

Analysis of FMCSA Civil Penalty Enforcement Cases, 2010–14



U.S. Department of Transportation
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FOREWORD

This report provides an overview of the civil penalty process and an analysis of the Federal Motor Carrier Safety Administration's (FMCSA's) civil penalty data from January 2010 through December 2014, in terms of claimed, settled, and paid dollar amounts; violations associated with these penalties; and the time required for the Agency to process such cases.

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SI* (MODERN METRIC) CONVERSION FACTORS

Approximate Conversions to SI Units				
Symbol	When You Know	Multiply By	To Find	Symbol
Length				
in	inches	25.4	millimeters	mm
ft	feet	0.305	meters	m
yd	yards	0.914	meters	m
mi	miles	1.61	kilometers	km
Area				
in ²	square inches	645.2	square millimeters	mm ²
ft ²	square feet	0.093	square meters	m ²
yd ²	square yards	0.836	square meters	m ²
ac	Acres	0.405	hectares	ha
mi ²	square miles	2.59	square kilometers	km ²
Volume (volumes greater than 1,000L shall be shown in m³)				
fl oz	fluid ounces	29.57	milliliters	mL
gal	gallons	3.785	liters	L
ft ³	cubic feet	0.028	cubic meters	m ³
yd ³	cubic yards	0.765	cubic meters	m ³
Mass				
oz	ounces	28.35	grams	g
lb	pounds	0.454	kilograms	kg
T	short tons (2,000 lb)	0.907	megagrams (or "metric ton")	Mg (or "t")
Temperature (exact degrees)				
°F	Fahrenheit	5(F-32)/9 or (F-32)/1.8	Celsius	°C
Illumination				
fc	foot-candles	10.76	lux	lx
fl	foot-Lamberts	3.426	candela/m ²	cd/m ²
Force and Pressure or Stress				
lbf	poundforce	4.45	newtons	N
lbf/in ²	poundforce per square inch	6.89	kilopascals	kPa
Approximate Conversions from SI Units				
Symbol	When You Know	Multiply By	To Find	Symbol
Length				
mm	millimeters	0.039	inches	in
m	meters	3.28	feet	ft
m	meters	1.09	yards	yd
km	kilometers	0.621	miles	mi
Area				
mm ²	square millimeters	0.0016	square inches	in ²
m ²	square meters	10.764	square feet	ft ²
m ²	square meters	1.195	square yards	yd ²
Ha	hectares	2.47	acres	ac
km ²	square kilometers	0.386	square miles	mi ²
Volume				
mL	milliliters	0.034	fluid ounces	fl oz
L	liters	0.264	gallons	gal
m ³	cubic meters	35.314	cubic feet	ft ³
m ³	cubic meters	1.307	cubic yards	yd ³
Mass				
g	grams	0.035	ounces	oz
kg	kilograms	2.202	pounds	lb
Mg (or "t")	megagrams (or "metric ton")	1.103	short tons (2,000 lb)	T
Temperature (exact degrees)				
°C	Celsius	1.8c+32	Fahrenheit	°F
Illumination				
lx	lux	0.0929	foot-candles	fc
cd/m ²	candela/m ²	0.2919	foot-Lamberts	fl
Force and Pressure or Stress				
N	newtons	0.225	poundforce	lbf
kPa	kilopascals	0.145	poundforce per square inch	lbf/in ²

* SI is the symbol for the International System of Units. Appropriate rounding should be made to comply with Section 4 of ASTM E380. (Revised March 2003, Section 508-accessible version September 2009.)

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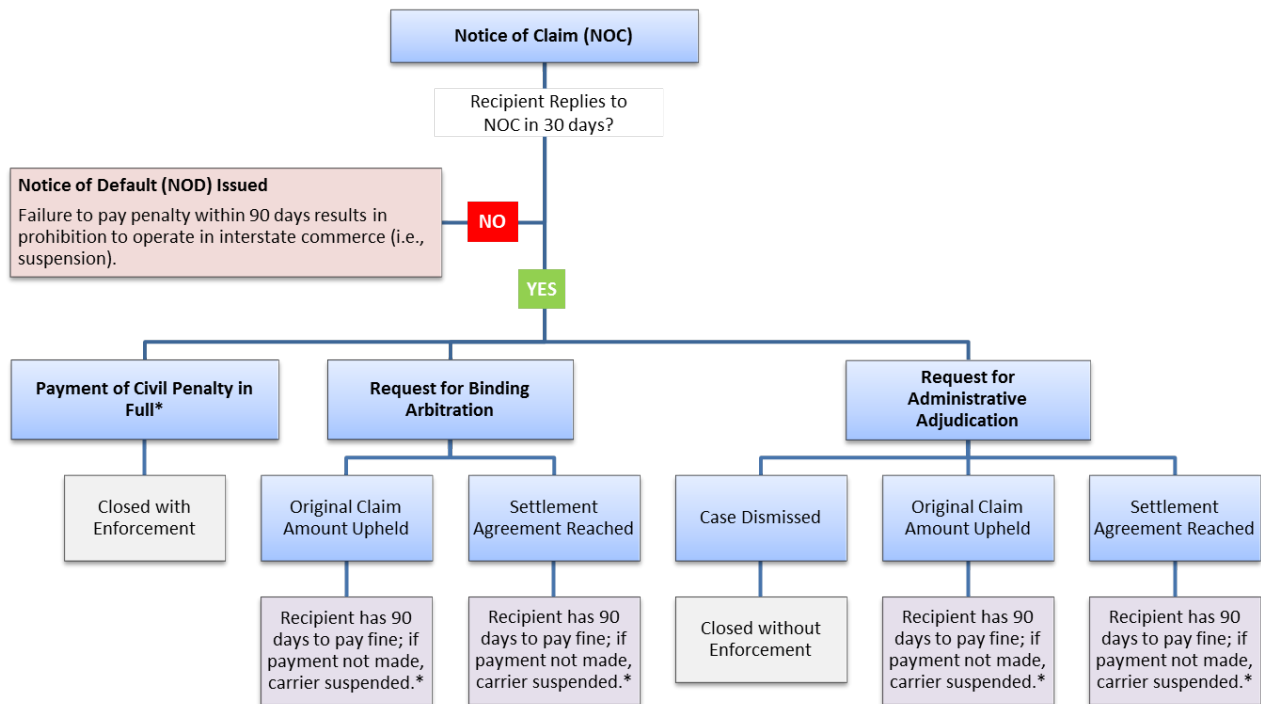
LIST OF ACRONYMS, ABBREVIATIONS, AND SYMBOLS

Acronym	Definition
CDL	commercial driver's license
CMV	commercial motor vehicle
CR	compliance review
EMIS	Enforcement Management Information System
ESC	Eastern Service Center
FMCSA	Federal Motor Carrier Safety Administration
FMCSR	Federal Motor Carrier Safety Regulation
HM	hazardous materials
HOS	hours of service
MSC	Midwestern Service Center
NOC	notice of claim
SI	safety investigator
SSC	Southern Service Center
MAP-21	The Moving Ahead for Progress in the 21st Century Act
UFA	Uniform Fine Assessment
USDOT	U.S. Department of Transportation
WSC	Western Service Center

EXECUTIVE SUMMARY

INTRODUCTION

The Federal Motor Carrier Safety Administration (FMCSA) is responsible for ensuring that all truck and bus companies, their drivers and employees, and other entities regulated by the U.S. Department of Transportation (USDOT) fully comply with the Federal Motor Carrier Safety Regulations (FMCSRs). These entities can be subject to FMCSA enforcement action in conjunction with compliance reviews (CRs), complaint investigations, terminal audits, roadside inspections, or other actions. These enforcement cases may result in the issuance of a civil penalty (fine). This report provides an overview of the civil penalty process and an analysis of FMCSA’s civil penalty data from January 2010 through December 2014, in terms of claimed, settled, and paid dollar amounts; violations associated with these penalties; and the time required for the Agency to process such cases. Figure 1 provides an overview of the civil penalty process followed by FMCSA.



*NOC recipients may request a payment installment plan for full and settled amounts.

Figure 1. Process diagram. FMCSA civil penalty processes.

BACKGROUND

A Notice of Claim (NOC) is the initial document issued by FMCSA to assess a civil penalty for an alleged violation of the FMCSRs by a broker, freight forwarder, motor carrier, driver, or

employee. FMCSA employs a computer program called the Uniform Fine Assessment (UFA) to determine the dollar amount of the claim in the NOC. In calculating a civil penalty, UFA takes into consideration all statutory factors, regulatory requirements, and administrative policies. When determining the amount claimed for each violation, UFA considers the nature, extent, gravity and circumstances of the violation, the degree of culpability, prior offenses, the effect on the carrier's or driver's ability to continue business upon assessment of the penalty, and such other matters as justice and public safety may require.

When FMCSA issues a NOC, the recipient has 30 days within which to file a reply. As outlined in Part 386.14 of the FMCSRs, the reply must be a payment of the penalty amount in full, a request for binding arbitration, or a request for administrative adjudication if the respondent contests the claim. All payments of civil penalties from NOCs issued by FMCSA go to the U.S. Treasury.

NOCs are sometimes settled for an amount less than the claimed amount determined by UFA. When negotiations with the carrier produce an agreement on a revised claim amount or revised terms of payment of a civil penalty or the terms and conditions of a final Agency order, a settlement agreement is drawn and signed by the respondent and the FMCSA Field Administrator or his/her designee. This reduction to the claimed amount results in a revised civil penalty assessed to the respondent, known as the "settled amount."

In addition, in some instances a portion of the civil penalty may be suspended. The suspended amount represents that part of the settled amount that the violator does not have to pay to the Government, as a result of agreeing to spend money to mitigate deficiencies in compliance. This amount is contingent on the violator altering behavior, per a settlement agreement, to improve safety or increase compliance with certain regulations. Such expenditures by a carrier often involve investing in particular safety technologies or other new programs.

STUDY FINDINGS

The findings are based on data from the Enforcement Management Information System (EMIS). The cases analyzed are those resulting in issuance of NOCs that were denoted as "closed with enforcement" between January 1, 2010, and December 31, 2014. During this timeframe, 33,402 cases were closed with enforcement.

- Freight carriers made up the vast majority of the enforcement cases: 24,603 cases, or 73 percent of the total. Driver enforcement cases made up another 12 percent, and passenger carriers and hazardous materials (HM) carriers each accounted for 4 percent. Of the 33,402 cases reviewed, 78 percent had a CR as the type of intervention, while 19 percent were cases resulting from roadside inspections. Special investigations accounted for another 3 percent of the cases.
- The total amount claimed over the 5-year period was \$153,880,433, and the total settled amount was \$151,465,179, giving a settled-to-claimed ratio of 98.4 percent. This suggests that the vast majority of claims are settled for the original claimed amount; in fact, in 32,858 of the 33,402 total NOCs (also 98.4 percent) the settled amount equaled the claimed amount. There were 7,299 enforcement cases that involved a suspension of a

portion of the settlement amount. This amounts to 21.9 percent of the total 33,402 cases. For the cases with a suspension, the total settlement amount was \$57,578,832, and the total amount suspended was \$21,717,023; thus, 37.7 percent of the settlement amount was invested in safety-related technologies and programs.

