'rs* v. *ICC,* 41 F. 3d 721 (D.C. Cir. 1994). That exception was revised by the ICC to direct the States rather than the carriers to make the copies, although this rule's implementation was delayed at the request of the States. Ex Parte No. MC–100 (Sub-No. 6), *Single State Insurance Registration,* served July 31, 1995. The SSRS States continue to operate under these ICC-issued rules today. 49 CFR 1023.

In 49 U.S.C. 14504, Congress continued the SSRS with essentially the same statutory provisions established in ISTEA, with the exception that it is now under the supervision of the Secretary and administered by the FHWA. The States may require for-hire interstate motor carriers that register under 49 U.S.C. Chapter 139 to: File proof of Federally-required financial responsibility with their Base State; pay their Base State such amounts of fee revenues that will be allocated among all the SSRS States in which the motor carriers operate; and file the names of local agents for service of process. The Secretary is to maintain standards for the SSRS. Because Congress recognized the potential loss of revenues by participating States, as long as the SSRS States follow the prescribed standards, their actions will not be deemed an unreasonable burden on interstate commerce. The savings provision in section 204 of the Act preserves the existing ICC SSRS standards/rules until the Secretary modifies them. Attached, as Appendices D and E, respectively, are copies of SSRS Forms RS–1 and RS–2, which display the information required by those forms.

3. 49 U.S.C. Chapter 139 Registration System

The Act, as stated above, converted the former ICC certificates of operating authority and permits granted to common and contract motor carriers of property and passengers into a simplified Federal registration/licensing

system under Chapter 139 of title 49, U.S.C., where for-hire registrants must demonstrate their willingness and ability to comply with Federal safety, financial responsibility, and other relevant regulations. There were approximately 74,179 for-hire motor carriers that fell under the former ICC's oversight (additionally, 733 freight forwarders, and 9,717 brokers), which are now deemed registered under the new FHWA registration/licensing system, pursuant to a grandfather clause in 49 U.S.C. 13905(a). The Secretary may withhold, revoke, or suspend a registration for noncompliance with safety and financial responsibility regulations. Although the Act eliminated the distinction between common and contract carriage, the Secretary may register such motor carriers separately until the replacement system is implemented. The Chapter 139 Federal registration/licensing system requires domestic and foreign motor carriers of property and passengers, freight forwarders, and transportation brokers to register with the FHWA. While this advance notice of a rulemaking primarily addresses issues relating to motor carriers of property because they comprise the vast majority of registrants under this system, this notice also includes motor carriers of passengers, freight forwarders, and transportation brokers. The effective period of the registration of all registrants is to be determined by the Secretary. Filing proof of adequate financial responsibility coverage is a precondition to registration. Attached, as Appendices F through H, respectively, are copies of Forms OP–1, OP–1P, and OP–1FF which display the information required by those forms in order to register.

4. 49 U.S.C. Section 13906 Financial Responsibility Information System

As part of the Chapter 139 (sections 13901–13905) registration/licensing system, Congress retained the existing ICC financial responsibility requirements, with both statutory (49 U.S.C. 13906) and regulatory (section 204 of the Act) provisions. All for-hire registrants, including domestic and foreign motor carriers, transportation brokers, and freight forwarders, as a precondition to registering, must adhere to financial responsibility provisions. Bonds, trust agreements, and certificates of insurance, as well as self-insurance documentation, are prescribed in ICC forms and regulations. Also, service of process information, under 49 U.S.C. 13304, is required for registration. Congress retained the requirement that notices of cancellations of insurance must be filed in advance with the FHWA and that prompt replacement coverage is required to retain the registration. Procedures for the Secretary in revocation proceedings are set forth in 49 U.S.C. 13905. Attached, as Appendices I through O, respectively, are copies of Forms BMC–91, BMC–91X, BMC–82, BMC–83, BMC–34, BMC–84 and BOC–3, which display information required by 49 U.S.C. 13906 (and section 13304). They currently are being filed on paper or electronically (except the Form BOC–3).

The effect of the Chapter 139 registration/licensing and financial responsibility information systems is the continued monitoring of about twenty-three percent of the motor carrier industry (formerly ICC-regulated, for-hire carriers) for current compliance with the insurance or other financial responsibility requirements. These two systems are updated frequently and are primarily driven by insurance compliance data. The goal is to ensure sufficient financial responsibility coverage to compensate the public for liability arising from personal injury, property damage, cargo loss or damage, and property broker defaults. While the SSRS generally reflects the Federal registration/licensing and insurance systems, there are some differences. For example, unlike the continuous updating required at the Federal level, the SSRS requires only an annual filing of financial responsibility information with the Base State; the motor carrier is under no duty to update that information during the year. Lastly, the Federal registration/licensing and financial responsibility requirements for the formerly ICC regulated, for-hire motor carriers are obviously more stringent than for the private and exempt motor carriers who simply file a Form MCS–150.

49 U.S.C. 13908 Rulemaking

In requiring the replacement of these four information/registration systems, Congress directed the Secretary to consider, at a minimum, the following items:

1. Whether to integrate the requirements of 49 U.S.C. 13304 (service of process information) into the new system;
2. Funding for State enforcement of motor carrier safety regulations;
3. Whether the existing SSRS is duplicative and burdensome;
4. The justification and need for collecting the statutory fee for such system under 49 U.S.C. 14504(c)(2)(B)(iv) (the fee system established by the SSRS States);
5. The public safety;
6. The efficient delivery of transportation services; and
7. How, and under what conditions, to extend the registration system to private motor carriers and to motor carriers exempt under 49 U.S.C. 13502, 13503, and 13506 (exempt transportation between Alaska and other States, exempt motor vehicle transportation in terminal areas, and miscellaneous motor carrier transportation exemptions, respectively).

Under 49 U.S.C. 13908, the Secretary may also establish a fee system for the registration/licensing and filing of evidence of financial responsibility under the new replacement system. If the fee system is put in place, the fees collected must cover the costs of operating and upgrading the registration system, including all personnel costs associated with the system. The fees collected for this system may be credited to the DOT appropriations account for the purposes for which such fees are collected, and will be available until they are expended.

If the Secretary finds that the SSRS should not continue, the Secretary may prevent a State from imposing any financial responsibility filing requirements or fees that are for the same purpose as filings or fees the Secretary requires under the new replacement system. However, the Secretary may not take this action unless, through collected fees, he can provide the States with at least as much revenue as they received in Fiscal Year 1995 under the SSRS that was in effect on the day before the effective date of the Act. In addition, all States must receive a minimum apportionment.

The Secretary must complete the rulemaking by January 1, 1998, two years after the effective date of the Act. The Secretary may implement such changes as are considered appropriate and in the public interest. Finally, the Secretary must transmit to Congress a report on any findings of the rulemaking and the changes the DOT decides to implement, together with recommendations for any proposed legislative changes.

Request for Comments

The purpose of this ANPRM is to gather information from a broad spectrum of comments. One approach to solicit comments is to focus on the systems themselves, i.e., the four-named systems to be replaced by a single system. See Section I, Specific Questions for Comments, below. By carefully examining each of these systems, components that should be retained, modified, or eliminated in the

replacement system can be identified. The replacement system may have to fit into a very complicated set of existing or pending systems.

Crucial to this undertaking will be the number of practical suggestions, valid data, and constructive comments that are received. Therefore, a second approach to soliciting comments is offered here which is much more general in nature and not bound by details and specifics of the information systems themselves. Rather, its focus is on advisable policies and appropriate programs within the context of this rulemaking. See Section II, Specific Questions for Comments, below. How should motor carriers be treated regarding matters of registration and financial responsibility? Are registration/licensing and financial responsibility coverage necessary? Does it depend upon the type of motor carrier? What are the roles for the Federal and State governments, as well as private industry, in these matters? What is best for the public? What is the bare essential information needed from motor carriers? How can this essential information be solicited in a cost effective manner? Once policies and needs are identified, programs and requirements will follow. Afterwards, an information system can be designed to accommodate them. Commenters may respond to either approach or simply submit other information relevant to this task.

Specific Questions for Comment

I. Four Existing Systems—Replacement System

A. The US DOT Identification Number System

1. Should the FHWA retain the US DOT identification number system as is? Who should be included as contributors to and users of this system? How could the system be improved? Should Forms MCS–150, MCS–90 and MCS–82 (See Appendices A through C) be retained as is, modified, or eliminated? Do they capture only the necessary information? Do they capture enough information? Should the information in Form MCS–150 be updated periodically? If so, at what intervals?

2. Should all interstate motor carriers use the US DOT identification number system and should the separate registration system for for-hire carriers be eliminated?

3. Should all interstate motor carriers using the US DOT identification number system pay a filing fee for maintaining a current register?

4. Do random compliance reviews alone constitute sufficient monitoring of financial responsibility compliance? Should the reviews alone replace the continuous financial responsibility monitoring system in 49 U.S.C. 13906? Is there a valid relationship between safety and financial responsibility coverage? Is there credible evidence that underfunded motor carriers and repeated financial responsibility coverage violations by motor carriers indicate problem carriers? Please submit such examples and examples to the contrary and, if possible, documentation.

5. Is it feasible to have the States or the private sector, as contractors of the Federal government, operate the US DOT identification number system? Please comment on how this could work on a national scale.

6. Are there existing information systems—private or government— into which the US DOT identification number system could be integrated?

B. 49 U.S.C. Sections 13901–13905 Registration System

1. How does this registration system improve upon the former ICC system of operating authority? How can it be developed to assure improvement? Who should be required to register and why? Should Form OP–1 (See Appendix F) be retained as it is? What changes, if any, should be made? Does it capture only the necessary information? Does it require too much information? Does it require enough information? Please explain.

2. Should all interstate motor carriers be required to register in this system? Should this include private and exempt motor carriers? Would this inclusion be practical and cost efficient?

3. Is it feasible for the States or the private sector to operate this registration system as contractors of the Federal government? Assume all registrants would be issued a USDOT identification number, could the States or the private sector do this and how could it work?

4. Should both the USDOT identification number system for private and exempt motor carriers and the for-hire registration system operate separately in the replacement system? How could they be combined?

5. Should transportation brokers and freight forwarders still be required to register? Should their registration forms (See Appendices F and H, respectively) be changed and why?

6. Should motor carriers of passengers be treated differently from motor carriers of property for registration purposes and why? Should their registration form (See Appendix G) be changed and why?

7. What circumstances should cause the FHWA to exercise authority to suspend registration, for what duration, and what process should apply?

C. 49 U.S.C. Section 13906 Financial Responsibility System

1. Should the FHWA continue this system as is? Who should be included in this system and why? Should the FHWA include private and exempt motor carriers? What requirements should apply? How could the system be improved? How could these financial responsibility and service of process information forms (See Appendices I through O) be improved? Do they capture only the necessary information? Do they ask for unnecessary information? Do they ask for enough information?

2. Should self-insurance continue to be offered? How could it be improved? Should service of process agent information continue to be required? Should this requirement be expanded to private and exempt motor carriers?

3. Do insurance companies or other entities use the information on the financial responsibility forms? For what reasons is this information useful? Is there another source for this information?

4. Should financial reponsibility information be contained on bills of lading and the financial responsibility requirements for registration be eliminated? Would this work?

5. Is continuous insurance monitoring of for-hire carriers cost effective? Is it in the public interest? Should all insurance information be required to be filed electronically? Should all motor carriers be required to offer proof of financial responsibility compliance when registering? Should they only be required to update their status annually? Is continuous monitoring needed for all motor carriers or just for for-hire carriers?

6. Should freight forwarders and transportation brokers continue to be required to follow financial responsibility requirements?

7. Are private and exempt motor carriers subject to any financial responsibility requirements (compulsory insurance) at the State level? If so, is compliance assured? Is this requirement sufficient to protect against the potential consequences of motor carrier accidents? Is compliance tied to State registration?

8. Should motor carriers of passengers be required to be treated differently from motor carriers of property for financial responsibility purposes? Why?

D. Single State Registration System (SSRS)

1. Should SSRS continue as is? If States have access to financial responsibility and registration information for interstate for-hire carriers, is SSRS needed? How could it be improved? Should Forms RS–1 and 2 (See Appendices D and E) be retained, modified, or eliminated? Should a new SSRS system be expanded to all States?

2. Who uses SSRS information and for what purposes? Are there other sources for this information? Is this information necessary? How do the SSRS States use this SSRS information?