- Based on cases closed between 2010 and 2014, the mean or average time between the completion of the investigation and the serving of the NOC was 25 days. However, this average was influenced by some cases that took an inordinate amount of time. There were 56 cases that took more than a year before the NOC was served. Therefore, the median of 15 days is likely more representative of the time it takes to get from an investigation being completed to an NOC being served.
- During this 5-year period, the mean or average time between an NOC being served and a closing of the case with enforcement was 174 days. This average, too, was influenced by cases with inordinately lengthy times. The median time from NOC served to case closed was 77 days, and the most often reported amount of time was 66 days. These latter two values are more representative of the typical time it would take.
- For enforcement cases closed between 2010 and 2014, there were 52,551 violations cited in the investigations. The most frequently cited violations were for Part 382, which involves drug and alcohol use and testing; there were 16,821 such violations, or nearly one-third of the total number of violations. The second most frequently cited violations were for Part 395, which involves hours of service (HOS) of drivers. There were 9,672 such violations, accounting for more than 18 percent of all violations. The next most frequently cited violations were for Part 396, which involves inspection, repair, and maintenance of vehicles. There were 6,954 violations of Part 396, or about 13 percent of the total. Part 391, driver qualifications, follows on the list of most frequently cited violations. There were 4,640 driver qualifications-related violations, accounting for about 9 percent of the total. The remaining roughly one-quarter of the violations are spread out over various parts.
- The number of cases closed with enforcement remained relatively stable at slightly more than 7,000 for the first 3 years of the analysis, but then declined to about 6,500 in 2013 and 5,700 in 2014. However, the amount claimed each year shows a different pattern. The largest claimed amount was \$38,758,107 in 2014, the year with the fewest enforcement cases. The smallest amount claimed was \$24,158,967 in 2011, a year with more than 7,000 cases.
- The data were additionally analyzed by the service center processing the NOC to determine potential similarities and differences among them. For NOCs denoted as “closed with enforcement” between January 1, 2010, and December 31, 2014, the Eastern Service Center (ESC) processed 8,864 enforcement cases, the Midwestern Service Center (MSC) 5,745 cases, the Southern Service Center (SSC) 9,427 cases, and the Western Service Center (WSC) 9,365 cases. The ESC, MSC, and WSC showed a general decline in the number of enforcement cases processed over the 5-year period, with each having their lowest number of cases in 2014. However, the WSC case count remained fairly stable over the period.

- Over the 5-year period, the WSC had the highest total amount claimed from enforcement cases—almost \$42 million. The SSC and ESC each had about \$39 million in claims, and the MSC had the smallest amount—almost \$31 million.
- State safety investigators (SIs) initiated approximately 11 percent (3,544) of all NOCs during the 5-year period, which accounted for 11 percent (\$17,393,976) of the total claimed amount. However, these percentages varied by service center and State. The MSC had the highest percentage of its NOCs initiated by State SIs—19 percent. The SSC had 17 percent of its NOCs initiated by State SIs, and the ESC and WSC had lower percentages of their NOCs initiated by State SIs—4 percent and 5 percent, respectively.

1. INTRODUCTION

The Federal Motor Carrier Safety Administration (FMCSA) is responsible for ensuring that all truck and bus companies, their drivers and employees, and other entities regulated by the U.S. Department of Transportation (USDOT) fully comply with the Federal Motor Carrier Safety Regulations (FMCSRs). These entities can be subject to FMCSA enforcement action in conjunction with compliance reviews (CRs), complaint investigations, terminal audits, roadside inspections, or other actions. These enforcement cases may result in the issuance of a civil penalty (fine). This report provides an overview of the civil penalty process and an analysis of FMCSA's civil penalty data from January 2010 through December 2014, in terms of claimed, settled, and paid dollar amounts: violations associated with these penalties: and the time required for the Agency to process such cases.

A Notice of Claim (NOC) is the initial document issued by FMCSA to assess a civil penalty for an alleged violation of the FMCSRs by a broker, freight forwarder, motor carrier, driver, or employee. FMCSA employs a computer program called the Uniform Fine Assessment (UFA) to determine the dollar amount of the claim in the NOC. In calculating a civil penalty, the UFA software takes into consideration all statutory factors, regulatory requirements, and administrative policies.¹ When determining the amount claimed for each violation, UFA considers the nature, extent, gravity and circumstances of the violation, the degree of culpability, prior offenses, the effect on the carrier's or driver's ability to continue business upon assessment of the penalty, and such other matters as justice and public safety may require. The "prior offenses" component looks at the violator's enforcement history to determine whether the incident is isolated or has occurred repeatedly (thus, in the latter case, suggesting historical noncompliance with the regulations). "Degree of culpability" assesses whether the violator committed the action by accident or knowingly. For the "ability to continue business" component, UFA evaluates a carrier's or driver's ability to continue in business/ability to pay, based on the violator's gross revenue. Currently, this limits a penalty to 2 percent of gross revenue. However, this limit may be exceeded in the case of a statutory minimum and lowered in the case of a statutory maximum. Statutory minimums state that a fine for a violation cannot be less than the amount set by the statute (the fine can be more than the statutory minimum, but it cannot be less). A statutory maximum is the opposite. It requires that the fine for a violation not exceed the amount set by the statute. As examples of each, the Agency is required to assess a penalty of at least \$25,000 (statutory minimum) against passenger carriers that operate without authority and not more than \$11,000 (statutory maximum) for carriers that fail to implement a controlled substances and alcohol testing program.

Similarly, a regulatory minimum or maximum penalty is one that has been set by Agency regulation. Appendices A and B of 49 CFR Part 386, as amended, sets forth the types of violations subject to these Agency-mandated minimum and maximum penalties and outlines the penalty provisions for those violations. FMCSA has also established administrative minimum and maximum penalties, where none are provided by statute. For example, for the same violation

¹ Information regarding UFA is available at: <https://www.fmcsa.dot.gov/regulations/enforcement/uniform-fine-assessment-ufa-40-calculation-explanation>. This Web page includes a link to download the UFA software.

of failing to implement a controlled substances and alcohol testing program mentioned above, FMCSA established an administrative minimum of \$1,100. And FMCSA has established a minimum gross revenue cap of \$2,000 (administrative maximum) within the UFA calculation. These administrative minimum and maximum penalties are established to induce compliance and to deter entities from violating the regulations in the future.

Other matters are considered that are not otherwise specified in the statute, but nevertheless have some bearing on the proposal of a civil penalty in the interests of justice and public safety, in order to achieve the purposes of compliance. For the purposes of UFA, the Agency takes into consideration corrective actions taken by the violator and the timing of those actions; these factors may result in a reduction in the penalty amount.

FMCSA has used its UFA software to calculate penalties since the mid-1990s. The Agency implemented UFA Version 4.0 to calculate penalties based on investigations that were initiated on or after August 12, 2013. Version 4.0 updated the UFA software to ensure that it:

1. Adequately considers the statutory penalty factors for all statutes and regulations enforced by FMCSA.
2. Incorporates the increased penalties mandated by the Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141 (July 6, 2012).
3. Implements the Agency's policy for consideration of the Small Business Regulatory Enforcement Fairness Act.
4. Maintains uniformity in proposed civil penalties.

UFA Version 4.0 also considers the factors set forth in 49 U.S.C. 521(b)(2)(D) for violations of regulations where no statutory factors are otherwise specified by statute.

When FMCSA issues a NOC, the recipient has 30 days within which to file a reply. As outlined in Part 386.14 of the FMCSRs, the reply must be a payment of the penalty in full, a request for binding arbitration, or a request for administrative adjudication if the respondent contests the claim. FMCSA's response varies based on the respondent's reply. For cases where the respondent pays the penalty in full, the process is complete and the case is considered "closed with enforcement." Referral to binding arbitration is contingent upon an admission of liability that the violations occurred, although the amount of the proposed penalty may be disputed. The result can be that the claimed amount remains the same, or an arbitration decision is issued and a settlement agreement is issued. When the respondent requests administrative adjudication, the case is brought before the FMCSA Assistant Administrator, an Administrative Law Judge, or a Hearing Officer. Once an administrative adjudication option is elected, it becomes binding upon the respondent. There are three possible outcomes: the case can be dismissed and the case would be considered "closed without enforcement;" the original claimed amount can be upheld; or a settlement agreement can be reached.

In addition, the reply may include a request to reach a settlement agreement on the terms of payment. Those who choose this option are interested in getting a payment plan to pay the fine (or the reduced penalty resulting from a settlement agreement) in installments. A payment plan sets out the amount and timing of installment payments of the settled amount. If the respondent

fails to make an installment payment on schedule, the payment plan is void and the entire debt is payable immediately. All payments of civil penalties from NOCs issued by FMCSA go to the U.S. Treasury.

In cases where the respondent does not reply or refuses to pay the penalty, the FMCSA Field Administrator may issue a Notice of Default and Final Agency Order. The default constitutes an admission of all facts alleged in the NOC and a waiver of the respondent's opportunity to contest the claim. The Final Agency Order becomes effective 5 days following service of the Notice of Default and Final Agency Order. Failure to pay the civil penalty as directed in a Final Agency Order constitutes a violation of that order, subjecting the respondent to an additional penalty. The registration of a broker, freight forwarder, or motor carrier that fails to pay a civil penalty in full within 90 days after the date specified for payment by the FMCSA final Agency order will be suspended starting on the next (i.e., the 91st) day. The suspension continues until FMCSA has received full payment of the penalty.

NOCs are sometimes settled for an amount less than the claimed amount determined by UFA. When negotiations with the carrier produce an agreement on a revised claim amount or revised terms of payment of a civil penalty or the terms and conditions of a final Agency order, a settlement agreement is drawn and signed by the respondent and the FMCSA Field Administrator or his/her designee. A reduction to the claimed amount results in a revised civil penalty assessed to the respondent, known as the "settled amount." (In the following analysis, if there is no settlement agreement, the amount claimed and settled amount are the same.)

In addition, in some instances a portion of the civil penalty may be suspended. The suspended amount represents that part of the settled amount that the violator does not have to pay to the Government, as a result of agreeing to spend money to mitigate deficiencies in compliance. This amount is contingent on the violator altering behavior, per a settlement agreement, to improve safety or increase compliance with certain regulations. Such expenditures by a carrier often involve investing in particular safety technologies or other new programs. Examples include an agreement to install electronic logging devices to monitor hours of service (HOS) compliance, or implementing a drug and alcohol testing program. The amount settled minus the suspended amount determines the amount that violators are required to pay in full to the Agency to close the enforcement case. If the carrier does not comply with the settlement agreement, then the suspended portion of the fine is reinstated.

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2. FIVE-YEAR NATIONAL FINDINGS

The following findings are based on data from the Enforcement Management Information System (EMIS). The cases analyzed are those resulting in issuance of NOCs that were denoted as “closed with enforcement” between January 1, 2010, and December 31, 2014.

During this timeframe, 33,402 cases were closed with enforcement. Freight carriers made up the vast majority of the enforcement cases: 24,603 cases, or 73 percent of the total. Driver enforcement cases made up another 12 percent, and passenger carriers and hazardous materials (HM) carriers each accounted for 4 percent. HM carrier/shippers, freight forwarders, and employees made up another 6 percent. The remaining 1 percent consisted of cargo tank facilities, shippers, brokers, and drug testing consortiums (see Figure 2).

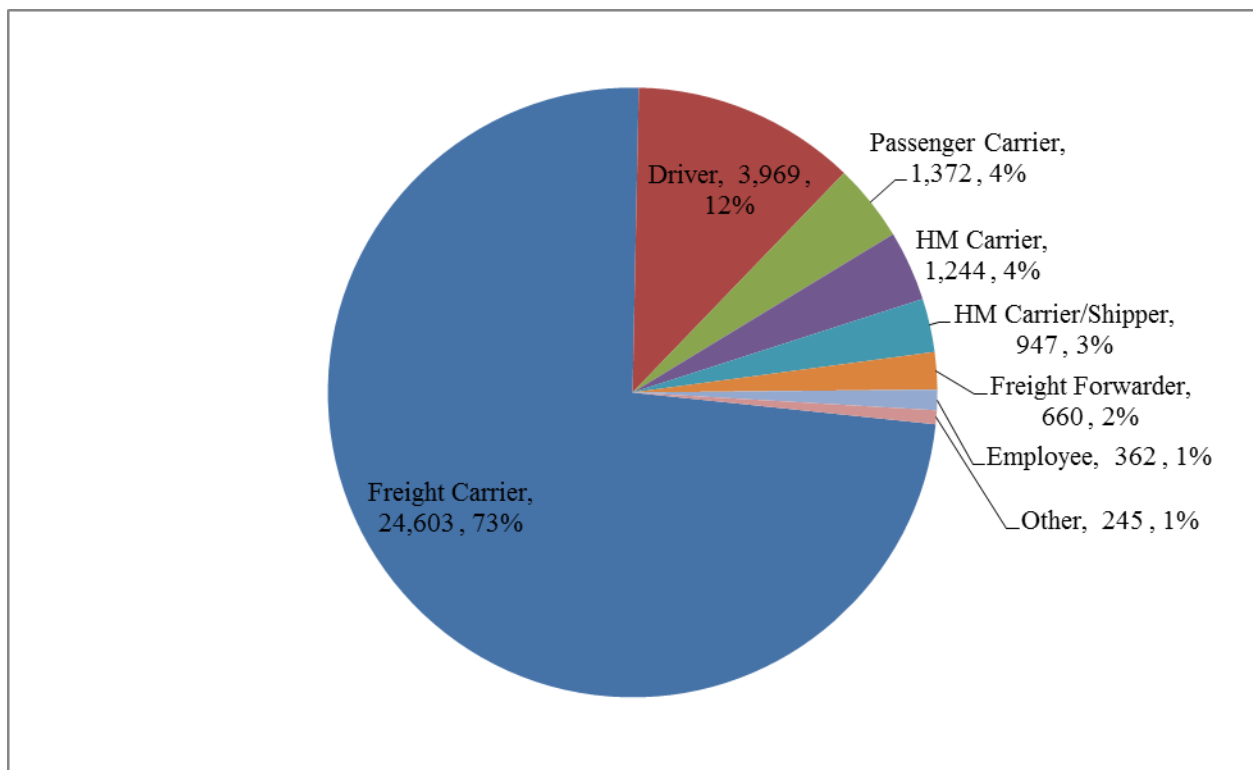


Figure 2. Pie chart. Entities subject to enforcement, 2010–14.

Source: Federal Motor Carrier Safety Administration (FMCSA): Enforcement Management Information System (EMIS), September 5, 2015.

Of the 33,402 cases reviewed, 78 percent had a CR as the type of intervention, while 19 percent were cases resulting from roadside inspections (see Figure 3). Special investigations accounted for another 3 percent of the cases. There were 104 additional cases—amounting to less than 0.5 percent of the total—that involved other intervention types such as direct NOCs, cargo tank facility reviews, HM package inspections, and terminal reviews.

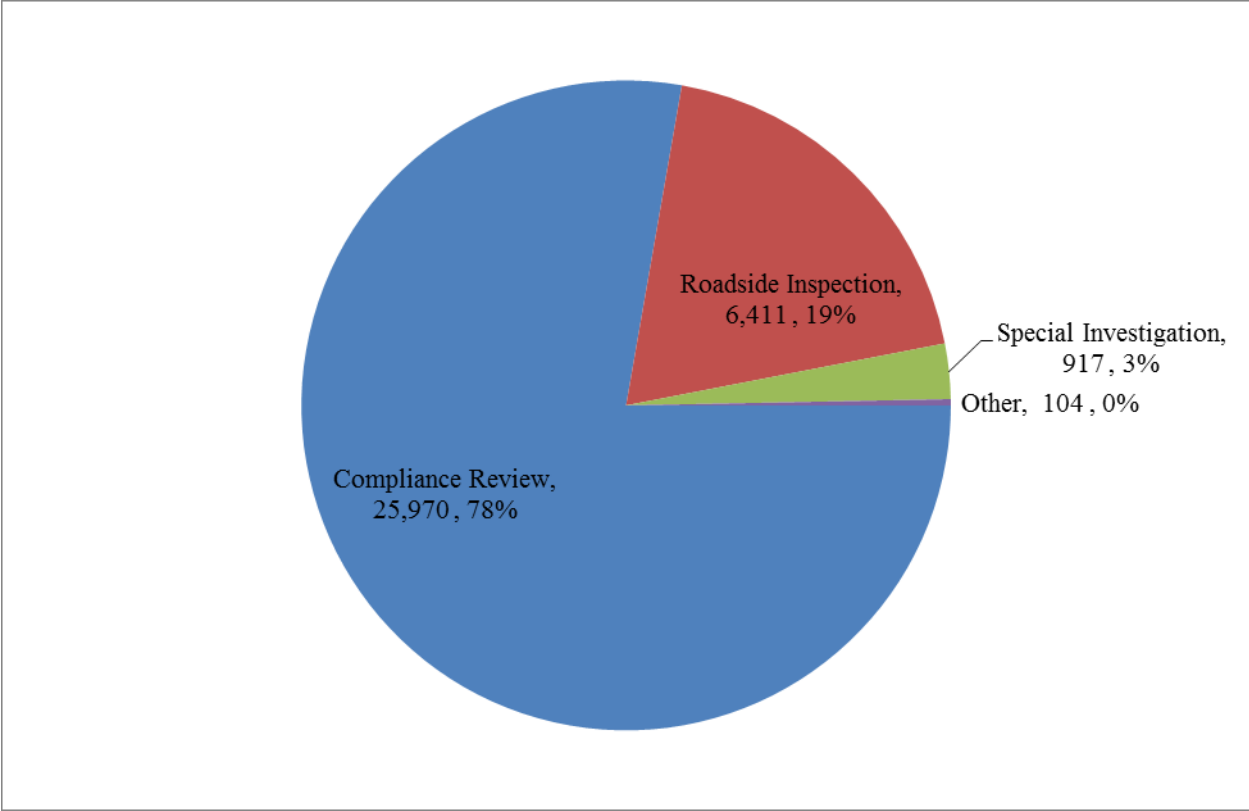


Figure 3. Pie chart. Distribution of NOC closed cases by type of intervention, 2010–14.
 Source: FMCSA: EMIS, September 5, 2015.

Of the reported enforcement cases, 87 percent (29,054) were associated with carriers having a valid USDOT number. Those enforcement cases without USDOT numbers were almost all for drivers or employees and not subject to having a USDOT number. Of the enforcement cases against carriers with a valid USDOT number, 85 percent (24,720) were for carriers that had a single enforcement case reported during the 5-year period. The remaining 15 percent came from multiple enforcement cases against the same entities.

Multiple roadside inspections of 708 motor carriers resulted in the issuance of 1,881 NOCs. Over the 5-year period from 2010 through 2014, these 708 carriers each had 2 or more NOCs resulting from roadside inspections, with 9 motor carriers having 20 or more roadside inspections that resulted in NOCs, and 1 carrier receiving 47 such NOCs.

During the 5-year period, there were 1,653 companies (i.e., freight carriers, passenger carriers, HM carriers, and freight forwarders) that had 2 or more CRs that resulted in NOCs. While most of these companies had 2 CRs that resulted in NOCs, 130 companies had 3 CRs resulting in NOCs, 14 companies had 4 CRs resulting in NOCs, 4 companies had 5 CRs resulting in NOCs, and 1 freight forwarder had 6 CRs resulting in NOCs.

The total amount claimed over the 5 years was \$153,880,433, and the total settled amount was \$151,465,179, giving a settled-to-claimed ratio of 98.4 percent (see Table 1). This suggests that the vast majority of claims are settled for the original claimed amount; in fact, in 32,858 of the 33,402 total NOCs (also 98.4 percent) the settled amount equaled the claimed amount. The

mean, or average, claimed and settled amount per case was \$4,607 and \$4,535, respectively; however, these averages were influenced by one very large claim of \$3,876,000 from a special investigation of a cargo tank facility. The next highest claimed amount was \$357,420, which is an order of magnitude smaller than the maximum claim. Therefore, the median value of \$2,000 for both claims and settlements gives a better indication of the typical NOC, particularly since the mode (i.e., most often recorded amount) for both is also \$2,000.

Table 1. NOCs: Amounts claimed and settled for cases closed with enforcement, 2010–14.

Measure (33,402 Cases)	Claimed	Settled
Total	\$153,880,433	\$151,465,179
Mean	\$4,607	\$4,535
Median	\$2,000	\$2,000
Mode	\$2,000	\$2,000
Maximum	\$3,876,000	\$3,876,000
Minimum	\$100	\$0

Source: FMCSA: EMIS, September 5, 2015.

About 22 percent (7,299) of the 33,402 enforcement cases involved a suspension of a portion of the claim. For the cases with a suspension, the total settlement amount was \$57,578,832, and the total amount suspended was \$21,717,023; thus, 37.7 percent of the total settlement amount was suspended. The mean, or average, amount suspended was \$2,975, and the median amount suspended was \$870. This disparity is once again the result of a single large suspension amount (i.e., \$3,376,000 for the claim mentioned earlier against a cargo tank facility). Thus, the median is a better representation of the typical suspension amount. There were 888 cases with a suspension where the settlement amount was paid in full, indicating that the claimant did not comply with the terms of the settlement agreement. This represents 12.2 percent of the cases with suspensions.