3. How useful is Federal financial responsibility coverage filing information for State enforcement purposes, especially where there is no immediate updating required even when there is a change in the coverage status of a motor carrier? Do SSRS States follow-up to see if the copy of the financial responsibility form filed at the ICC or FWHA, and sent to the Base State, was actually accepted by that Federal agency and not later rejected for cause? How important is real-time data to State enforcement?

4. Would SSRS States be willing to leave the SSRS if their revenues from it were matched or exceeded but they had to operate the replacement system as contractors of the Federal government?

5. What was the SSRS fee revenue for FY1995 for each SSRS State? What is the annual SSRS fee revenue for each year since SSRS was established? In each SSRS State, was this SSRS revenue earmarked for safety enforcement each year? What percentage of the annual SSRS fee revenue went to areas not related to financial responsibility coverage or safety? For each SSRS State, what are the annual figures for the number of uninsured motor carriers detected in that State and were those carriers detected with SSRS information or by other means? If detected by other means, how was the information provided and who provided it? For each SSRS State, give the annual number of vehicles registered in that State under SSRS and the annual SSRS vehicle fee amount since the SSRS was established.

6. The Motor Carrier Safety Assistance Program has Federal performance standards for the States to follow. If the replacement system is operated by the States, what kinds of Federal standards should the States be required to follow and why?

7. If the SSRS were eliminated or preempted, what would be the net revenue loss to each SSRS State? Assuming no Federal funding, how would the States replace that revenue or funding programs supported by that revenue? Alternatively, what programs would be cut if the SSRS revenues were not replaced?

E. Conceptual Design Suggestions

1. Given the large amount of change within the motor carrier industry due to recently passed legislation, and the transitional stages of various programs such as the International Registration Plan, the International Fuel Tax Agreement, the Commercial Vehicle Information System, among others, is it advisable at this stage to combine the four existing systems, eliminating the overlap and unnecessarily required information for the replacement system? Should the replacement system be designed independently of the components of the four existing systems that are to be replaced?

2. Is a combined, national replacement system run by the States with Federal standards and access feasible or advisable? What if the private sector operates it? Is there a preference between a ''National'' (nationwide but not necessarily Federally-run) or a ''Federal'' (centralized, Federally-run) system?

3. Should the replacement system be responsive to daily changes in a motor carrier's financial responsibility status, or be updated annually? Are there other suggestions?

4. Can a single standard filing instrument be designed to cover all four existing systems, and still assure insurance companies that they will not be liable for any operations of a motor carrier not under their policies? How could this be achieved?

5. Is ''one-stop shopping'' for the motor carrier industry a feasible goal? For all motor carriers or just for the for-hire motor carriers? Can and should it be done in phases? Is one national identification number for each motor carrier desirable and feasible?

6. What role, now or in the future, should the International Registration Plan, the Commercial Vehicle Information System Network, the Motor Carrier Management Information System, the SAFETYNET, and the Safety and Fitness Electronic Records System, play in the replacement system's design or operation? Are there other current Federal, State, or private information systems which could or should be utilized to construct or expand the replacement system? If there are, please explain what role such a system or systems should have. Should the replacement system designed now be adaptable for future integration and coordination with other systems?

7. Please submit a conceptual design for the replacement system which adheres to 49 U.S.C. 13908. Can a replacement system (and fee system) be constructed that will cover operating costs and match SSRS revenues for FY1995, and not be an unreasonable burden on interstate commerce?

8. Does the universe of motor carriers affect the capacity and effectiveness of the replacement system? If so, how can a system be designed to handle the appropriate number of motor carriers for the public good rather than be driven only by its capacity limitations? If the statute is interpreted to require inclusion of private and exempt motor carriers in the replacement system to some degree, what degree should that be? Should they have fewer requirements than the for-hire motor carriers? Could they be treated as a subsystem for the larger system? Or should it be the reverse?

9. What features should the replacement system have? Should the capability of being able to revoke a registration for noncompliance with financial responsibility requirements be retained? Why and for whom? How would this capability affect the feasibility of the system?

10. Who should have access to this data and how should they have access? Should there be a fee for access?

11. Is privatization of the replacement system a better option than a federally or State run system? Should registration/financial responsibility compliance be a function for Federal oversight?

12. Please comment on the following concept as an optional approach: a self-registration system where the Federal government and the States would determine who would be required to file and what information must be filed. Information requirements may vary depending on the type of carrier. Each regulated entity would be required to provide information to a central data bank, either directly or through a State agency. New entrants would be assigned a reference number which could act as the registration or file number for all purposes. The computer could generate the form required based on the information required, as well as cross-check several sources of information on the registrant, if appropriate. Investigations and inspections would use this data, and if the motor carrier did not submit all of the required information, there would be a penalty for the violation. This system would be self-generating and self-maintaining. Please offer suggestions on whether and how financial responsibility

requirements could fit into this concept, as well as other comments.

F. Fees

1. Could a fee system be designed to cover operating costs and match SSRS revenues and still be feasible?

2. If all motor carriers paid a fee, the average cost of registration, per for-hire motor carrier, would go down. Would the inclusion of all motor carriers in a required registration fee program, and the availability of that revenue, enable a system to be designed and operated in an effective and efficient manner?

3. Is the different treatment of the for-hire (once ICC-regulated) motor carriers from the private and formerly ICC-exempt motor carriers regarding registration/licensing and financial responsibility warranted? Should this difference be addressed?

G. Legislative Suggestions

1. Please provide suggested any legislative changes which may be required to implement your suggested replacement system and explain why they are necessary.

2. Please provide other suggested legislative changes you may think necessary and explain why they are necessary.

H. Miscellaneous

1. What necessary attributes should an effective clearinghouse and depository have? Does the volume of information affect the efficiency of the clearinghouse? What is the best way to address this? What information should the clearinghouse handle? Is a national clearinghouse for all motor carriers feasible?

2. Section 13908(a) of 49 U.S.C. states that the clearinghouse will handle information on safety fitness and compliance with required levels of financial responsibility coverage. Exactly what information on these two subjects should be included and why?

II. Policies, Programs and Requirements—Registration and Financial Responsibility

A. Strategic Vision for this Rulemaking

1. What other options are available beside the current registration and financial responsibility programs? What should be the goals of these optional programs, such as self-certification, a totally centralized program at the Federal level or a totally decentralized program at the State level?

2. What should be the policies to follow or advance in these programs and why?

3. What are the technical, political and organizational issues related to each optional program?

4. What would be the major functions of each optional program?

5. What are the estimates of the major costs and benefits for each option?

6. What should be the roles of the FHWA, the motor carrier industry (of property and of passengers), the freight forwarder and broker industries, the States, the public, and others in matters of registration and financial responsibility? What are the proper roles to be played by the public sector? By the private sector?

7. What are the roles of the for-hire carrier and the private carrier in the marketplace? How should they be treated regarding registration and financial responsibility matters and why? How do we balance the public's need to know with the right to operate without unnecessary regulatory burdens?

8. What place does insurance or other financial responsibility coverage have in the marketplace? At what price should it be pursued? If there is compliance at the State level, is there a need for compliance at the Federal level compliance as well, or vice versa?

B. Needs and Demands—Registration and Financial Responsibility

1. Who should be the customers or users of this gathered information? What are the customers' and users' needs? How should they be met? By whom?

2. How important are: Accessibility; real time delivery; integration; uniformity; roadside delivery; accuracy; balance of needs; ability to update; and ability to crossreference? What price are users willing to pay?

3. What registration and financial responsibility information about motor carriers is needed by whom and when? How valuable is this information? How is this information used now? Are there other sources?

C. Requirements—Registration and Financial Responsibility

1. How do revenues or funding affect what society can demand from business or government in terms of the costs of registration and insurance?

2. What should be required from motor carriers in these matters and why?

3. Who should enforce these registration and financial responsibility requirements and what is the best way to do so? Who can do this better and why?

4. Can these registration and financial responsibility requirements be fulfilled periodically or annually, or must they be continually updated? Must they be monitored? Please explain your answer.

Rulemaking Analyses and Notices

All comments received before the close of business on the comment closing due date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, the FHWA will also continue to file relevant information in the docket as it becomes available after the comment period closing date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The action being considered by the FHWA in this document would replace four existing motor carrier registration/information systems. The FHWA has determined that the agency's response to the congressional mandate to replace these systems would be a significant regulatory action under Executive Order 12866 and a significant regulation under the regulatory policies and procedures of the Department of Transportation because of the substantial public interest anticipated in this action. The potential economic impact of this proposed rulemaking is not known at this time. Therefore, a full regulatory evaluation has not yet been prepared. The FHWA intends to evaluate the economic and other issues attendant to this regulatory action. The agency intends to use the information collected from commenters to this docket in the development of that evaluation.

Regulatory Flexibility Act

Due to the preliminary nature of this document and lack of necessary information on costs, the FHWA is unable at this time to evaluate the effects of the potential regulatory changes on small entities. The FHWA solicits comments, information, and data on these potential impacts.

Executive Order 12612 (Federalism Assessment)

This action will be analyzed in accordance with the principles and criteria contained in Executive Order 12612 to determine whether it has sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

This action, if taken beyond the ANPRM stage would, in all likelihood, impact existing collection of information requirements for the purposes of the Paperwork Reduction Act of 1995 (49 U.S.C. 3501–3520). Because of the potential changes, existing Office of Management and Budget (OMB) approvals would be required.

National Environment Policy Act

The agency will analyze this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to determine whether this action will have any effect on the quality of the environment.

Regulation Identification Number

A regulatory identification number (RIN) is assigned to each regulatory action listed in the United Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Chapter III

Motor carriers, Commercial motor vehicles, Motor vehicle safety, Registration, Financial responsibility, Reporting and recordkeeping requirements, Safety, Transportation.

Issued on: August 14, 1996.

Rodney E. Slater,

Federal Highway Administrator.

BILLING CODE 4910–22–P

Appendix A to Preamble Form MCS–150, Motor Carrier Identification Report

OMB No 2125-0544

U.S. Department of Transportation
Federal Highway Administration

MOTOR CARRIER IDENTIFICATION REPORT

IF THE ABOVE LOCATION IS BLANK, INCORRECT, OR IS A DIVISION OR BRANCH, PLEASE IDENTIFY YOUR COMPANY'S PRINCIPAL OFFICE IN THE SPACE BELOW.

1. NAME OF MOTOR CARRIER/HM SHIPPER	2. DOING BUSINESS AS (DBA) NAME
3. PHYSICAL STREET ADDRESS/ROUTE NUMBER	4. MAILING P.O. BOX

5. CITY	6. MEXICAN NEIGHBORHOOD	7. CITY	8. MEXICAN NEIGHBORHOOD

9. COUNTY	10. STATE/PROVINCE	11. ZIP CODE +4	12. COUNTY	13. STATE/PROVINCE	14. ZIP CODE +4

15. PRINCIPAL PHONE NUMBER ( )	16. US DOT NO.	17. ICC NO.	18. IRS/TAX ID NO. EIN # SSN #

19. CARRIER OPERATION *(Circle One)*

A. Interstate B. Intrastate Only (Hazardous Materials) C. Intrastate Only (Non-Hazardous Materials)

20. SHIPPER OPERATION *(Circle One)* A. Interstate B. Intrastate	21. CARRIER MILEAGE (Last Calendar Year)

22. OPERATION CLASSIFICATION

A. Authorized For-Hire
B. Exempt For-Hire
C. Private (Property)
D. Private Passengers (Business)
E. Private Passengers (Non-Business)
F. Migrant
G. U.S. Mail
H. Federal Government
I. State Government
J. Local Government
K. Indian Tribe
L. Other _____

23. CARGO CLASSIFICATIONS *(Please Circle **All** that Apply.)*

A. GENERAL FREIGHT
B. HOUSEHOLD GOODS
C. METAL: SHEETS, COILS, ROLLS
D. MOTOR VEHICLES
E. DRIVEAWAY/TOWAWAY
F. LOGS, POLES BEAMS, LUMBER
G. BUILDING MATERIALS
H. MOBILE HOMES
I. MACHINERY, LARGE OBJECTS
J. FRESH PRODUCE
K. LIQUIDS/GASES
L. INTERMODAL CONT.
M. PASSENGERS
N. OILFIELD EQUIPMENT
O. LIVESTOCK
P. GRAIN, FEED, HAY
Q. COAL/COKE
R. MEAT
S. GARBAGE, REFUSE, TRASH
T. U.S. MAIL
U. CHEMICALS
V. COMMODITIES DRY BULK
W REFRIGERATED FOOD
X. BEVERAGES
Y. PAPER PRODUCTS
Z. OTHER *(Specify)* _____

24. HAZARDOUS MATERIALS CARRIED/SHIPPED *(Please Circle **All** that Apply.)*. **T**–IN CARGO TANKS **P**–IN PACKAGES

C	S	A. DIVISION 1.1	T	P	C	S	J. CLASS 3	T	P	C	S	T. CLASS 7 (No Placards)	T	P
C	S	B. DIVISION 1.2	T	P	C	S	K. DIVISION 4.1	T	P	C	S	U. CLASS 8	T	P
C	S	C. DIVISION 1.3	T	P	C	S	L. DIVISION 4.2	T	P	C	S	V. CLASS 9	T	P
C	S	D. DIVISION 1.4	T	P	C	S	M. DIVISION 4.3	T	P	C	S	W. P.I.H.	T	P
C	S	E. DIVISION 1.5	T	P	C	S	N. DIVISION 5.1	T	P	C	S	X. COMBUSTIBLE LIQUID	T	P
C	S	F. DIVISION 1.6	T	P	C	S	O. DIVISION 5.2	T	P	C	S	Y. HAZARDOUS SUB. (RQ)	T	P
C	S	G. DIVISION 2.1	T	P	C	S	P. DIVISION 6.1 (Liq.)	T	P	C	S	Z. HAZARDOUS WASTE	T	P
C	S	H. DIVISION 2.2	T	P	C	S	Q. DIVISION 6.1 (Solid)	T	P	C	S	AA. ORM-D	T	P
C	S	I. DIVISION 2.3	T	P	C	S	R. DIVISION 6.2	T	P	C	S	BB. ELEVATED TEMP. MAT.	T	P
					C	S	S. CLASS 7 (Placards)	T	P	C	S	CC. MARINE POLLUTANTS	T	P

25. EQUIPMENT	*Straight Trucks*	*Truck Tractors*	*Trailers*	*HazMat Cargo Tank Trailers*	*HazMat Cargo Tank Trucks*	*PASSENGERS* *MotorCoach*	*School Bus*	*Mini-bus/Van*	*Limousine*
OWNED									
TERM LEASED									
TRIP LEASED									

26. DRIVERS SUBJECT TO FMCSR: INTERSTATE INTRASTATE

100-Mile Radius _____ 100-Mile Radius _____ TOTAL DRIVERS _____

Beyond 100-Mile Radius _____ Beyond 100-Mile Radius _____ TOTAL CDL DRIVERS _____

27. CERTIFICATION STATEMENT (to be completed by an authorized official)

I, _____ *(Please print Name)*, certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or the Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct, and complete.

Signature _____ Date _____ Title _____

Form MCS-150 (Rev. 10-94) MCS-150–Form Disk

NOTICE

The Form MCS-150, Motor Carrier Identification Report, must be filed by all motor carriers operating in interstate or foreign commerce. A new motor carrier must file Form MCS-150 within 90 days after beginning operations. Exception: A motor carrier that has received written notification of a safety rating from the Federal Highway Administration (FHWA) need not file the report. To mail, fold the completed report so that the self-addressed postage paid panel is on the outside. This report is required by 49 CFR Part 385 and authorized by 49 U.S.C. 504 (1982 & Supp. III 1985).

The public reporting burden for this collection of information on the Form MCS-150 is estimated by the FHWA to average 20 minutes. If you wish to comment on the accuracy of the estimate or make suggestions for reducing this burden, please direct your comments to the Office of Management and Budget and the FHWA at the following addresses:

Office of Management and Budget Paperwork Reduction Project Washington, DC 20503	*and*	Federal Highway Administration OMC Field Operations, HFO-10 400 7th Street, SW Washington, DC 20590

INSTRUCTIONS FOR COMPLETING THE MOTOR CARRIER IDENTIFICATION REPORT (MCS-150)

*(Please **Print** or **Type** All Information)*

1. Enter the legal name of the business entity (i.e., corporation, partnership, or individual) that owns/controls the motor carrier/shipper operation.
2. If the business entity is operating under a name other than that in Block 1, (i.e., "trade name") enter that name. Otherwise, leave blank.
3. Enter the principal place of business street address (where all safety records are maintained).
4. Enter mailing address if different from the physical address, otherwise leave blank. Also, applies to #7, #8, #12–#14.
5. Enter the city where the principal place of business is located.
6. If a Mexican motor carrier or shipper, enter the Mexican neighborhood or barrio where the principal place of business is located.
7. Enter the city corresponding with the mailing address.
8. If a Mexican motor carrier or shipper, enter the Mexican neighborhood or barrio corresponding with the mailing address.
9. Enter the name of the county in which the principal place of business is located.
10. Enter the two-letter postal abbreviation for the State, or the name of the Canadian Province or Mexican State, in which the principal place of business is located.
11. Enter the zip code number corresponding with the street address.
12. Enter the name of the county corresponding with the mailing address.
13. Enter the two-letter postal abbreviation for the State, or the name of the Canadian Province or Mexican State, corresponding with the mailing address.
14. Enter the ZIP code number corresponding with the mailing address.
15. Enter the telephone number, including area code, of the principal place of business.
16. Enter the identification number assigned to your motor carrier operation by the U.S. Department of Transportation, if known. Otherwise, enter "N/A."
17. Enter the motor carrier "MC" or "MX" number under which the Interstate Commerce Commission (ICC) issued your operating authority, if appropriate. Otherwise, enter "N/A."
18. Enter the employer identification number (EIN #) or social security number (SSN #) assigned to your motor carrier operation by the Internal Revenue Service.
19. Circle the appropriate type of **carrier** operation.

    A. Interstate

    B. Intrastate, transporting hazardous materials (49 CFR 100-180).

    C. Intrastate, NOT transporting hazardous materials.

    Interstate—transportation of persons or property across State lines, including international boundaries, or wholly within one State as part of a through movement that originates or terminates in another State or country.

    Intrastate—transportation of persons or property wholly within one State.

20. Circle the appropriate type of **shipper** operation.

A. Interstate

B. Intrastate

Interstate & Intrastate–See #19 above.

21. Enter the carrier's total mileage for the past calendar year.

22. Circle appropriate classification. Circle **all** that apply. If "L. Other" is circled, enter the type of operation in the space provided.

A. Authorized For Hire	D. Private Passengers (Business)	G. U.S. Mail	J. Local Government
B. Exempt For Hire	E. Private Passengers (Non-Business)	H. Federal Government	K. Indian Tribe
C. Private (Property)	F. Migrant	I. State Government	L. Other

Authorized For Hire—transportation for compensation as a common or contract carrier of property, owned by others, or passengers under the provisions of the ICC.

Exempt For Hire—transportation for compensation of property or passengers exempt from the economic regulation by the ICC.

Private (Property)—means a person who provides transportation of property by commercial motor vehicle and is not a for-hire motor carrier.

Private Passengers (Business)—a private motor carrier engaged in the interstate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large (e.g., bands).

Private Passengers (Non-Business)—a private motor carrier involved in the interstate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business) (e.g., church buses).

Migrant—interstate transportation, including a contract carrier, but not a common carrier of 3 or more migrant workers to or from their employment by any motor vehicle other than a passenger automobile or station wagon.

U.S. Mail—transportation of U.S. Mail under contract with the U.S. Postal Service.

Federal Government—transportation of property or passengers by a U.S. Federal Government agency.

State Government—transportation of property or passengers by a U.S. State Government agency.

Local Government—transportation of property or passengers by a local municipality.

Indian Tribe—transportation of property or passengers by a Indian tribal government.

Other—transportation of property or passengers by some other operation classification not described by any of the above.

23. Circle *all* the letters of the types of cargo you usually transport. If "Z. Other" is circled, enter the name of the commodity in the space provided.

24. Circle **all** the letters of the types of hazardous materials (HM) you transport/ship. In the columns before the HM types, either circle C for carrier of HM or S for a shipper of HM. In the columns following the HM types, either circle T if the HM is transported in cargo tanks or P if the HM is transported in other packages (49 CFR 173.2).

25. Enter the total number of vehicles owned, term leased and trip leased, that are, or can be, operational the day this form is completed.

Motorcoach—a vehicle designed for long distance transportation of passengers, usually equipped with storage racks above the seats and a baggage hold beneath the cabin.

School Bus—a vehicle designed and/or equipped mainly to carry primary and secondary students to and from school, usually built on a medium or large truck chassis.

Mini-bus\Van—a multi-purpose passenger vehicle with a capacity of 10-24 people, typically built on a small truck chassis.

Limousine—a passenger vehicle usually built on a lengthened automobile chassis.

26. Enter the number of interstate/intrastate drivers used on an average work day. Part-time, casual, term leased, trip leased and company drivers are to be included. Also, enter the total number of drivers and the total number of drivers who have a Commercial Drivers License (CDL).

Interstate—driver transports people or property across State lines, including international boundaries, or wholly within one State as part of a through movement that originates or terminates in another State or country.

Intrastate—driver transports people or property wholly within one State.

100-mile radius driver—driver operates only within a *100 air-mile radius* of the normal work reporting location.

27. Print or type the name, in the space provided, of the individual authorized to sign documents on behalf of the entity listed in Block 1. That individual must sign, date, and show his or her title in the spaces provided (Certification Statement, see 49 CFR 385.21 and 385.23).

FOLD HERE

U.S. Department
of Transportation

Federal Highway Administration

Official Business
Penalty for Private Use $300

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL

FIRST CLASS PERMIT NO. 12946 WASHINGTON, D.C.

POSTAGE WILL BE PAID BY FEDERAL HIGHWAY ADMINISTRATION

Federal Highway Administration
Office of Motor Carriers
Information Management, HIA-10
400 Seventh Street, S.W.
Washington, D.C. 20590

FOLD HERE AND TAPE SHUT FOR MAILING

Appendix B to Preamble Form MSC–90, Endorsement for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980

ENDORSEMENT FOR
MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY
UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980

Form Approved
OMB No. 2125-0074

Issued to _____ of _____

Dated at _____ this _____ day of _____, 19 _____

Amending Policy No. _____ Effective Date _____

Name of Insurance Company _____

Telephone Number (_____) _____. Countersigned by _____
Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "☒", for the limits shown:

☐ This insurance is primary and the company shall not be liable for amounts in excess of $ _____ for each accident.

☐ This insurance is excess and the company shall not be liable for amounts in excess of $ _____ for each accident in excess of the underlying limit of $ _____ for each accident.

Whenever required by the Federal Highway Administration (FHWA) or the Interstate Commerce Commission (ICC), the company agrees to furnish the FHWA or the ICC a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FHWA or the ICC, to verify that the policy is in force as of a particular date. The telephone number to call is:_____.

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date the notice is received by the ICC at its office in Washington, D.C.).

DEFINITIONS AS USED IN THIS ENDORSEMENT

ACCIDENT includes continuous or repeated exposure to conditions which results in bodily injury, property damage, or environmental damage which the insured neither expected nor intended.

MOTOR VEHICLE means a land vehicle, machine, truck, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway for transporting property, or any combination thereof.

BODILY INJURY means injury to the body, sickness, or disease to any person, including death resulting from any of these.

ENVIRONMENTAL RESTORATION means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife.

PROPERTY DAMAGE means damage to or loss of use of tangible property.

PUBLIC LIABILITY means liability for bodily injury, property damage, and environmental restoration.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Highway Administration (FHWA) and the Interstate Commerce Commission (ICC).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately, to each accident, and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

The Motor Carrier Act of 1980 requires limits of financial responsibility according to the type of carriage and commodity transported by the motor carrier. It is the MOTOR CARRIER'S obligation to obtain the required limits of financial responsibility.
THE SCHEDULE OF LIMITS SHOWN ON THE REVERSE SIDE DOES NOT PROVIDE COVERAGE.
The limits shown in the schedule are for information purposes only.

Form MCS-90 **(Over)**

SCHEDULE OF LIMITS
Public Liability

Type of Carriage	Commodity Transported	Minimum Insurance
[1] (1) For-hire (in interstate or foreign commerce).	Property (nonhazardous).	$ 750,000
(2) For-hire and Private (in interstate, foreign, or intrastate commerce).	Hazardous substances transported in cargo tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquefied compressed gas or compressed gas; or highway route controlled quantity radioactive materials.	5,000,000
(3) For-hire and Private (in interstate or foreign commerce: in any quantity) or (in intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101, hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	1,000,000
(4) For-hire and Private (in interstate or foreign commerce).	Any quantity of Class A or B explosives, any quantity of poison gas (Poison A), or highway route controlled quantity radioactive materials.	5,000,000

Note: The type of carriage listed under (1), (2), and (3) apply to vehicles with a gross vehicle weight rateing of 10,000 pounds or more. The type of carriage listed under number (4) applies to all vehicles with gross vehicle weight rating of less than 10,000 pounds.