The total amount received in civil penalty payments was \$97,398,088, making the amount received-to-settled ratio 64.3 percent. Adjusting the amount settled by subtracting the amount suspended, the adjusted received-to-settled ratio is 75.1 percent. Because some of the cases with a suspension ended up with the settlement being revoked and the entire settlement amount paid, it can be reasoned that between 64 and 75 percent of the civil penalties were appropriately paid. However, this does not take into consideration cases that were closed and subject to a payment plan that extends beyond December 31, 2014, and therefore may have later been paid in full.

Of the 33,402 cases, 87 percent of them resulted in full or partial payments (see Table 2). Conversely, this means 13 percent of the cases never received a payment. Fifty-five percent of the cases were paid in full with a single payment. Another 44 percent were on a payment plan ranging from 2 to 75 payments, and either full or partial payment was reported. Of the 28,919 cases that resulted in a payment, 94 percent were paid in full.

Table 2. NOCs: Cases with settlement payments, 2010–14.

Case/Percent	Cases with Payments	Cases Paid in Full with One Payment	Cases with Payment Plans	Cases with Payment Paid in Full
Cases	28,919	15,925	12,693	27,219
Percent	86.6%	55.1%	43.9%	94.1%

Source: FMCSA: EMIS, September 5, 2015.

The EMIS database captures information on the dates when an investigation is completed, when an NOC is served, and when the enforcement case is closed (see Table 3). Since the 5-year time period used in this analysis (January 1, 2010, to December 31, 2014) is based on the date the enforcement case was declared closed, the dataset includes investigations that were completed with NOCs issued prior to 2010. Prior to 2010, 3,416 investigations were completed, with the oldest occurring on November 16, 1998 (that case was not closed with enforcement until March 7, 2013). Similarly, there are 3,040 cases where the NOC was served prior to 2010, with the oldest being the investigation that was completed on November 16, 1998, for which the NOC was served on January 8, 1999.

For cases closed between 2010 and 2014, the mean (average) time between the investigation being completed and the NOC being served was 25 days. However, this average was influenced by some cases that took an inordinate amount of time. There were 56 cases that took more than a year before the NOC was served; for 1 case, the maximum time was 1,231 days, or more than 3 years before the NOC was served. Therefore, the median of 15 days is likely more representative of the time it takes to get from “investigation complete” to “NOC served.” Another statistic to consider is the mode, which is the value that appears most often. Over the 5-year period, for the time interval between investigation completion and NOC service, 7 days was the most frequently reported value.

During the 5-year period, the mean time between “NOC served” and “case closed” was 174 days. This average, too, was influenced by cases with inordinately lengthy completion times. There were 557 cases that took more than 3 years from the time the NOC was served until the case was closed, with the longest time being 5,172 days (more than 14 years). The median time from NOC service to case closed was 77 days, and the most often reported amount of time (i.e., the mode) was 66 days. These latter two values are more representative of the typical time it would take.

For the 5 years of data analyzed, considering the total amount of time it took to get from “investigation complete” to “case closed,” the mean was 200 days. This value reflects the influence of several cases with inordinately long times between completion of the investigation and service of the NOC, and between service of the NOC and the case being closed. The median time from “investigation complete” to “case closed,” however, was 113 days, or slightly less than 4 months, which is a little more than half the average time.

Table 3. Stages of Enforcement Cases: Number of days to complete the stages of an enforcement case, 2010–14.

Stage of Case (33,402 Cases)	Mean	Median	Mode	Maximum
Investigation Completed to NOC Served	25	15	7	1,231
NOC Served to Case Closed	174	77	66	5,172
Investigation Completed to Case Closed	200	113	42	5,229

Source: FMCSA: EMIS, September 5, 2015.

For enforcement cases closed between 2010 and 2014, there were 52,551 violations cited in the investigations. The most frequently cited violations were for Part 382, which involves drug and alcohol use and testing: 16,821 violations, or nearly one-third of the total number of violations (see Figure 4). The vast majority of these violations were related to actions (or inactions) on the part of the carrier, such as failing to implement a random controlled substance or alcohol testing program, using a driver before receiving a pre-employment testing result, or failing to conduct random drug tests at the applicable annual rate.

The second most frequently cited violations were for Part 395, which involves drivers' HOS. There were 9,672 such violations, accounting for more than 18 percent of all violations. While some of these violations were for actions by the carrier, such as failing to preserve a driver's record of duty status for 6 months, most are specifically related to the individual driver, such as failing to submit a record of duty status within 13 days or false reports of records of duty status.

The next most frequently cited violations were for Part 396, which involves inspection, repair, and maintenance of vehicles. There were 6,954 violations of Part 396, or about 13 percent of the total. These violations include such things as failing to inspect and maintain vehicles for safe operation, operating vehicles likely to cause accidents or breakdowns, and using a CMV not periodically inspected.

Next on the list of most frequently cited violations is Part 391, driver qualifications. There were 4,640 such violations, which account for about 9 percent of the total. These violations include things such as using a physically unqualified driver, using a driver not medically examined during the preceding 24 months, and using a disqualified driver. The remaining roughly one-quarter of the violations are spread out over various parts.

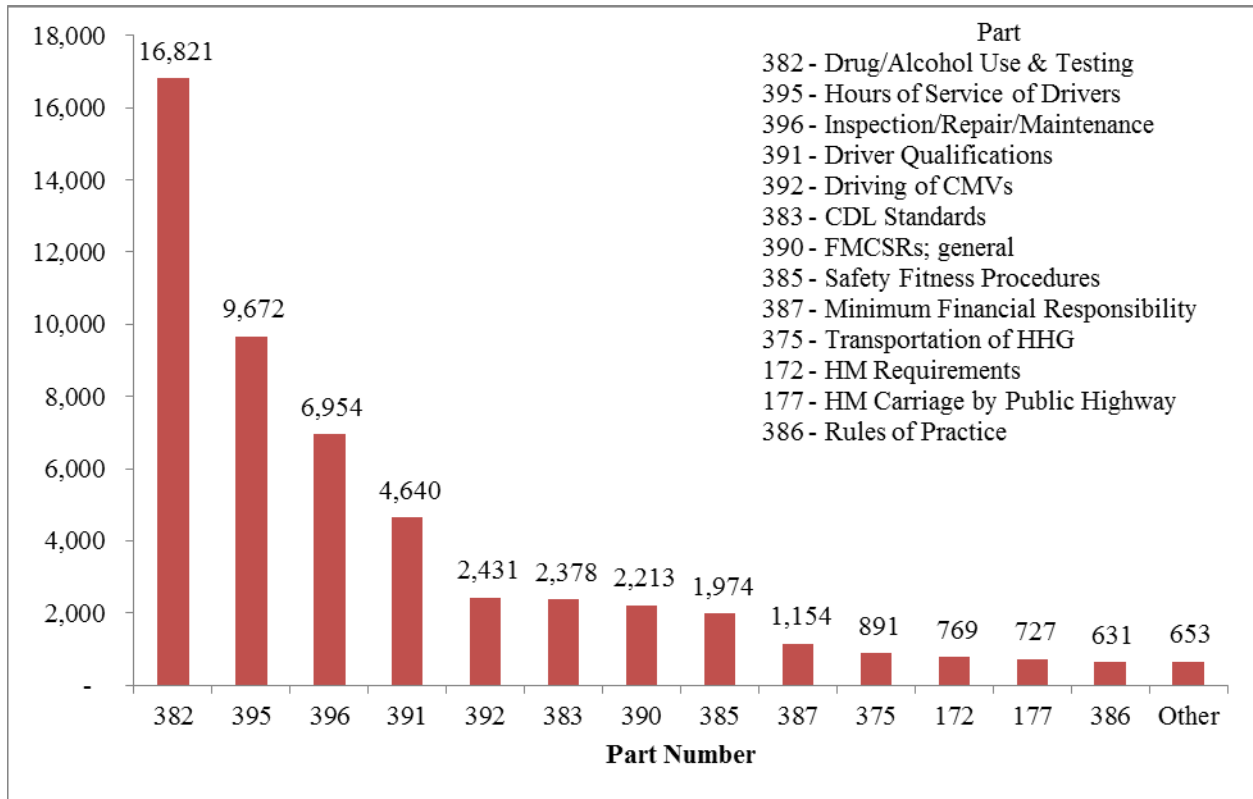


Figure 4. Bar graph. Number of violations from NOCs, by part, 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

Parts 382 (drug and alcohol use and testing) and 395 (HOS of drivers) each accounted for approximately \$40,000,000 in settlements, with the two combined representing more than half of the total of \$151,465,179 in settlements during the 5-year period (see Figure 5). Although it ranked as number 5 in terms of number of violations, Part 392 (driving of CMVs) was third in terms of settlement amount, at nearly \$15,000,000. Parts 396 (inspection, repair, and maintenance), 385 (safety fitness procedures), and 391 (driver qualifications) followed next in highest settlement amounts, at approximately \$13 million, \$7 million, and \$6.5 million, respectively. The remaining parts presented in Figure 4 each amounted to less than \$4 million in settlements. The “other” category accounted for about \$6.5 million, but this category includes one extremely large settlement of \$3,876,000. That settlement was for a violation by a cargo tank facility of an HM regulation in Part 171: misrepresenting suitability of package or container used to transport HM. Without this one large settlement, the “other” category would total to less than \$3 million.