SCHEDULE OF LIMITS
Public Liability
For-hire motor carriers of passengers operating in interstate or foreign commerce

Vehicle Seating Capacity	Minimum Insurance
(1) Any vehicle with a seating capacity of 16 passengers or more.	$ 5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less.	1,500,000

Appendix C to Preamble Form MCS–82, Motor Carrier Liability Surety Bond Under Sections 29 and 30 of the Motor Carrier Act of 1980

Form Approved
OMB No. 2125-0075

US Department of Transportation

Federal Highway Administration

MOTOR CARRIER PUBLIC LIABILITY SURETY BOND UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980

PARTIES

Surety Company and Principal Place of Business Address	Motor Carrier Principal, ICC Docket No., and Principal Place of Business Address
_____	_____
_____	_____
_____	_____
_____	_____

PURPOSE

This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of any final judgment or judgments against the Principal for public liability and property damage, and environmental restoration liability claims in the sums prescribed herein, subject to the governing provisions and following conditions.

GOVERNING PROVISIONS

(1) Sections 29 and 30 of the Motor Carrier Act of 1980 (49 U.S.C. 10927 note)
(2) Rules and Regulations of the Federal Highway Administration (FHWA)
(3) Rules and regulations of the Interstate Commerce Commission (ICC)

CONDITIONS

The Principal is or intends to become a motor carrier of property subject to the applicable governing provisions relating to financial responsibility for the protection of the public.

This bond assures compliance by the Principal with the applicable governing provisions, and shall inure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for public liability, property damage, or environmental restoration liability claims (excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal, and the cargo transported by the Principal). If every final judgment shall be paid for such claims resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the applicable governing provisions, then this obligation shall be void, otherwise it will remain in full effect.

Within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety on each motor vehicle subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 for each accident shall not exceed $ _____ and shall be a continuing one notwithstanding any recovery thereunder.

The Surety agrees, upon telephone request by an authorized representative of the FHWA or ICC, to verify that the surety bond is in full force as of a particular date. The telephone number to call is: (_____) _____.

This bond is effective from _____ (12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described herein. The Principal or the Surety may at any time terminate this bond by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof or notice), and (2) if the Principal is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date notice is received by the ICC at its office in Washington, D.C.). The Surety shall not be liable for the payment of any judgment or judgments against the Principal for public liability or property damage claims resulting from accidents which occur after the termination of this bond as described herein, but such termination shall not affect the liability of the Surety from the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

_____
Date

(AFFIX CORPORATE SEAL)

_____
Surety

_____, _____
City *State*

By _____

ACKNOWLEDGMENT OF SURETY

STATE OF _____ COUNTY OF _____

On this _____ day of _____, 19 _____, before me personally came _____, who, being by me duly sworn, did depose and say that he resides in _____; that he is the _____ of the _____, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; that he signed his name thereto by like order, and he duly acknowledged to me that he executed the same for and on behalf of said corporation.

_____

(OFFICIAL SEAL)

_____
Title of official administering oath
Surety Company File No. _____

Form MCS-82
(11-83)

Appendix D to Preamble Form RS–1, Uniform Application for Single State Registration for Motor Carriers Operating Under the Authority Issued by the Interstate Commerce Commission

1997 Form RS-1
Uniform Application for Single State Registration
for Motor Carriers operating under authority
issued by the Interstate Commerce Commission

MOTOR CARRIER IDENTIFICATION NUMBERS:
ICC MC No : US DOT No : _____ FEIN : _____
Phone : Fax # : _____

APPLICANT (Identical to name on ICC order):
and **PRINCIPAL PLACE OF BUSINESS ADDRESS:**
Name :
D/B/A :
Street :
City :

MAILING ADDRESS (If different from Business Address above):
Street : _____
City : _____ State : __ Zip Code : _____

TYPE OF REGISTRATION:
[ ] New Carrier Registration - The motor carrier has not previously registered.
[ ] Annual Registration - The motor carrier is renewing its annual registration.
[ ] New Registration State Selection - The motor carrier has changed its principal program. The prior registration state was _____.

TYPE OF MOTOR CARRIER: (Check one)
[ ] Individual [ ] Partnership [ ] Corporation
If corporation, give state in which incorporated : _____
List name of partners or officers:
Name : _____ Title : _____
Name : _____ Title : _____
Name : _____ Title : _____

TYPE OF ICC REGISTERED AUTHORITY:
[ ] Permanent Certificate or Permit [ ] Temporary Authority (TA)
[ ] Emergency Temporary Authority (ETA)

TYPE OF MOTOR CARRIER OPERATION: (Check one)
[ ] Transporter of PROPERTY - Using freight vehicles with a gross vehicle weight rating of 10,000 pounds or more.
[ ] Transporter of PROPERTY - Using only freight vehicles with a gross vehicle weight rating of less than 10,000 pounds.
[ ] Transporter of PASSENGERS - Using vehicles with a seating capacity of 16 passengers or more.
[ ] Transporter of PASSENGERS - Using only vehicles with a seating capacity of 15 passengers or less.

---

* A principal place of business is a single location that serves as a motor carrier's headquarters and where it maintains its operational records.

Form RS-1

Uniform Application for Single State Registration
Page 2

ICC CERTIFICATE(S) OR PERMIT(S):

[ ] ICC Authority Order(s) attached for first year registration.
[ ] ICC Authority Order(s) attached for additional authority received.
[ ] No change from prior year registration.

PROOF OF PUBLIC LIABILITY (PL/PD) SECURITY: (Check only one block)

[ ] The applicant or its insurance company will file a copy of its proof public liability security to the registered state.
[ ] The applicant or its insurance company has filed a copy of its proof public liability security to the registered state and the insurance coverage as stated on that form remains in effect.
[ ] The applicant has an approved self-insurance plan or other security in full force and effect and the carrier is in full compliance with the conditions imposed by the ICC order. A copy of the ICC insurance order is attached or has previously been filed with the registration state.

HAZARDOUS MATERIALS: (Check One)

[ ] The applicant will NOT haul hazardous materials in any quantity.
[ ] The applicant will haul hazardous materials requiring $1 million in Public Liability and Property Damage Insurance in accordance with Title 49 CFR 1043.2.
[ ] The applicant will haul hazardous materials requiring $5 million in Public Liability and Property Damage Insurance in accordance with Title 49 CFR 1043.2.

PROCESS AGENT:

[ ] ICC Form No. BOC-3 or blanket designation attached for new registration.
[ ] ICC Form No. BOC-3 or blanket designation attached reflecting changes of designation of process agent.
[ ] No change from prior year registration.

CERTIFICATION:

I, the undersigned, under penalty for false statement, certify that the above information is true and correct and that I am authorized to execute and file this document on behalf applicant. (Penalty provisions subject to the laws of the registration state.)

Name (Printed) _____

Signature _____ Title _____

Telephone Number (_____) _____ - _____ Date _____

Form RS-1

Appendix E to Preamble Form RS–2, Registration Receipt Order Form

REGISTRATION RECEIPT ORDER FORM (FORM RS-2)

Name:

ICC No: _____ Principal place of business: Illinois

Transporting: [ ] Property [ ] **Passenger - Reg. Route** [ ] Passenger - Charter

Receipts ordered are for: [ ] Current year (1995) [X] Next year (1996)

(A) State Name	(B) Vehicles	(C) Fee	(D) Total Fees (BxC)
Alabama	AL _____	6.00	_____
Arkansas	AR _____	5.00	_____
California	CA _____	0.00	_____
Colorado	CO _____	5.00	_____
Connecticut	CT _____	0.00	_____
Georgia	GA _____	5.00	_____
Idaho	ID _____	1.00	_____
Illinois	IL _____	7.00	_____
Indiana	IN _____	0.00	_____
Iowa	IA _____	1.00	_____
Kansas	KS _____	10.00	_____
Kentucky	KY _____	10.00	_____
Louisiana	LA _____	10.00	_____
Maine	ME _____	0.00	_____
Massachusetts	MA _____	0.00	_____
Michigan	MI _____	0.00	_____
Minnesota	MN _____	0.45	_____
Mississippi	MS _____	10.00	_____
Missouri	MO _____	0.00	_____
Montana	MT _____	5.00	_____
Nebraska	NE _____	0.00	_____
New Hampshire	NH _____	10.00	_____
New Mexico	NM _____	10.00	_____
New York	NY _____	10.00	_____
North Carolina	NC _____	1.00	_____
North Dakota	ND _____	10.00	_____
Ohio	OH _____	0.00	_____
Oklahoma	OK _____	7.00	_____
Rhode Island	RI _____	8.00	_____
South Carolina	SC _____	5.00	_____
South Dakota	SD _____	5.00	_____
Tennessee	TN _____	8.00	_____
Texas	TX _____	0.00	_____
Utah	UT _____	6.00	_____
Virginia	VA _____	3.00	_____
Washington	WA _____	0.00	_____
West Virginia	WV _____	3.00	_____
Wisconsin	WI _____	5.00	_____
TOTAL OF ALL STATES FEES			_____

CERTIFYING STATEMENT AND SIGNATURE: I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant. Signature below authorizes the Illinois Commerce Commission to lower the amount of the check if fees submitted exceed the correct amount.

Signature _____

Title _____ Date ___/___/___

Phone (___) ___ - _____ Fax (___) ___ - _____

Appendix F to Preamble Form OP–1, Application for Motor Property Carrier and Broker Authority

FEDERAL HIGHWAY ADMINISTRATION
FORM OP-1
APPLICATION FOR MOTOR PROPERTY CARRIER AND BROKER AUTHORITY

Approved by OMB
3120-0047
Expires 12/97

This application is for all individuals and businesses requesting authority to operate as motor property common or contract carriers or property brokers.

FOR FHWA USE ONLY

Docket No. MC-_____

Filed _____

Fee No._____

CC Approval No._____

SECTION I

Applicant Information

Do you now have authority from or an application being processed by the former ICC or FHWA?
☐ NO ☐ YES If yes, identify the lead docket number(s)_____

LEGAL BUSINESS NAME

DOING BUSINESS AS NAME

BUSINESS ADDRESS

_____ (____)_____
Street Name and Number City State Zip Code Telephone Number

MAILING ADDRESS (If different from above)

_____
Street Name and Number City State Zip Code

REPRESENTATIVE (Person who can respond to inquiries)

_____
Name and title, position, or relationship to applicant

_____
Street Name and Number City State Zip Code
Telephone Number (_____)_____ FAX Number (_____)_____

U.S. DOT Number (If available; if not, see Instructions.)_____

FORM OF BUSINESS (Check only one.)
☐ Corporation State of Incorporation _____
☐ Sole Proprietorship Name of Individual _____
☐ Partnership Identify Partners _____
_____

SECTION II

Type of Authority

You must submit a filing fee for each type of authority requested (for each box checked).

☐ MOTOR COMMON CARRIER OF PROPERTY (except HOUSEHOLD GOODS)
☐ MOTOR CONTRACT CARRIER OF PROPERTY (except HOUSEHOLD GOODS)
☐ MOTOR COMMON CARRIER OF HOUSEHOLD GOODS
☐ MOTOR CONTRACT CARRIER OF HOUSEHOLD GOODS
☐ BROKER OF PROPERTY (except HOUSEHOLD GOODS)
☐ BROKER OF HOUSEHOLD GOODS

5/95

APPLICATION FOR MOTOR PROPERTY CARRIER AND BROKER AUTHORITY - OP-1 (cont.)

SECTION III

Insurance Information

This section must be completed by ALL motor property carrier applicants. The dollar amounts in parentheses represent the minimum amount of bodily injury and property damage (liability) insurance coverage you must maintain and have on file with the FHWA.

NOTE: Refer to the instructions for information on cargo insurance filing requirements for motor common carriers and surety bond/trust fund agreement filings for property brokers.

☐ Will operate vehicles having Gross Vehicle Weight Ratings (GVWR) of 10,000 pounds or more to transport:
- ☐ Non-hazardous commodities ($750,000).
- ☐ Hazardous materials referenced in the FHWA's insurance regulations at 49 CFR 1043.2(b)(2)(c) ($1,000,000).
- ☐ Hazardous materials referenced in the FHWA's insurance regulations at 49 CFR 1043.2(b)(2)(b) ($5,000,000).

☐ Will operate only vehicles having Gross Vehicle Weight Ratings (GVWR) under 10,000 pounds to transport:
- ☐ Any quantity of Class A or B explosives, any quantity of poison gas (Poison A), or highway route controlled quantity of radioactive materials ($5,000,000).
- ☐ Commodities other than those listed above ($300,000).

SECTION IV

Safety Certification (Motor Carrier Applicants Only)

APPLICANTS SUBJECT TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS - If you will operate vehicles of more than 10,000 pounds GVWR and are, thus, subject to pertinent portions of the U.S. DOT's Federal Motor Carrier Safety Regulations at 49 CFR, Chapter 3, Subchapter B (Parts 350-399), you must certify as follows:

Applicant has access to and is familiar with all applicable U.S. DOT regulations relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials and it will comply with these regulations. In so certifying, applicant is verifying that, at a minimum, it:

(1) Has in place a system and an individual responsible for ensuring overall compliance with Federal Motor Carrier Safety Regulations;
(2) Can produce a copy of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations;
(3) Has in place a driver safety training/orientation program;
(4) Has prepared and maintains an accident register (49 CFR 390.15);
(5) Is familiar with DOT regulations governing driver qualifications and has in place a system for overseeing driver qualification requirements (49 CFR Part 391);
(6) Has in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers' hours of service and vehicle inspection, repair, and maintenance (49 CFR Parts 392, 395 and 396);
(7) Is familiar with and will have in place on the appropriate effective date, a system for complying with U.S. DOT regulations governing alcohol and controlled substances testing requirements (49 CFR 382 and 49 CFR Part 40).

☐ YES

EXEMPT APPLICANTS - If you will operate only small vehicles (GVWR under 10,000 pounds) and will not transport hazardous materials, you are exempt from Federal Motor Carrier Safety Regulations, and must certify as follows:
Applicant is familiar with and will observe general operational safety guidelines, as well as any applicable state and local laws and requirements relating to the safe operation of commercial motor vehicles and the safe transportation of hazardous materials.

☐ YES

APPLICATION FOR MOTOR PROPERTY CARRIER AND BROKER AUTHORITY - OP-1 (cont.)

SECTION V

Affiliations

AFFILIATION WITH OTHER FORMER ICC, NOW FHWA-LICENSED ENTITIES. Disclose any relationship you have or have had with any other FHWA-regulated entity within the past 3 years. For example, this could be through a percentage of stock ownership, a loan, or a management position. If this requirement applies to you, provide the name of the company, MC-number, DOT number, and that company's latest U.S. DOT safety rating. (If you require more space, attach the information to this application form.)

_____

_____

_____

SECTION VI

Household Goods Certifications

HOUSEHOLD GOODS MOTOR COMMON CARRIER APPLICANTS must certify as follows:
Applicant is fit, willing, and able to provide the specialized services necessary to transport household goods. This assessment of fitness includes applicant's general familiarity with former ICC, now FHWA regulations for household goods movements and also requires an assurance that applicant has or is willing to acquire the protective equipment and trained operators necessary to perform household goods movements. The proposed operations will serve a useful public purpose responsive to a public demand or need.

☐ YES

HOUSEHOLD GOODS MOTOR CONTRACT CARRIER APPLICANTS must certify as follows:
Applicant is fit, willing, and able to provide the specialized services necessary to transport household goods. This assessment of fitness includes applicant's general familiarity with former ICC, now FHWA regulations for household goods movements and also requires an assurance that applicant has or is willing to acquire the protective equipment and trained operators necessary to perform household goods movements. The proposed service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

☐ YES

HOUSEHOLD GOODS BROKER APPLICANTS must certify as follows:
Applicant is fit, willing, and able to provide household goods brokerage operations and to comply with all pertinent statutory and regulatory requirements. The involved services will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

☐ YES

NOTE: Applicant may attach a supporting statement to this application to provide additional information about any of the above certifications. This evidence is optional.

APPLICATION FOR MOTOR PROPERTY CARRIER AND BROKER AUTHORITY - OP-1 (cont.)

SECTION VII

Applicants for Contract Carriage of Household Goods

SCOPE OF OPERATING AUTHORITY. Complete one or both box(es) below, as applicable.

☐ Contracting shippers have one or more of the distinct needs delineated in *Interstate Van Lines, Inc., Extension - Household Goods*, 5 I.C.C.2d 168 (1988).
Describe briefly the distinct need(s):

_____

_____

_____

☐ Contracts provide for assignment of one or more vehicles for the exclusive use of each shipper in the manner specified in *Interstate Van Lines, Inc., Extension - Household Goods*, 5 I.C.C.2d 168 (1988).

SECTION VIII

Applicant's Oath

This oath applies to all supplemental filings to this application. The signature must be that of applicant, not legal representative.

I, _____, verify under penalty of
Name and title

perjury, under the laws of the United States of America, that all information supplied on this form or relating to this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to $10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to $2,000 or imprisonment up to 5 years for each offense.

I further certify under penalty of perjury, under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or state offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, under 21 U.S.C. 853a.

Finally, I certify that applicant is not domiciled in Mexico or owned or controlled by persons of that country.

Signature _____ Date _____

APPLICATION FOR MOTOR PROPERTY CARRIER AND BROKER AUTHORITY - OP-1 (cont.)

Filing Fee Information

All applicants must submit a filing fee for each type of authority requested. The enclosed fee schedule will show the appropriate filing fee. The total amount due is equal to the fee times the number of boxes checked in *Section II*. Fees for multiple authorities may be combined in a single payment.

Total number of boxes checked in *Section II*: _____ x filing fee $_____ = $_____

INDICATE AMOUNT $_____ AND METHOD OF PAYMENT

☐ CHECK or ☐ MONEY ORDER, payable to: Federal Highway Administration

☐ VISA ☐ MASTERCARD

Credit Card Number _____ Expiration Date _____

Signature _____ Date _____

Fee Policy

- Filing fees must be payable to the **Federal Highway Administration**, by check drawn upon funds deposited in a bank in the United States or money order payable in U.S. currency or by approved credit card.
- Separate fees are required for each **type of authority** requested. If applicant requests multiple types of permanent authority on one application form (for example, common and contract carrier authority) or if applicant submits more than one form in the OP-1 Series in a single filing, multiple fees are required. The applicant may submit a single payment for the sum of the applicable fees.
- Filing fees must be sent, along with the original and one copy of the application, to Federal Highway Administration, Section of Licensing, 1201 Constitution Avenue, N.W., Washington, DC 20423-0001.
- After an application is received, the filing fee is not refundable.
- The FHWA reserves the right to discontinue processing any application for which a check is returned because of insufficient funds. The application will not be processed until the fee is paid in full.

PAPERWORK BURDEN. It is estimated that an average of 2.5 burden hours per response are required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to both the Federal Highway Administration, Section of Licensing, Room 2227, 1201 Constitution Avenue, N.W., Washington, DC 20423-0001, and to the Office of Management and Budget, Office of Information and Regulatory Affairs (OMB No. 3120-0047), Washington, DC 20403.

Appendix G to Preamble Form OP–1(P), Application for Motor Passenger Carrier Authority

FEDERAL HIGHWAY ADMINISTRATION
FORM OP-1(P)
APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY

Approved by OMB
3120-0047
Expires 12/97

This application is for all individuals and businesses requesting authority to operate as motor passenger common or contract carriers.

FOR FHWA USE ONLY

Docket No. MC-_____

Filed _____

Fee No._____

CC Approval No._____

SECTION I

Applicant Information

Do you now have authority from or an application being processed by the former ICC, now FHWA.
☐ NO ☐ YES If yes, identify the lead docket number(s)_____

LEGAL BUSINESS NAME

DOING BUSINESS AS NAME

BUSINESS ADDRESS

_____ (____)_____
Street Name and Number City State Zip Code Telephone Number

MAILING ADDRESS (If different from above)

_____
Street Name and Number City State Zip Code

REPRESENTATIVE (Person who can respond to inquiries)

_____
Name and title, position, or relationship to applicant

_____
Street Name and Number City State Zip Code
Telephone Number (_____)_____ FAX Number (____)_____

U.S. DOT Number (If available;if not, see Instructions.)_____

FORM OF BUSINESS (Check only one.)
☐ Corporation State of Incorporation _____
☐ Sole Proprietorship Name of Individual _____
☐ Partnership Identify Partners _____
_____

SECTION II

Type of Authority

You must submit a filing fee for each type of authority requested (for each box checked).

☐ MOTOR PASSENGER COMMON CARRIER
☐ MOTOR PASSENGER CONTRACT CARRIER

5/95

APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY - FORM OP-1(P) (cont.)

SECTION III

Insurance Information

All motor passenger carrier applicants must maintain public liability insurance. The amounts in parentheses represent the minimum amount of coverage required.

Applicant will use vehicles with seating capacities of (check only one box):

☐ 16 passengers or more ($5,000,000)
☐ 15 passengers or fewer only ($1,500,000)

SECTION IV

Safety Certification

APPLICANTS SUBJECT TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS - If you are subject to pertinent portions of the U.S. DOT's Federal Motor Carrier Safety Regulations at 49 CFR, Chapter 3, Subchapter B (Parts 350-399), you must certify as follows:
Applicant has access to and is familiar with all applicable U.S. DOT regulations relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials and it will comply with these regulations. In so certifying, applicant is verifying that, at a minimum, it:

(1) Has in place a system and an individual responsible for ensuring overall compliance with Federal motor carrier safety regulations;
(2) Can produce a copy of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations;
(3) Has in place a driver safety training/orientation program;
(4) Has prepared and maintains an accident register (49 CFR 390.15);
(5) Is familiar with DOT regulations governing driver qualifications and has in place a system for overseeing driver qualification requirements (49 CFR Part 391);
(6) Has in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers' hours of service and vehicle inspection, repair, and maintenance (49 CFR Parts 392, 395 and 396);
(7) Is familiar with and has in place a system for complying with U.S. DOT regulations governing alcohol and controlled substances testing requirements (49 CFR 390.5).

☐ YES

EXEMPT APPLICANTS - If you are exempt from Federal Motor Carrier Safety Regulations, you must certify as follows:

Applicant is familiar with and will observe general operational safety guidelines, as well as any applicable state and local laws and requirements relating to the safe operation of commercial motor vehicles and the safe transportation of hazardous materials.

☐ YES

APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY - FORM OP-1(P) (cont.)

SECTION V

Compliance Certification

ALL MOTOR PASSENGER CARRIER APPLICANTS must certify as follows:
Applicant is fit, willing, and able to provide the proposed operations and to comply with all pertinent statutory and regulatory requirements.

☐ YES

SECTION VI

Government Funding Status

Specify the nature of governmental financial assistance you receive, if any, by checking the appropriate box below. (Check only one box.)

☐ Public recipient - Applicant is any of the following: any state; any municipality or other political subdivision of a state; any public agency or instrumentality of such entities of one or more state(s); an Indian tribe; and any corporation, board or other person owned or controlled by such entities or owned by, controlled by, or under common control with such a corporation, board, or person which is receiving or has ever received governmental financial assistance for the purchase or operation of any bus.

☐ Private recipient - Applicant is not a public recipient but is receiving, or has received in the past, governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.

☐ Non-recipient - Applicant is not receiving, or using equipment acquired with, governmental financial assistance.

Public Interest Criteria: Regular route applicants and private recipient applicants may introduce supplemental evidence describing how the proposed service will respond to existing transportation needs or is otherwise consistent with the public interest. Filing this evidence with the application is optional, but it may be needed later, if the application is protested.

Public Recipient Applicants: All public recipient applicants for charter or special transportation must submit evidence to demonstrate either that:

(1) No motor common carrier of passengers (other than a motor common carrier of passengers that is a public recipient of governmental assistance) is providing, or is willing and able to provide, the transportation to be authorized by the certificate; or

(2) The transportation to be authorized by the certificate is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

Supplemental evidence should be provided on a separate sheet of paper attached to this application.

Fitness Only Criteria: No additional evidence is needed from non-recipient applicants for charter and special transportation and applicants for contract carrier operations.

APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY - FORM OP-1(P) (cont.)

SECTION VII

Scope of Operating Authority

(1) ☐ **Charter and special** transportation, in interstate or foreign commerce, between points in the United States.

(2) ☐ Service as a common carrier over **regular routes.** (Regular route passenger carrier authority to perform regularly scheduled service only over named roads or highways.) Regular route passenger service includes authority to transport newspapers, baggage of passengers, express packages, and mail in the same motor vehicle with passengers, or baggage of passengers in a separate motor vehicle.

Applicants requesting authority to operate over regular routes - On a separate sheet of paper attached to the application, describe the specific routes over which you intend to provide regularly scheduled service. You must also furnish a map clearly identifying each regular route involved in your passenger carrier service description(s).