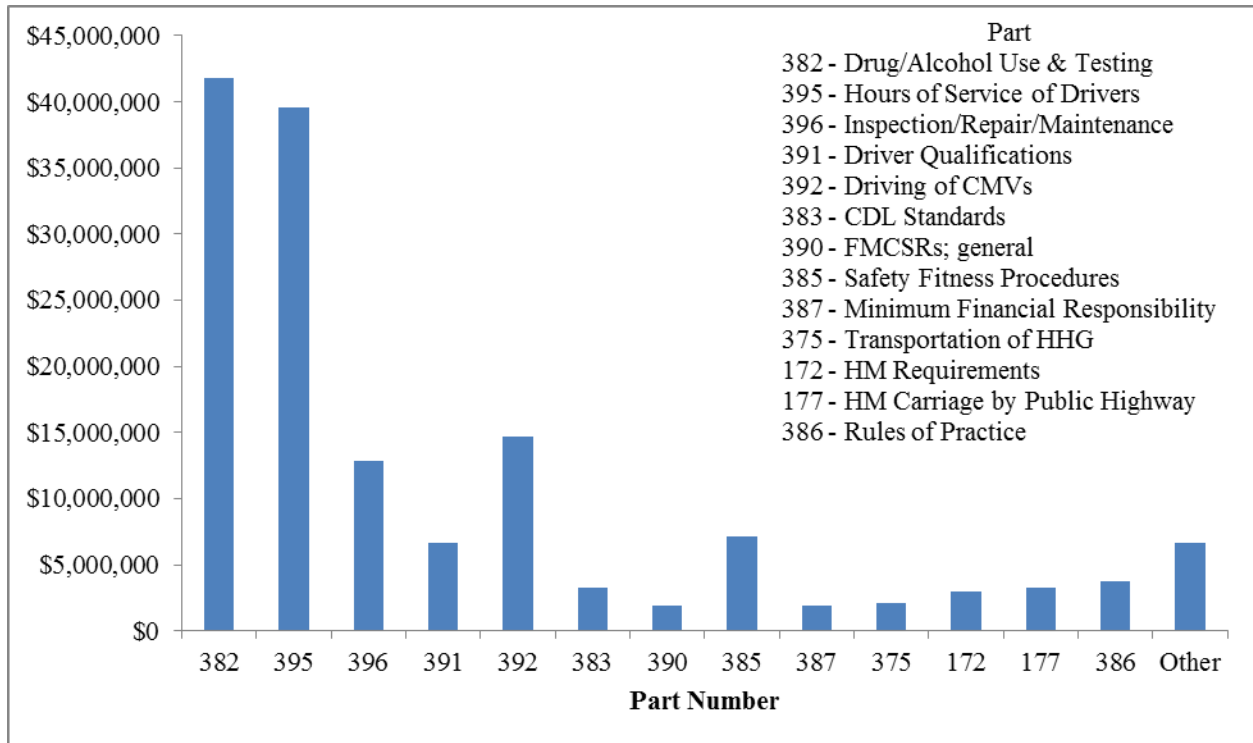


Figure 5. Bar graph. Total settled amounts, by part, 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

Figure 6 shows the mean (average) and median amounts of settlements by part. The great disparity between the mean and median amounts for several of the parts demonstrates the effect of a few very high settlement amounts on the average. Therefore, the median is generally a more realistic measure of the typical settlement amount. For example, Part 392 (driving of CMVs) had the highest mean settlement amount of any of the parts, at \$6,047 per NOC, but a median of only \$1,950, which is approximately one-third the size of the mean. The maximum settlement for Part 392 was \$175,000, for violation of Part 392.9a(a)(1), operating without the required operating authority under 14901(d)(3) to transport household goods. Part 392 includes violations with statutory minimums, such as \$25,000 for passenger carriers that operate without authority, and \$25,000 for operating without the required operating authority under 14901(d)(3) to transport household goods.

Part 395 (HOS of drivers) provides another example of a large disparity between the mean and median settlement amount. The mean settlement amount for violation of Part 395 was \$4,090, but the median settlement was \$1,360, which is, again, approximately one-third the size of the mean. The maximum settlement for a Part 395 violation was \$357,420, for violation of Part 395.3(b)(2): requiring/permitting a property CMV driver to drive after 70 hours on duty in 8 days.

Part 386 (rules of practice for motor carrier, intermodal equipment provider, broker, freight forwarder, and HM proceedings) had the highest median settlement at \$3,300 per NOC, and the second highest mean settlement at \$5,893 per NOC. The maximum settlement for a Part 386 violation was \$216,900, for violation of Part 386.82(a)(3): violating a Final Agency Order.

Violations of a final order are subject to a penalty of automatic reinstatement of any penalty previously reduced or held in abeyance and restoration of the full amount assessed in the NOC, less any payments previously made.

Parts 177 and 172, both involving regulations regarding HM, had the next highest median settlement amounts at \$2,875 and \$2,480 per NOC, respectively. Their mean settlement amounts were \$4,514 and \$3,936, respectively. The maximum settled amount for Part 177 was \$92,630, for violation of Part 177.840(m), failure to check compressed gases cargo tank truck discharge components, and the maximum for Part 172 was for violation of Part 172.800(b), offering or transporting HM without a security plan.

Part 385 (safety fitness procedures) had a mean settlement amount of \$3,610 and a median settlement amount of \$2,000. The maximum settlement was \$54,390 for violation of Part 385.13(a)(2), operating a property carrying CMV after the effective date of an unsatisfactory rating. Part 382 (drug and alcohol use and testing) had a mean settlement amount of \$2,484 and a median settlement amount of \$1,940. The maximum settlement was \$122,210, for violation of Part 382.305(b)(2), failing to conduct random drug tests at the applicable annual rate. All other parts displayed in Figure 6 had a median settlement amount less than \$1,500.

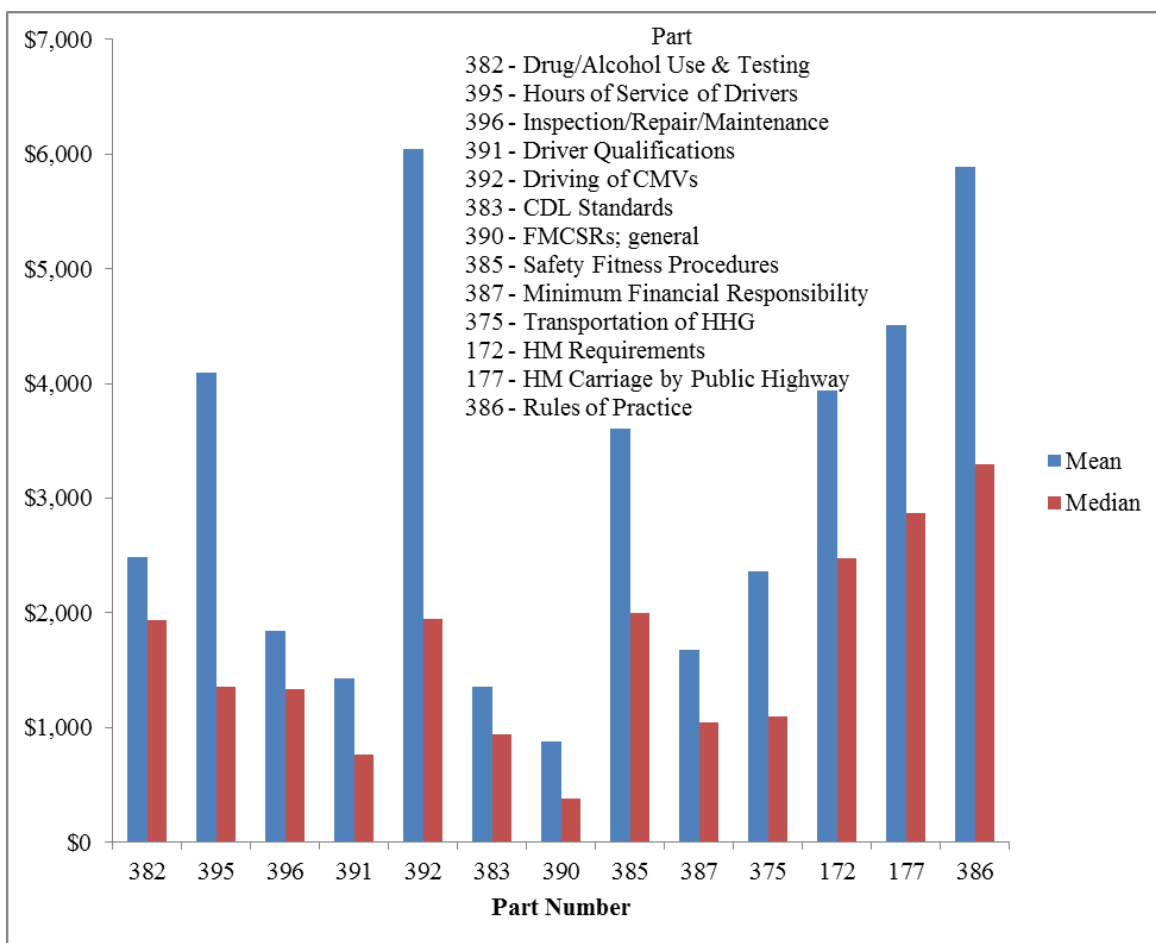


Figure 6. Bar graph. Mean and median settled amounts, by part, 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

3. NATIONAL FINDINGS BY YEAR

The data were next analyzed by year. Figure 7 displays the number of cases, and the amounts claimed, settled, and paid, for each of the years from 2010 to 2014. The number of cases remained relatively stable at slightly more than 7,000 for the first 3 years, but then declined to about 6,500 in 2013 and 5,700 in 2014. However, the amount claimed each year shows a different pattern. The largest claimed amount was \$38,758,107 in 2014, the year with the fewest enforcement cases. The smallest amount claimed was \$24,158,967 in 2011, a year with more than 7,000 cases. This pattern reflects the implementation of UFA Version 4.0 in August of 2013, which increased penalties as mandated by MAP-21. The relationship between the number of cases and the amount claimed is illustrated in Figure 8 which shows the average (mean) amount claimed in each year as a bar in the chart and the number of cases each year with a line in the chart. The highest average amount claimed was \$6,790 per enforcement case in 2014, and the lowest average amount claimed was \$3,435 in 2011. If the one extraordinarily large claim of \$3,876,000 in 2011 were removed from the calculation, the average amount claimed in 2011 would drop even further to \$2,884.

The claimed and settled amounts do not vary that much from one another, although the difference between the two increased slightly over the 5-year period (see Figure 7). In 2010, the total amount settled was 99.2 percent of the total amount claimed, but in 2012 the percentage was 98.4 percent, and by 2014 the percentage had declined to 97.6 percent. The total amount paid as a percentage of the total amount settled varied over the first 4 years, but was approximately 67 percent each year during this period. In 2014 the percentage was 56 percent, but this was affected by settlements with payment plans that had not been completed by December 31, 2014.

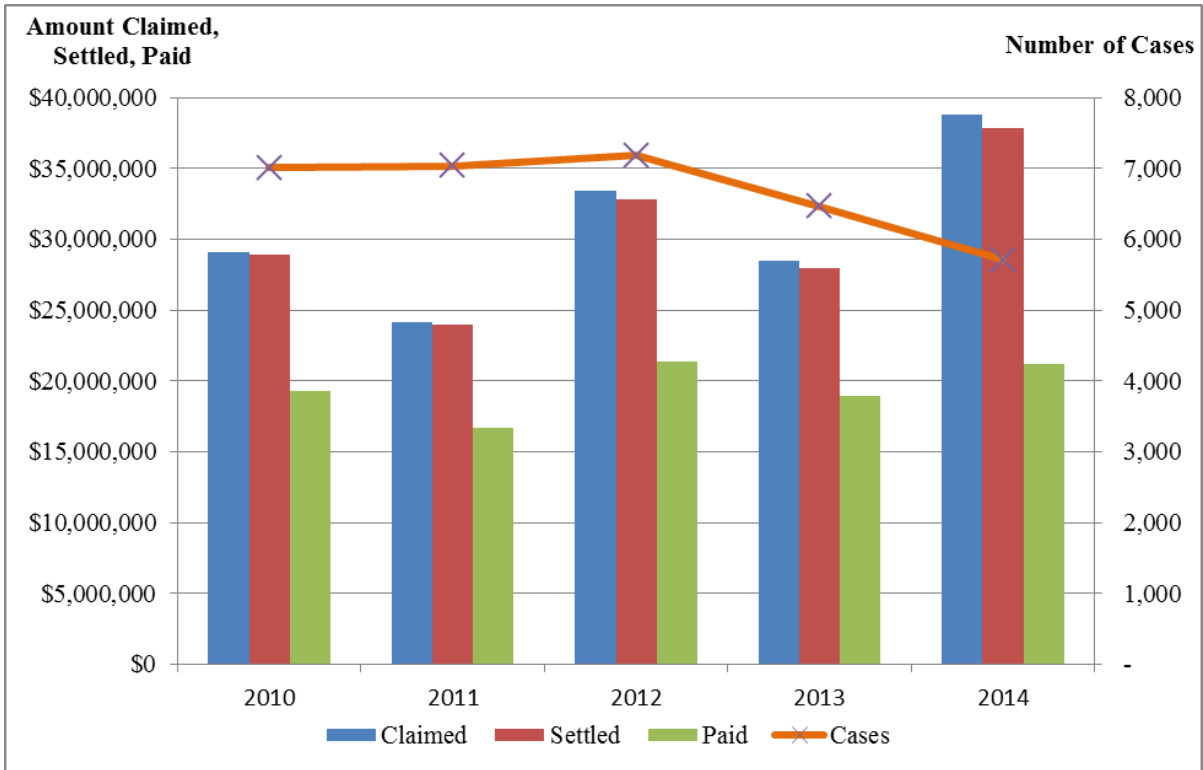


Figure 7. Bar and line graph. Total amounts claimed, settled, and paid, and number of cases, by year, 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

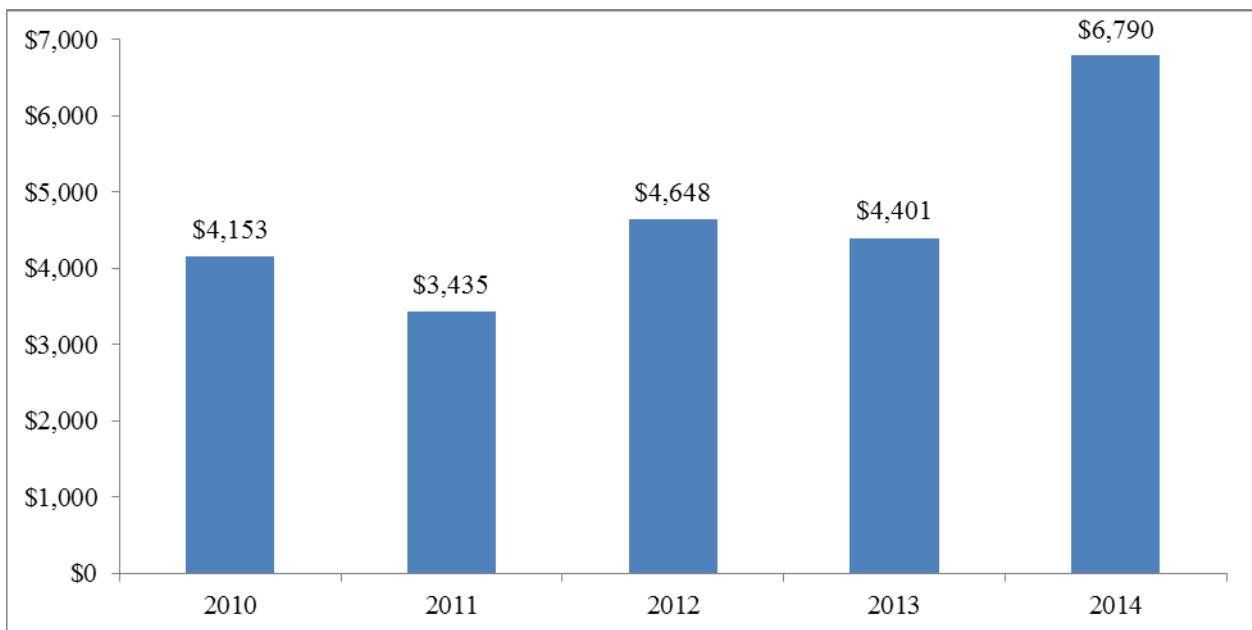


Figure 8. Bar graph. Average amount claimed per enforcement case, by year, 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

The number of enforcement cases with a suspended amount declined annually, from 1,635 in 2010 to 1,222 in 2013, then rose in 2014 to 1,490 (see Table 4). During this period, the percentage of cases with suspensions was roughly 20–25 percent, and the yearly average suspended amount per carrier ranged from \$2,000 to \$4,000. The highest average suspended amount for cases with suspensions occurred in 2011 (\$4,101 suspended per case); however this result is influenced by one extremely large suspension of \$3,376,000. If that single case were removed, the total amount suspended in 2011 would drop to \$3,181,080, and the average amount suspended would decline to \$1,991. That amount is more in line with the average suspensions for 2010, 2012, and 2013. By eliminating that single case in 2011, the average suspended amount would be greatest in 2014: \$3,897 per case with a suspension.

Table 4. Cases with suspensions, by year, 2010–14.

Year	2010	2011	2012	2013	2014	2010–14
Cases with Suspensions	1,635	1,599	1,353	1,222	1,490	7,299
Percent of Cases with Suspensions	23.3%	22.7%	18.8%	18.9%	26.1%	21.9%
Amount Suspended	\$3,294,203	\$6,557,080	\$3,245,389	\$2,813,815	\$5,806,536	\$21,717,023
Average Amount Suspended	\$2,015	\$4,101	\$2,399	\$2,303	\$3,897	\$2,975

Source: FMCSA: EMIS, September 5, 2015.

The amount of time between “investigation complete” and “NOC served” has increased over the 5-year period of this analysis (see Figure 6). The mean (average) time has grown from 20 days in 2010 to 27 days in 2014, while the median time has increased year-over-year from 13 to 19 days over the 5 years.

The mean amount of time between “NOC served” to “case closed” has also increased, from slightly more than 5 months in 2010 to nearly 7 months in 2014. Over that same time period, the median remained roughly the same, although it dropped slightly from an average of 11 weeks in 2010–12, to roughly 10.5 weeks in 2013–14. This reflects the influence of some long time spans on the mean value, but those longer time spans do not affect the median, which is the “midpoint” of all the times, and is perhaps a better expression of the typical time interval from “NOC served” to “case closed.”

When analyzing the time interval between “investigation complete” and “case closed,” a similar issue is observed with the mean versus the median values. Where the mean time to process an enforcement case has risen steadily from 176 days (nearly 6 months) to 236 days (nearly 8 months), the median time has risen from 107 days to 117 days over the first 3 years and basically remained at that level for the next 2 years. The mean values are again affected by some longer (outlier) time spans, while the median values are not. Based on the median time values, one would conclude that it typically takes slightly less than 4 months to close an enforcement case, once the investigation has been completed.

Table 5. Mean and median days from “investigation complete” to “NOC served” to “case closed,” by year, 2010–14.

Investigation Stage	Measure	2010	2011	2012	2013	2014
Investigation Completed to NOC Served	Mean	20	23	27	28	27
Investigation Completed to NOC Served	Median	13	14	16	18	19
NOC Served to Case Closed	Mean	156	165	167	183	207
NOC Served to Case Closed	Median	77	77	77	75	73
Investigation Completed to Case Closed	Mean	176	188	195	213	236
Investigation Completed to Case Closed	Median	107	109	117	115	117

Source: FMCSA: EMIS, September 5, 2015.

Figure 9 illustrates the trend of the nine most frequent NOC violation parts from 2010 to 2014, in terms of the percentage of each year’s total NOC violations. These nine parts account for 92 percent of all the violations issued from NOCs. The graph shows that, while Part 382 (drug and alcohol use and testing) continued as the most frequently cited violation, the percentage of total annual violations that were for violation of Part 382 decreased by 7 percentage points over the 5-year period, from 34 percent to 27 percent. In contrast, both Parts 395 (HOS of drivers) and 396 (inspection, repair, and maintenance) show an increase of about 4 percentage points over the same timeframe.

Parts 391 (driver qualifications) and 390 (general FMCSRs) exhibited decreases in their percentages of the total annual violations, but where Part 391 had a gradual decline from about 9 percent to 8 percent over the 5 years, Part 390 had a larger drop from about 6 percent in 2010–11 to 3 percent in 2012–14.

Parts 383 (commercial driver’s license [CDL] standards) and 385 (safety fitness procedures) showed percentage gains over the 5 years, from about 4 percent to 5 percent for Part 383, and from about 2 percent to 5 percent for Part 385. The other two parts presented in Figure 8—Part 392 (driving of CMVs) and Part 387 (minimum financial responsibility)—remained relatively stable over the period at about 4.5 percent and 2 percent, respectively.

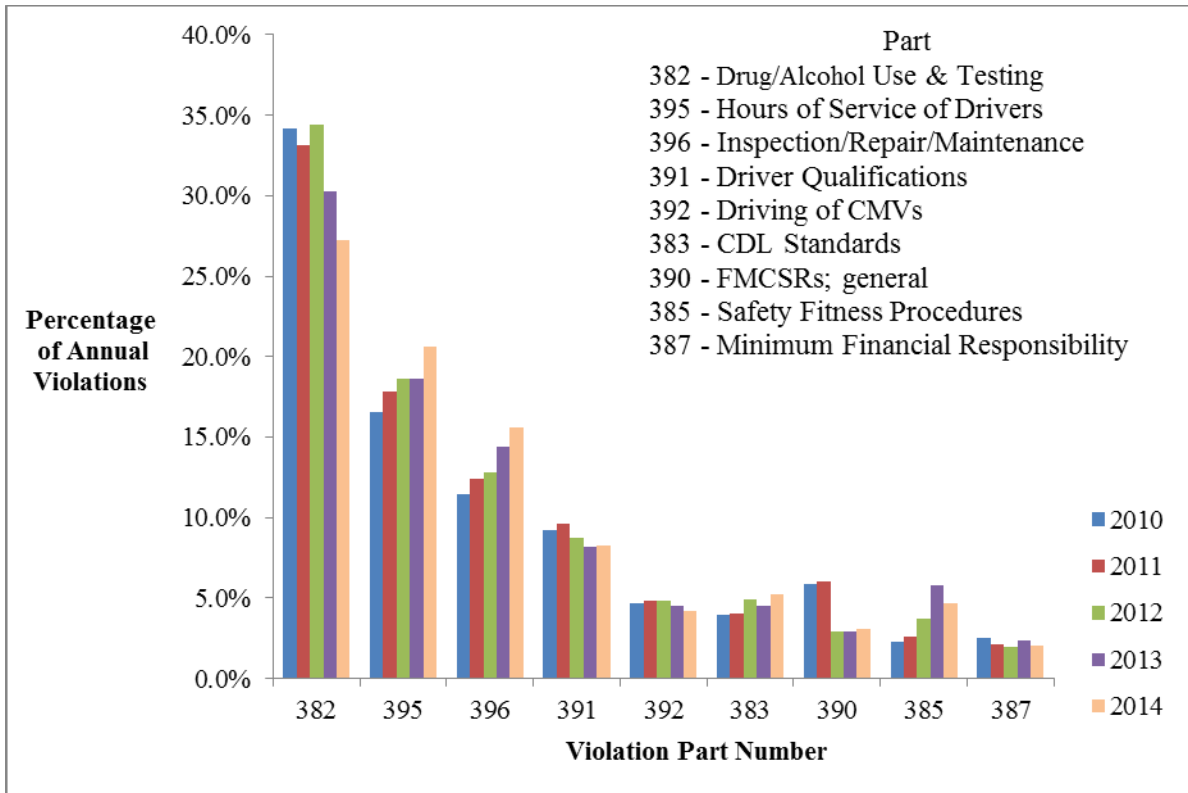


Figure 9. Bar graph. Five-year NOC violations trend in percentage of annual violations, by part, 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