(3) ☐ **Intrastate authority**

(a) Are you also requesting **intrastate authority** to provide the service described in item 2?

☐ YES ☐ NO

(b) Do you already hold **interstate authority** to provide the service described above?

☐ YES ☐ NO

(c) If you responded "YES" to 3(b) (*i.e.*, if you already hold interstate authority to provide this service), was the authority issued on or before November 19, 1982?

☐ YES ☐ NO

If you responded "YES" to 3(c), you must attach to your application a copy of the interstate authority or authorities issued on before November 19, 1982, authorizing the transportation of passengers on the routes over which you request intrastate authority. You must mark the envelope and the application in the upper right corner of the front page "90-Day Intrastate Passenger Application."

NOTE: The FHWA has no jurisdiction to grant intrastate authority independently of interstate authority on the same routes. Also, no carrier may conduct operations under a certificate authorizing intrastate regular route service unless it actually is conducting substantial operations in interstate commerce over the same route.

APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY - FORM OP-1(P) (cont.)

SECTION VII

Scope of Operating Authority (cont.)

(4) ☐ Service as a **contract carrier** between points in the United States, under continuing contract(s) with persons or organizations requiring passenger transportation service;

or

☐ Service as a **contract carrier** between points in the United States, under continuing contract(s) with:

_____

Contracting persons or organizations

As a contract carrier, I will: (Check the box(es) indicating how you will meet the statutory requirements for contract carriage.)

(a) ☐ Furnish the transportation service through the assignment of motor vehicles for a continuing period of time for the exclusive use of each group or organization served;

(b) ☐ Furnish the transportation service designed to meet the distinct needs of each group, organization, or class of groups or organizations. Describe briefly the distinct need(s) below and/or introduce supplemental supporting evidence to identify service needs corresponding to the operations proposed.

_____

_____

_____

_____

(5) ☐ Alternative Service Descriptions

If you request authority that is not covered by items 1-4 above, (*i.e.*, authority to operate in specific territories not identified in the service options previously set forth), describe in the space below.

_____

_____

_____

This service description takes into account the applicant's operational capacity, is responsive to applicant's present and prospective service interest, is not unduly restrictive, and is consistent with the purposes of the Interstate Commerce Act. Certify by checking:

☐ YES

APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY - FORM OP-1(P) (cont.)

SECTION VIII

Affiliations

AFFILIATION WITH OTHER FORMER ICC, NOW FHWA-LICENSED ENTITIES. Disclose any relationship you have or have had with any other former ICC, now FHWA-licensed entity within the past 3 years. For example, this could be through a percentage of stock ownership, a loan, or a management position. If this requirement applies to you, provide the name of the company, MC-number, DOT number, and that company's latest U.S. DOT safety rating. (If you require more space, attach the information to this application form.)

_____

_____

_____

SECTION IX

Applicant's Oath

This oath applies to all supplemental filings to this application. The signature must be that of applicant, not legal representative.

I, _____, verify under penalty of
Name and title

perjury, under the laws of the United States of America, that all information supplied on this form or relating to this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to $10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to $2,000 or imprisonment up to 5 years for each offense.

I further certify under penalty of perjury, under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or state offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, under 21 U.S.C. 853a.

Finally, I certify that applicant is not domiciled in Mexico or owned or controlled by persons of that country. (Note: This portion of Applicant's Oath does not pertain to Mexican passenger carriers seeking to provide charter and tour bus service across the United States - Mexico international border.)

Signature _____ Date _____

APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY - FORM OP-1(P) (cont.)

Filing Fee Information

All applicants must submit a filing fee for each type of authority requested. The enclosed fee schedule will show the appropriate filing fee. The total amount due is equal to the fee times the number of boxes checked in ***Section II***. Fees for multiple authorities may be combined in a single payment.

Total number of boxes checked in ***Section II***: _____ x filing fee $_____ = $_____

INDICATE AMOUNT $_____ AND METHOD OF PAYMENT

☐ CHECK or ☐ MONEY ORDER, payable to: **Federal Highway Administration**

☐ VISA ☐ MASTERCARD

Credit Card Number _____ Expiration Date _____

Signature _____ Date _____

Fee Policy

- Filing fees must be payable to the **Federal Highway Administration**, by check drawn upon funds deposited in a bank in the United States or money order payable in U.S. currency or by approved credit card.
- Separate fees are required for each **type of authority** requested. If applicant requests multiple types of permanent authority on one application form (for example, common and contract carrier authority) or if applicant submits more than one form in the OP-1 Series in a single filing, multiple fees are required. The applicant may submit a single payment for the sum of the applicable fees.
- Filing fees must be sent, along with the original and one copy of the application, to Federal Highway Administration, Section of Licensing, 1201 Constitution Avenue, N.W., Washington, DC 20423-0001.
- After an application is received, the filing fee is not refundable.
- The FHWA reserves the right to discontinue processing any application for which a check is returned because of insufficient funds. The application will not be processed until the fee is paid in full.

PAPERWORK BURDEN. It is estimated that an average of 2.5 burden hours per response are required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to both the Federal Highway Administration, Section of Licensing, 1201 Constitution Avenue, N.W., Washington, DC 20423-0001, and to the Office of Management and Budget, Office of Information and Regulatory Affairs (OMB No. 3120-0047), Washington, DC 20403.

Appendix H to Preamble Form OP–1(FF), Application for Freight Forwarder Authority

FEDERAL HIGHWAY ADMINISTRATION
FORM OP-1(FF)
APPLICATION FOR FREIGHT FORWARDER AUTHORITY

Approved by OMB
3120-0047
Expires 12/97

This application is for all individuals and businesses requesting authority to operate as freight forwarders in interstate or foreign commerce. Freight forwarders are involved in the arrangement, assembly, and/or consolidation for transportation where the actual movement is performed by FHWA-licensed carriers. Forwarders arrange with the carriers for the actual line-haul transportation; they do not do it themselves. (Freight forwarders may provide local pickup and delivery services directly or by using a carrier under their control.) Freight forwarders issue bills of lading to shippers and are responsible for loss of or damage to the goods.

FOR FHWA USE ONLY

Docket No. FF-_____

Filed _____

Fee No._____

CC Approval No._____

SECTION I

Applicant Information

Do you now have authority from or an application being processed by the former ICC or FHWA?
☐ NO ☐ YES If yes, identify the lead docket number(s)_____

LEGAL BUSINESS NAME

DOING BUSINESS AS NAME

BUSINESS ADDRESS

_____ (_____)_____
Street Name and Number City State Zip Code Telephone Number

MAILING ADDRESS (If different from above)

_____
Street Name and Number City State Zip Code

REPRESENTATIVE (Person who can respond to inquiries)

_____
Name and title, position, or relationship to applicant

_____
Street Name and Number City State Zip Code
Telephone Number (_____)_____ FAX Number (_____)_____

U.S. DOT Number (If available; if not, see Instructions.)_____

FORM OF BUSINESS (Check only one.):
☐ Corporation State of Incorporation _____
☐ Sole Proprietorship Name of Individual _____
☐ Partnership Identify Partners _____
_____

SECTION II
Type of Authority

☐ HOUSEHOLD GOODS FREIGHT FORWARDER
☐ FREIGHT FORWARDER OF PROPERTY (EXCEPT HOUSEHOLD GOODS)

1/96

APPLICATION FOR FREIGHT FORWARDER AUTHORITY - OP-1(FF) (cont'd)

SECTION III

Insurance Information

Freight forwarders that perform transfer, collection, and delivery service must have on file evidence of appropriate levels of bodily injury and property damage (BI&PD) insurance and environmental restoration coverage. The dollar amounts in parentheses represent the minimum amount of bodily injury and property damage (liability) insurance coverage you must maintain and have on file with the FHWA.

NOTE: All freight forwarder applicants should refer to the instructions for information on cargo insurance filing requirements.

☐ Will operate vehicles having Gross Vehicle Weight Ratings (GVWR) of 10,000 pounds or more to transport:

- ☐ Non-hazardous commodities ($750,000)
- ☐ Hazardous materials referenced in the FHWA's insurance regulations at 49 CFR 1043.2(b)(2)(c) ($1,000,000).
- ☐ Hazardous materials referenced in the FHWA's insurance regulations at 49 CFR 1043.2(b)(2)(b) ($5,000,000).

☐ Will operate only vehicles having Gross Vehicle Weight Ratings (GVWR) under 10,000 pounds to transport:

- ☐ Any quantity of Class A or B explosives, any quantity of poison gas (Poison A), or highway route controlled quantity of radioactive materials ($5,000,000).
- ☐ Commodities other than those listed above ($300,000).

☐ Applicant seeks a waiver of liability (BI&PD) insurance requirements and certifies that in its forwarding operations it:

(1) will not own or operate any motor vehicles upon the highways in the transportation of property;
(2) Will not perform transfer, collection, or delivery services; and
(3) Will not have motor vehicles operated under its direction and control in the performance of transfer collection, or delivery services.

SECTION IV

Certification Household Goods

ALL HOUSEHOLD FREIGHT FORWARDER APPLICANTS must certify as follows:
Applicant is fit, willing, and able to provide household goods freight forwarding operations and to comply with all pertinent statutory and regulatory requirements. The proposed operations will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

☐ YES

NOTE: Applicant may attach a supporting statement to this application to provide additional information about the above certification. This evidence is optional.

APPLICATION FOR FREIGHT FORWARDER AUTHORITY - OP-1(FF) (cont'd)

SECTION V

Safety Certification (Vehicle Operating Freight Forwarder Applicants Only)

APPLICANTS SUBJECT TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS - If you will operate vehicles of more than 10,000 pounds GVWR and are, thus, subject to pertinent portions of the U.S. DOT's Federal Motor Carrier Safety Regulations at 49 CFR, Chapter 3, Subchapter B (Parts 350-399), you must certify as follows:
Applicant has access to and is familiar with all applicable U.S. DOT regulations relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials and it will comply with these regulations. In so certifying, applicant is verifying that, at a minimum, it:

(1) Has in place a system and an individual responsible for ensuring overall compliance with Federal motor carrier safety regulations;
(2) Can produce a copy of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations;
(3) Has in place a driver safety training/orientation program;
(4) Has prepared and maintains an accident register (49 CFR 390.15);
(5) Is familiar with DOT regulations governing driver qualifications and has in place a system for overseeing driver qualification requirements (49 CFR Part 391);
(6) Has in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers' hours of service and vehicle inspection, repair, and maintenance (49 CFR Parts 392, 395 and 396);
(7) Is familiar with and will have in place on the appropriate effective date, a system for complying with U.S. DOT regulations governing alcohol and controlled substances testing requirements (49 CFR 382 and 49 CFR Part 40).

☐ YES

EXEMPT APPLICANTS - If you will operate only small vehicles (GVWR under 10,000 pounds), and will not transport hazardous materials, you are, exempt from Federal Motor Carrier Safety Regulations, and must certify as follows:
Applicant is familiar with and will observe general operational safety guidelines, as well as any applicable state and local laws and requirements relating to the safe operation of commercial motor vehicles and the safe transportation of hazardous materials.

☐ YES

SECTION VI

Control Relationships

Applicant is engaged principally in the business of manufacturing, buying, or selling articles and commodities, or is in control of, controlled by, or under common control with any such entity.

☐ YES ☐ NO

If yes, describe the relationship and indicate to what extent the involved entity engaged in manufacturing, buying, or selling commodities uses the services of freight forwarders. If applicant itself is engaged in manufacturing, buying, or selling as described above, indicate to what extent it performs its own forwarding operations in conjunction with the assembly, consolidation, and shipment of the commodities it manufactures, buys, or sells.

_____

_____

_____

APPLICATION FOR FREIGHT FORWARDER AUTHORITY - OP-1(FF) (cont'd)

SECTION VII

Affiliations

AFFILIATION WITH OTHER FORMER ICC, NOW FHWA-LICENSED ENTITIES. Disclose any relationship you have or have had with any other FHWA-licensed entity within the past 3 years. For example, this could be through a percentage of stock ownership, a loan, or a management position. If this requirement applies to you, provide the name of the company, MC-number, DOT number, and that company's latest U.S. DOT safety rating. (If you require more space, attach the information to this application form.)

_____

_____

_____

SECTION VIII

Applicant's Oath

This oath applies to all supplemental filings to this application. The signature must be that of applicant, not legal representative.

I, _____, verify under penalty of
Name and title

perjury, under the laws of the United States of America, that all information supplied on this form or relating to this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to $10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to $2,000 or imprisonment up to 5 years for each offense.

I further certify under penalty of perjury, under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or state offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, under 21 U.S.C. 853a.

Signature _____ Date_____

APPLICATION FOR FREIGHT FORWARDER AUTHORITY - OP-1(FF) (cont'd)

Fee Policy

- Filing fees must be payable to the **Federal Highway Administration**, by check drawn upon funds deposited in a bank in the United States or money order payable in U.S. currency or by approved credit card.
- Separate fees are required for each **type of authority** requested. If applicant requests multiple types of permanent authority on one application form (for example, common and contract carrier authority) or if applicant submits more than one form in the OP-1 Series in a single filing, multiple fees are required. The applicant may submit a single payment for the sum of the applicable fees.
- Filing fees must be sent, along with the original and one copy of the application, to Federal Highway Administration, Section of Licensing HMT-20, 1201 Constitution Avenue, N.W., Washington, DC 20423-0001.
- After an application is received, the filing fee is not refundable.
- The FHWA reserves the right to discontinue processing any application for which a check is returned because of insufficient funds. The application will not be processed until the fee is paid in full.

Filing Fee Information

All applicants must submit a filing fee for each type of authority requested. The enclosed fee schedule will show the appropriate filing fee. The total amount due is equal to the fee times the number of boxes checked in ***Section II***. Fees for multiple authorities may be combined in a single payment.

Total number of boxes checked in ***Section II***: _____ x filing fee $_____ = $_____

INDICATE AMOUNT $_____ AND METHOD OF PAYMENT

☐ CHECK or ☐ MONEY ORDER, payable to: Federal Highway Administration

☐ VISA ☐ MASTERCARD

Credit Card Number _____ Expiration Date _____

Signature _____ Date _____

PAPERWORK BURDEN. It is estimated that an average of 2.5 burden hours per response are required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to both the Federal Highway Administration, Section of Licensing, 1201 Constitution Avenue, N.W., Washington, DC 20423-0001, and to the Office of Management and Budget, Office of Information and Regulatory Affairs (OMB No. 3120-0047), Washington, DC 20403.

Federal Highway Administration OFFICE OF COMPLIANCE AND CONSUMER ASSISTANCE DESIGNATION OF AGENTS - MOTOR CARRIERS AND BROKERS	DOCKET NO. MC- DATE

FULL AND CORRECT NAME OF CARRIER OR BROKER AND ADDRESS, INCLUDING ZIP CODE

TITLE OF AUTHORIZED PERSON	SIGNATURE

INSTRUCTIONS: Regulations governing the designation of persons upon whom court process may be served are prescribed in 49 C.F.R. 1044, as amended. An agent must be designated for each state in or through which the carrier or broker operates; each person, association or corporation designated must reside in the state for which designated; a carrier or broker may designate himself/herself for the state in which he/she resides; and, state officials may be designated only if such official's agreement to so act is furnished with this designation.

NOTE: A Post Office Box is NOT ACCEPTABLE as an agent's address.

FILE THE ORIGINAL signed copy with the Insurance Branch, Federal Highway Administration, Washington, DC 20423. *One signed copy should be filed with the Board of each state in or through which the operation is conducted; and one copy must be retained by the carrier or broker.*

CHANGES in designation may be made only by filing with the FHWA, *Insurance Branch, a new Form BOC-3 with the ICC which must be completed for all states for which designations are necessary. Copies of new designations need to be sent only to those states affected by the change of new filing. Either* INDIVIDUAL *or* BLANKET *designations may be made.*

INDIVIDUAL DESIGNATIONS

Pursuant to Section 10330(b) of the Interstate Commerce Act and rules and regulations, the carrier or broker named above hereby designates the following named persons upon whom process issued by any court in any action against the carrier may be served in the state named. *Show agent's name, address (P. O. Box NOT acceptable), City, and Zip Code for each state in which operations can be conducted.*

ALABAMA	HAWAII
ALASKA	IDAHO
ARIZONA	ILLINOIS
ARKANSAS	INDIANA
CALIFORNIA	IOWA
COLORADO	KANSAS
CONNECTICUT	KENTUCKY
DELAWARE	LOUISIANA
DISTRICT OF COLUMBIA	MAINE
FLORIDA	MARYLAND
GEORGIA	MASSACHUSETTS

Approved by OMB No. 3120-0008
Exp 08/30/96

(Continued on Reverse Side)

Form BOC-3

Appendix I to Preamble Form B.M.C. 91, Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance

It is estimated that an average of 1/4 burden hour per response is required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to the Section of Administrative Services, Interstate Commerce Commission and the Office of Information and Regulatory Affairs, Office of Management and Budget.

MOTOR CARRIER AUTOMOBILE BODILY INJURY AND PROPERTY DAMAGE LIABILITY CERTIFICATE OF INSURANCE

Received:
Date _____

filed (in Triplicate) with:
INTERSTATE COMMERCE
COMMISSION
INSURANCE BRANCH
WASHINGTON, D.C. 20423

ICC DOCKET NO.
MC _____
(or FF _____)

Approved by OMB
3120-0081
Through 10-31-95

This is to certify that the _____
Name of Company

(hereinafter called Company) of _____
Home Office Address of Company

has issued to _____
Name of Motor Carrier

of _____
Address of Motor Carrier

insurance under terms described on the back of this form to provide coverage for the FULL SECURITY LIMITS required under Section 1043.2(b)(1) or Section 1043.2(b)(2) of Title 49 of the Code of Federal Regulations.

Effective from _____(12:01 a.m., standard time at the address of the Insured as stated in said policy or policies) and continuing until cancelled as provided in the rules and regulations under Section 10927 of Title 49 of the United States Code.

Signed at _____ _____ _____ Date _____
Street *City* *State*

_____
ISSUING OFFICE–FULL NAME OF AGENCY OR BRANCH

Insurance Company Policy No. _____

_____
SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

Form B.M.C.91

The receipt of this certificate by the Commission certifies that a policy or policies of Public Liability (or Automobile Bodily Injury and Property Damage Liability) insurance has been issued by the company identified on the face of this form, that the company is qualified to make this filing under Section 1043.8 or Section 1084.6 of Title 49 of the Code of Federal Regulations, and that by the attachment of endorsement BMC 90, prescribed by the Interstate Commerce Commission and/or an endorsement prescribed by the U.S. Department of Transportation (its MCS 90 or a form of similar import), is amended to provide the coverage or security for the protection of the public required under Section 1043.2 of Title 49 of the Code of Federal Regulations. The amendment governs the operation, maintenance, or use of motor vehicles under certificate of public convenience and necessity or permit issued to the Insured by the Commission or otherwise in transportation subject to Subchapter II of Chapter 105 of Title 49, United States Code, and the pertinent rules and regulations of the Commission, regardless of whether or not such motor vehicles are specifically described in the policy or policies. The liability of the Company extends to all losses, damages, injuries, or deaths occurring within the authority granted to the Insured by this Commission or elsewhere.

The endorsement(s) described may not be cancelled or withdrawn until thirty (30) days after written notice has been submitted to the Commission at its offices in Washington, D.C., on the prescribed Form BMC-35, Notice of Cancellation Motor Carrier Policies of Insurance under 49 U.S.C. 10927, said thirty (30) days notice to commence to run from the date the notice is actually received at the Office of the Commission.

Falsification of this document can result in criminal penalties prescribed under 18 U.S.C. 1001.

* U.S. GOVERNMENT PRINTING OFFICE : 1993 O - 338-543

Appendix J to Preamble Form B.M.C. 91X, Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance

It is estimated that an average of 1/4 burden hour per response is required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to the Section of Administrative Services, Interstate Commerce Commission and the Office of Information and Regulatory Affairs, Office of Management and Budget.

MOTOR CARRIER AUTOMOBILE BODILY INJURY AND PROPERTY DAMAGE LIABILITY CERTIFICATE OF INSURANCE

Received:
Date _____

filed (in Triplicate) with:
INTERSTATE COMMERCE
COMMISSION
INSURANCE BRANCH
WASHINGTON, D.C. 20423

ICC DOCKET NO.
MC _____
(or FF _____)

Approved by OMB
3120-0081
Expires 10-31-95

This is to certify that the _____
Name of Company

(hereinafter called Company) of _____
Home Office Address of Company

has issued to _____
Name of Motor Carrier

of _____
Address of Motor Carrier

insurance under terms described on the back of this form to provide coverage as follows: CHECK AS APPLICABLE:

Full Security Limits Required in Title 49 of the Code of Federal Regulations: ☐ Under Section 1043.2(b)(1) ☐ Under Section 1043.2(b)(2)

Security Limits Required under Section 1043.2(b)(1) or 1043.2(b)(2) of the same Title as follows:

☐ This insurance is primary and the company shall not be liable for amounts in excess of $ _____ for each accident.

☐ This insurance is excess and the company shall not be liable for amounts in excess of $ _____ for each accident in excess of the underlying limit of $ _____ for each accident.

Effective from _____ (12:01 a.m., standard time at the address of the Insured as stated in said policy or policies) and continuing until cancelled as provided in the rules and regulations under Section 10927 of Title 49 of the United States Code.

Signed at _____ _____ _____ Date _____
Street *City* *State*

_____
ISSUING OFFICE–FULL NAME OF AGENCY OR BRANCH

Insurance Company Policy No. _____

_____
SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

Form B.M.C.91X

The receipt of this certificate by the Commission certifies that a policy or policies of Public Liability (or Automobile Bodily Injury and Property Damage Liability) insurance has been issued by the company identified on the face of this form, that the company is qualified to make this filing under Section 1043.8 or Section 1084.6 of Title 49 of the Code of Federal Regulations, and that by the attachment of endorsement BMC 90, prescribed by the Interstate Commerce Commission and/or an endorsement prescribed by the U.S. Department of Transportation (its MCS 90 or a form of similar import), is amended to provide the coverage or security for the protection of the public required under Section 1043.2 of Title 49 of the Code of Federal Regulations. The amendment governs the operation, maintenance, or use of motor vehicles under certificate of public convenience and necessity or permit issued to the Insured by the Commission or otherwise in transportation subject to Subchapter II of Chapter 105 of Title 49, United States Code, and the pertinent rules and regulations of the Commission, regardless of whether or not such motor vehicles are specifically described in the policy or policies or not. The liability of the Company extends to all losses, damages, injuries, or deaths occurring within the authority granted to the Insured by this Commission or elsewhere.

The endorsement(s) described may not be cancelled or withdrawn until thirty (30) days after written notice has been submitted to the Commission at its offices in Washington, D.C., on the prescribed Form BMC-35, Notice of Cancellation Motor Carrier Policies of Insurance under 49 U.S.C. 10927. Said thirty (30) days notice to commence to run from the date the notice is actually received at the Office of the Commission.

Falsification of this document can result in criminal penalties prescribed under 18 U.S.C. 1001.

Appendix K to Preamble Form B.M.C. 82, Motor Carrier Bodily Injury Liability and Property Damage Liability Surety Bond Under 49 U.S.C. 10927

It is estimated that an average of ¼ burden hour per response is required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to the Section of Administrative Services, Interstate Commerce Commission and the Office of Information and Regulatory Affairs, Office of Management and Budget.

FORM B.M.C. 82

Insurance Branch
WASHINGTON, D.C. 20423

Received:

DATE _____

MOTOR CARRIER BODILY INJURY LIABILITY AND PROPERTY DAMAGE LIABILITY SURETY BOND UNDER 49 U.S.C. 10927

(Executed in Triplicate)

Approved by OMB
3120–0081
Expires by 12/31/95

INTERSTATE COMMERCE COMMISSION
DOCKET NO. MC _____

KNOW ALL MEN BY THESE PRESENTS, That _____

a corporation created and existing under the laws of the State of _____

with principal office at _____

(hereinafter called Surety), as Surety for _____
(Name of motor carrier principal)

of _____
(City) *(State)*

(hereinafter called Principal), is held and firmly bound unto the United States of America in the sum or sums hereinafter provided for which payment, well and truly to be made, said Surety hereby binds itself, its successors and assigns, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the Principal is or intends to become a motor carrier subject to the provisions of Title 49 of the United States Code and the rules and regulations of the Interstate Commerce Commission relating to insurance or other security for the protection of the public, and has elected to file with the Commission a surety bond conditioned as hereinafter set forth; and

WHEREAS, this bond is written to assure compliance by the Principal as a motor carrier of passengers or property with 49 U.S.C. 10927 and the rules and regulations of the Interstate Commerce Commission relating to insurance or other security for the protection of the public, and shall insure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for any of the damages herein described.