With the exception of Part 385 (safety fitness procedures), the annual average (mean) amount settled by violation part remained relatively stable from 2010 to 2012, but started to increase dramatically beginning in either 2013 or 2014, depending on the part (see Figure 10). The overall increases seen in 2014 may be attributed (at least partially) to an increased emphasis by FMCSA on enforcement through implementation of a program of enhanced investigative techniques and “quick strike” operations.

Most notably, Part 392 (driving of CMVs) increased from an average of \$4,533 per settlement in 2010 to \$7,764 in 2013—a 71 percent increase—and to \$11,913 in 2014, a further 53 percent increase over the 2013 average. Part 392 has the highest average settlement amount. This increase for Part 392 is partially explained by an increase to \$25,000 in the statutory minimum civil penalty for operating a passenger carrier without the proper operating authority (Part 392.9a(a)(1)), where previously the \$25,000 maximum for operating without proper authority was restricted to household goods carriers.

Part 387 (minimum financial responsibility) experienced a doubling of its average settlement amount from 2013 to 2014, increasing from \$1,427 to \$2,974. Part 390 (general FMCSRs) increased by 83 percent from \$1,206 to \$2,203. Part 382 (drug and alcohol use and testing) increased by 46 percent from an average settlement of \$2,446 in 2013 to \$3,575 in 2014. Part 396 (inspection, repair, and maintenance) increased 42 percent from \$1,715 to \$2,436, and Part 395 (HOS of drivers) also saw a rather large increase of 37 percent from an average settlement of \$4,024 in 2013 to \$5,518 in 2014.

Part 385 (safety fitness procedures) is the only part that exhibited a different trend. The highest annual average settlement for Part 385 was \$5,681 in 2010. It declined to \$4,279 in 2011, and then to \$2,153 in 2012 before rising slightly to \$2,528 in 2013. It then increased by 90 percent to \$4,796 in 2014, but this amount was still less than the average settlement in 2010.

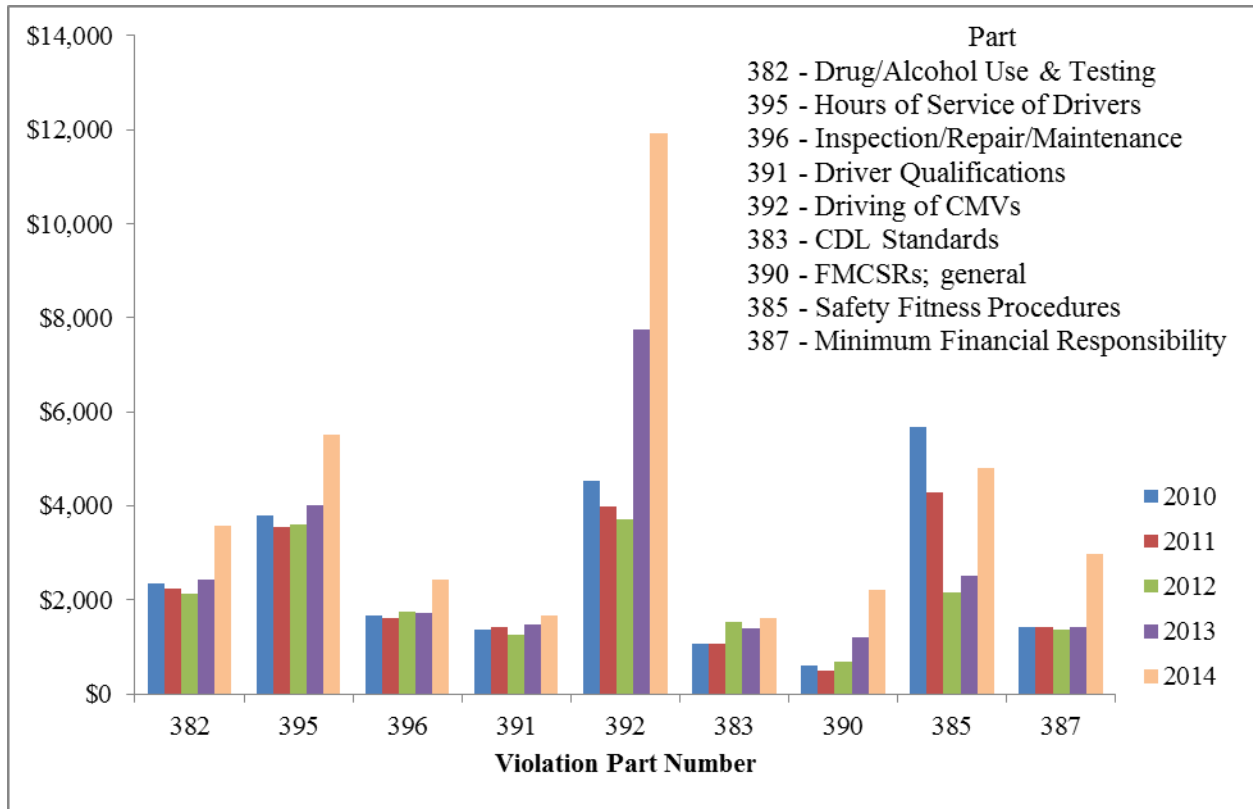


Figure 10. Bar graph. Five-year annual average NOC settlement amounts, by part, 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

4. SERVICE CENTERS

The data were additionally divided by the service center processing the NOC to analyze similarities and differences among them. As shown in Figure 11, for NOCs denoted in EMIS as “closed with enforcement” between January 1, 2010, and December 31, 2014:

- The Eastern Service Center (ESC) processed 8,864 enforcement cases.
- The Midwestern Service Center (MSC) processed 5,745 cases.
- The Southern Service Center (SSC) processed 9,427 cases.
- The Western Service Center (WSC) processed 9,365 cases.

The ESC, MSC, and SSC showed a general decline in the number of enforcement cases processed over the 5-year period, with each having their lowest number of cases in 2014. However, the WSC case count remained fairly stable over the period, averaging 1,873 cases per year. Comparing 2014 to 2010, the ESC and SSC experienced approximately a 30 percent drop in the number of annual enforcement cases, while cases in the MSC declined by approximately 11 percent.

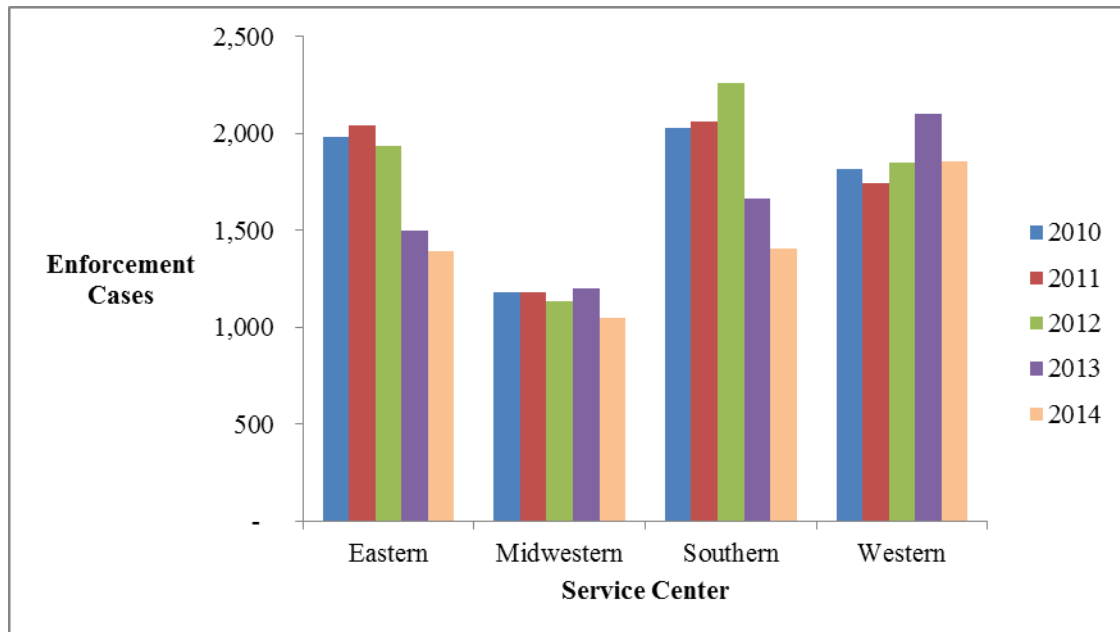


Figure 11. Bar graph. Annual enforcement cases by service center, 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

Over the 5-year period from 2010 to 2014, the WSC had the highest total amount claimed in enforcement cases—almost \$42 million (see Figure 11). The SSC and ESC each had about \$39

million in claims, while the MSC had the smallest amount—almost \$31 million.² While all four service centers settled very few of the NOCs for less than the amount claimed, the SSC had the lowest incidence, with 0.7 percent of the total claimed amount not being reflected in its total settled amount for this period. The MSC and WSC settled for total amounts that were 1.5 percent and 1.7 percent lower, respectively, than their claimed amount totals, and the ESC had a total settled amount that was 2.5 percent lower than its total claimed amount.