NOW, THEREFORE, if every final judgments recovered against the Principal for bodily injury to or the death of any person or loss of or damage to the property of others, sustained while this bond is in effect, and resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to Title 49 of the United States Code (but excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal and property transported by the Principal designated as cargo), shall be paid, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety for the limits provided shall be a continuing one notwithstanding any recovery hereunder, and extends to such losses, damages, injuries, or deaths regardless of whether the motor vehicles, terminals, warehouses, and other facilities used in connection with the transportation service of the Principal are specifically described herein, and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere. This bond is effective from _____(12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until cancelled.

The Principal or the Surety may at any time cancel this bond by written notice to the Interstate Commerce Commission at its office in Washington, D. C., such termination to become effective thirty (30) days after actual receipt of said notice by the Commission on the prescribed Form BMC 36, Notice of Cancellation Motor Carrier and Broker Surety Bonds. The Surety shall not be liable hereunder for the payment of any judgement or any judgements against the Principal for bodily injury to or the death of any person or persons or loss of or damage to property resulting from accidents which occur after the cancellation of this bond as herein provided, but such cancellation shall not affect the liability of the Surety hereunder for the payment of any such judgement or judgements resulting from accidents which occur during the time the bond is in effect.

The receipt of this BI&PD liability surety bond by the Commission certifies that the company is qualified to make thisfiling under 49 C.F.R. 1043.8 or 49 C.F.R. 1084.6.

Falsification of this document can result in criminal penalties prescribed under 18 U.S.C. 1001.

IN WITNESS WHEREOF, the said Surety has executed this instrument on the _____ day of _____ 19 _____.

[AFFIX CORPORATE SEAL] _____
(Surety)

_____ _____ By _____
(City) *(State)*

ACKNOWLEDGEMENT OF SURETY: STATE OF _____ COUNTY OF _____

On this _____ day of _____, 19 _____, before me personally came _____, who, being by me duly sworn, did depose and say that he resides in _____, that he is the _____ of the _____, the corporation described in and which executed the foregoing instruments; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; that he signed his name thereto by like order, and he duly acknowledged to me that he executed the same for and on behalf of said corporation.

[OFFICIAL SEAL] _____
(Title of official administering oath)

Surety Company File No. _____

Appendix L to Preamble—Form B.M.C. 83, Motor Common Carrier Cargo Liability Surety Bond Under 49 U.S.C. 10927

Form not published in the Federal Register. An original Form B.M.C. 83 can be found in FHWA Docket No. MC–96–25, FHWA, Room 4232, Office of Chief Counsel, HCL–10, 400 Seventh Street, SW., Washington, DC 20590.

It is estimated that an average of 1/4 burden hour per response is required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to the Section of Administrative Services, Interstate Commerce Commission and the Office of Information and Regulatory Affairs, Office of Management and Budget.

Form B.M.C. 34

To be sent to–
INTERSTATE COMMERCE COMMISSION
Insurance Branch
Washington, D.C. 20423

Received:

Date_____

MOTOR CARRIER CARGO LIABILITY
CERTIFICATE OF INSURANCE
filed with
INTERSTATE COMMERCE COMMISSION
Insurance Branch
Washington, D.C. 20423
(Executed in Triplicate)

Approved by OMB
3120–0081
Expires 10-31-95

Interstate Commerce Commission Docket No.

MC_____

This is to certify, that the_____ (NAME OF COMPANY)_____

(hereinafter called Company) of_____(HOME OFFICE ADDRESS OF COMPANY)_____

_____ has issued to _____

(NAME OF MOTOR CARRIER)_____ of_____

(ADDRESS OF MOTOR CARRIER)_____

a policy or policies of Cargo Insurance under terms described on the back of this form.

Effective from_____ (12:01 a.m., standard time at the address of the Insured as stated in said policy or policies) and continuing until cancelled as provided in the rules and regulations under Section 10927 of Title 49 of the United States Code.

Countersigned at_____Date_____
Street Address *City* *State*

Insurance Company Policy No._____ _____
(POLICY NUMBER) *(ISSUING OFFICE - FULL NAME OF AGENCY OR BRANCH)*

_____
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)

The receipt of this certificate by the Commission certifies that a policy or policies of cargo liability insurance has been issued by the company identified on the face of this form, that the company is qualified to make this filing under Section 1043.8 or Section 1084.6 of Title 49 of the Code of Federal Regulations, and that by the attachment of endorsement BMC 32 prescribed by the Interstate Commerce Commission, is amended to provide compensation for loss of or damage to all property belonging to shippers or consignees and coming into the possession of the insured in connection with its transportation service under certificate of public convenience and necessity issued to the insured by the Interstate Commerce Commission or otherwise under Part II of the Interstate Commerce Act, and the pertinent rules and regulations of the Interstate Commerce Commission, regardless of whether or not the motor vehicles, terminals, warehouses, and other facilities used in connection with the transportation of such property are specifically described in the policy or policies. The liability of the Company extends to such losses or damages whether occurring on the route or in the territory authorized to be served by the insured or elsewhere.

Whenever requested by the Commission, the Company agrees to furnish to the Commission a duplicate original of said policy or policies and all endorsements thereon.

The endorsement described herein may not be cancelled without cancellation of the policy (or policies) to which it is attached. Such cancellation may be effected by the Company or the Insured giving thirty (30) days' notice in writing to the Interstate Commerce Commission at its offices in Washington, DC, on the prescribed Form BMC–35, Notice of Cancellation Motor Carrier Policies of Insurance under 49 U.S.C. 10927, said thirty (30) days' notice to commence to run from the date notice is actually received at the office of said Commission.

Falsification of this document can result in criminal penalties prescribed under 18 U.S.C. 1001.

Appendix N to Preamble—Form B.M.C. 84, Property Broker's Surety Bond Under 49 U.S.C. 10927

B.M.C. 84

Approved by OMB
3120-0081
Expires 9/30/98

FILER ICC
ACCOUNT NO. _____

License No.

MC-_____

PROPERTY BROKER'S SURETY BOND UNDER 49 U.S.C. 10927
(EXECUTED IN DUPLICATE)

KNOW ALL MEN BY THESE PRESENTS, THAT we _____,
(Name of Property Broker)

of _____ as PRINCIPAL (hereinafter called Principal),
(City) *(State)*

and _____, a corporation, or a Risk Retention
(Name of Surety)

Group established under the Liability Risk Retention Act of 1986, Public Law 99-563, created and existing under the laws of the State of _____ as SURETY
(State)

(hereinafter called Surety) are held and firmly bound unto the United States of America in the sum of $10,000, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal is or intends to become a Broker pursuant to the provisions of the Interstate Commerce Act, and the rules and regulations of the Interstate Commerce Commission relating to insurance or other security for the protection of motor carriers and shippers, and has elected to file with the Interstate Commerce Commission such a bond as will ensure financial responsibility and the supplying of transportation subject to said Act in accordance with contracts, agreements, or arrangements therefor, and

WHEREAS, this bond is written to assure compliance by the Principal as a licensed Property Broker of Transportation by motor vehicle with 49 U.S.C.10927(b), and the rules and regulations of the Interstate Commerce Commission, relating to insurance or other security for the protection of motor carriers and shippers, and shall inure to the benefit of any and all motor carriers or shippers to whom the Principal may be legally liable for any of the damages herein described.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay or cause to be paid to motor carriers or shippers by motor vehicle any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts, agreements, and arrangements made by the Principal while this bond is in effect for the supplying of transportation subject to the Interstate Commerce Act under license issued to the Principal by the Interstate Commerce Commission, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond, but in no event shall the Surety's obligation hereunder exceed the amount of said penalty. The Surety agrees to furnish written notice to the Interstate Commerce Commission forthwith of all suits filed, judgements rendered, and payments made by said Surety under this bond.

This bond is effective the _____ day of _____, 19 _____, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time cancel this bond by written notice to the Interstate Commerce Commission at its office in Washington, D.C., such cancellation to become effective thirty (30) days after actual receipt of said notice by the Commission on the prescribed Form BMC-36, Notice of Cancellation Motor Carrier and Broker Surety Bond. The Surety shall not be liable hereunder for the payment of any damages hereinbefore described which arise as the result of any contracts, agreements, undertakings, or arrangements made by the Principal for the supplying of transportation after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts, agreements, or arrangements made by the Principal for the supplying of transportation prior to the date such termination becomes effective.

The receipt of this filing by the Commission certifies that a Broker Surety Bond has been issued by the company identified on the face of this form, and that such company is qualified to make this filing under Section 1043.8 of Title 49 of the Code of Federal Regulations.

Falsification of this document can result in criminal penalties prescribed under 18 U.S.C. 1001.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the _____ day of _____, 19_____.

PRINCIPAL	SURETY
Name _____	Name _____ [SEAL]
By _____ *(Signature and Title)*	By _____ *(Signature and Title)*
Witness _____	Witness _____

Appendix O to Preamble—Form BOC–3, Designation of Agents—Motor Carriers and Brokers

Federal Highway Administration OFFICE OF COMPLIANCE AND CONSUMER ASSISTANCE DESIGNATION OF AGENTS - MOTOR CARRIERS AND BROKERS	DOCKET NO. MC- DATE
FULL AND CORRECT NAME OF CARRIER OR BROKER AND ADDRESS, INCLUDING ZIP CODE	
TITLE OF AUTHORIZED PERSON	SIGNATURE

INSTRUCTIONS: Regulations governing the designation of persons upon whom court process may be served are prescribed in 49 C.F.R. 1044, as amended. An agent must be designated for each state in or through which the carrier or broker operates; each person, association or corporation designated must reside in the state for which designated; a carrier or broker may designate himself/herself for the state in which he/she resides; and, state officials may be designated only if such official's agreement to so act is furnished with this designation.

NOTE: A Post Office Box is NOT ACCEPTABLE as an agent's address.

FILE THE ORIGINAL signed copy with the Insurance Branch, Federal Highway Administration, Washington, DC 20423. *One signed copy should be filed with the Board of each state in or through which the operation is conducted; and one copy must be retained by the carrier or broker.*

CHANGES in designation may be made only by filing with the FHWA, *Insurance Branch, a new Form BOC-3 with the ICC which must be completed for all states for which designations are necessary. Copies of new designations need to be sent only to those states affected by the change of new filing. Either* INDIVIDUAL *or* BLANKET *designations may be made.*

INDIVIDUAL DESIGNATIONS

Pursuant to Section 10330(b) of the Interstate Commerce Act and rules and regulations, the carrier or broker named above hereby designates the following named persons upon whom process issued by any court in any action against the carrier may be served in the state named. *Show agent's name, address (P. O. Box NOT acceptable), City, and Zip Code for each state in which operations can be conducted.*

ALABAMA	HAWAII
ALASKA	IDAHO
ARIZONA	ILLINOIS
ARKANSAS	INDIANA
CALIFORNIA	IOWA
COLORADO	KANSAS
CONNECTICUT	KENTUCKY
DELAWARE	LOUISIANA
DISTRICT OF COLUMBIA	MAINE
FLORIDA	MARYLAND
GEORGIA	MASSACHUSETTS

Approved by OMB No. 3120-0008
(Exp 09/30/98

(Continued on Reverse Side)

Form BOC-3

INDIVIDUAL *(Continued)*	
MICHIGAN	OKLAHOMA
MINNESOTA	OREGON
MISSISSIPPI	PENNSYLVANIA
MISSOURI	RHODE ISLAND
MONTANA	SOUTH CAROLINA
NEBRASKA	SOUTH DAKOTA
NEVADA	TENNESSEE
NEW HAMPSHIRE	TEXAS
NEW JERSEY	UTAH
NEW MEXICO	VERMONT
NEW YORK	VIRGINIA
NORTH CAROLINA	WASHINGTON
NORTH DAKOTA	WEST VIRGINIA
OHIO	WISCONSIN
	WYOMING

BLANKET

If you have made arrangements with an association or corporation to use the blanket designations on file with the Federal Highway Administration , insert the association or corporation name in the following paragraph:

Pursuant to Section 10330(b) of the Interstate Commerce Act, the carrier named on the reverse hereby designates those persons named in the list of process agents on file with the Federal Highway Administration, *by*

and any subsequently filed revisions thereof, for the states in which this carrier is or may be authorized to operate, including states traversed in the course of such operations, except those states for which individual designations are named.

Form BOC-3

*U.S. GPO: 1993-342-461/71826

[FR Doc. 96–21351 Filed 8–23–96; 8:45 am]

BILLING CODE 4910–22–C