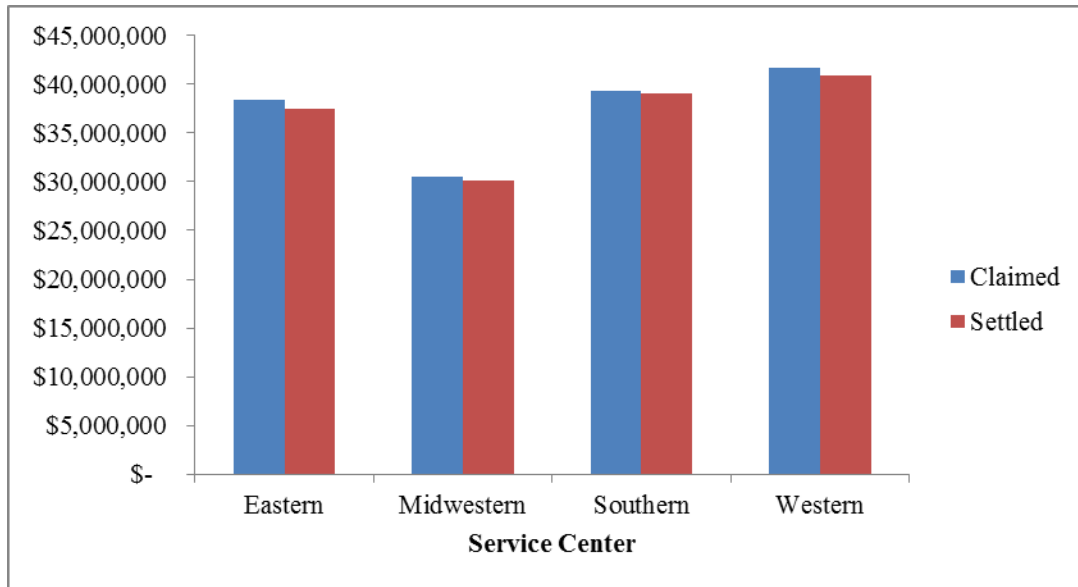


Figure 12. Bar graph. Total claimed and settled amounts, by service center, 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

The average claimed amount per NOC was also compared by service center. From Figure 13, it is apparent that the MSC, at \$5,319 per claim, had a higher average claimed amount than the other service centers. The MSC had approximately a \$1,000 higher average claimed amount than the other three service centers, which had average claimed amounts in the \$4,000–\$4,500 range. Yet the MSC had the fewest annual enforcement cases out of all of the service centers (see Figure 11) and the lowest annual claimed and settled amounts (see Figure 12).

² The extremely large claim of \$3,876,000 mentioned earlier in the report, in which the enforcement case occurred in the MSC and was closed in 2011, is excluded from this and all subsequent calculations to avoid it unduly influencing the comparisons between service centers.

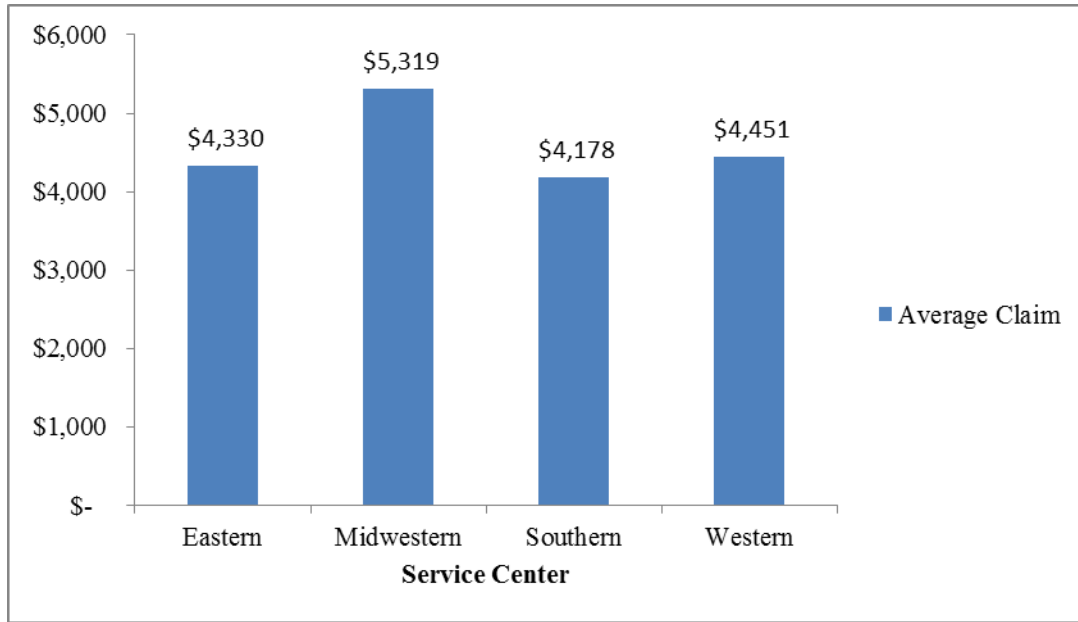


Figure 13. Bar graph. Average claimed amount per NOC, by service center, 2010-14.

Source: FMCSA: EMIS, September 5, 2015.

The WSC had the most cases (2,471) with a portion of the settlement suspended during the 5-year period from 2010 to 2014, and at 26.4 percent had the largest percentage of its enforcement cases that involved a suspension (see Table 6). The MSC had the highest average amount suspended—\$4,691 per case with a suspension—and the second-largest percentage of its enforcement cases that involved a suspension (23.7 percent), even though it had the lowest number of cases with a suspension (1,359). The numbers and percentages of cases with a suspension were roughly the same for the ESC and SSC, which had the lowest average amounts suspended (\$1,555 and \$1,675, respectively).

Table 6. Statistics on enforcement cases with suspensions, by service center, 2010-14.

Service Center	Cases with Suspensions	Percent of Cases with Suspensions	Average Amount Suspended
ESC	1,689	19.1%	\$ 1,555
MSC	1,359	23.7%	\$ 4,691
SSC	1,779	18.9%	\$ 1,675
WSC	2,471	26.4%	\$ 2,573

Source: FMCSA: EMIS, September 5, 2015.

Figure 14 displays the average (mean) times it took each service center to process the various stages of an enforcement case. The national average is also displayed for comparison purposes. The ESC had the shortest average time for issuing an NOC once the investigation was complete (21 calendar days), and the MSC had the longest average time (33 days). The SSC and WSC each averaged 24 days, or 1 day less than the national average of 25 days.

The ESC also had the shortest average time for closing a case once the NOC was issued (148 calendar days) and the MSC had the longest average time (188 days). The SSC and WSC took slightly longer than the national average of 174 days, taking 181 days and 184 days, respectively.

The ESC averaged 169 days to fully process an enforcement case from the date an investigation was completed to the date the case was closed. This was 31 days (or 1 month) less than the national average of 200 days. The MSC averaged 221 days to complete the process, which was 21 days (or 3 weeks) longer than the national average. The SSC and the WSC averaged about a week longer than the national average.

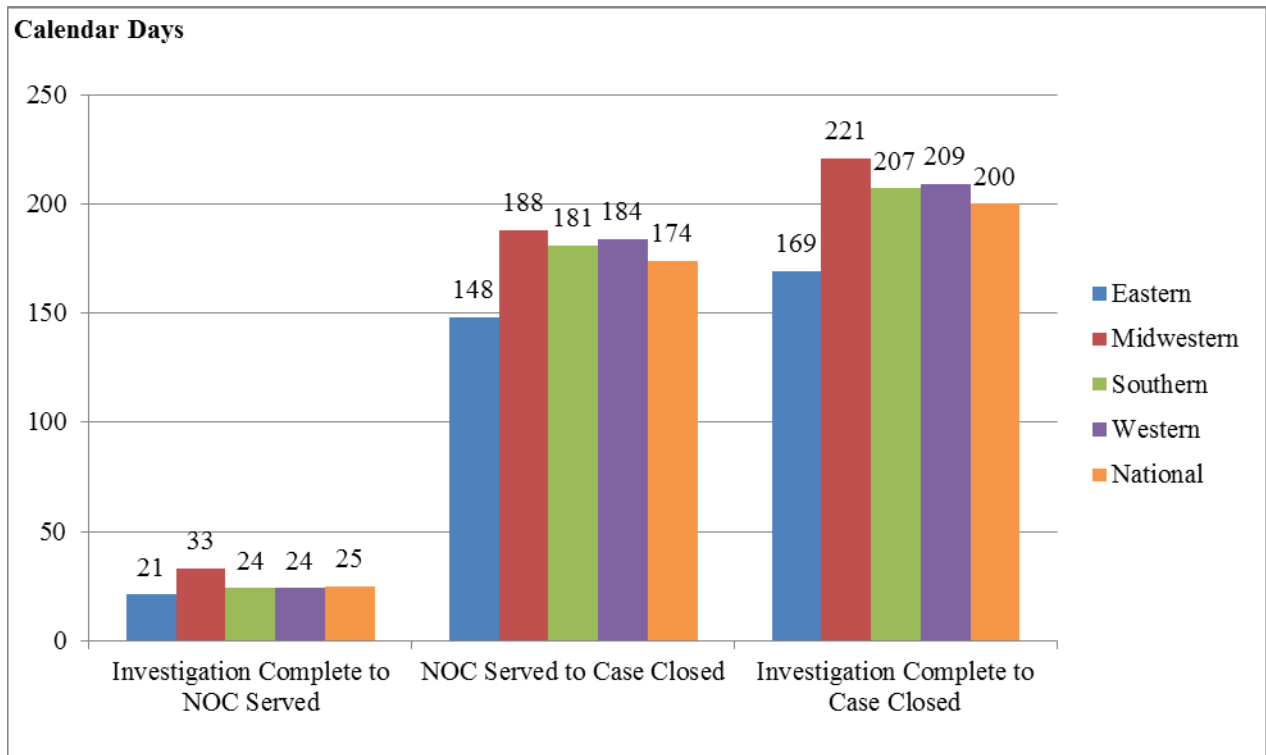


Figure 14. Bar graph. National and service center average times to complete an enforcement case, from “investigation complete” to “NOC served” to “case closed,” 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

Because the average (mean) times to process an enforcement case can be influenced by a few very lengthy processing times, Figure 15 displays the median times for each service center and the national median. The median, as a measure of the middle value of all processing times, provides a better representation of the typical processing time. In comparing the values in Figure 14 and Figure 15, the median times are all 40–50 percent lower than the average times.

The ESC and SSC tied for the lowest median time from “investigation complete” to “NOC served,” at 14 days. The MSC had the highest median time at 20 days, followed by the SSC at 17 days (both higher than the national median of 15 days).

The ESC had the lowest median time from “NOC served” to “case closed,” at 66 days, and the MSC had the next lowest median time, at 72 days—both less than the national median of 77 days. The WSC had the longest median time at 92 days, and the SSC had a median of 80 days.

The ESC had the lowest median time for closing a case subsequent to an investigation being completed, at 88 days. Therefore, the mean (average) time from “investigation complete” to “case closed” was almost twice as long as the median time—24 weeks, compared to 12.5 weeks. The MSC had a median time of 115 days to close a case after completing an investigation, which was 15 weeks less than the mean time of 221 days. The SSC and WSC had the longest median times to close a case after an investigation—131 days each—but this was 11 weeks less than their mean times.

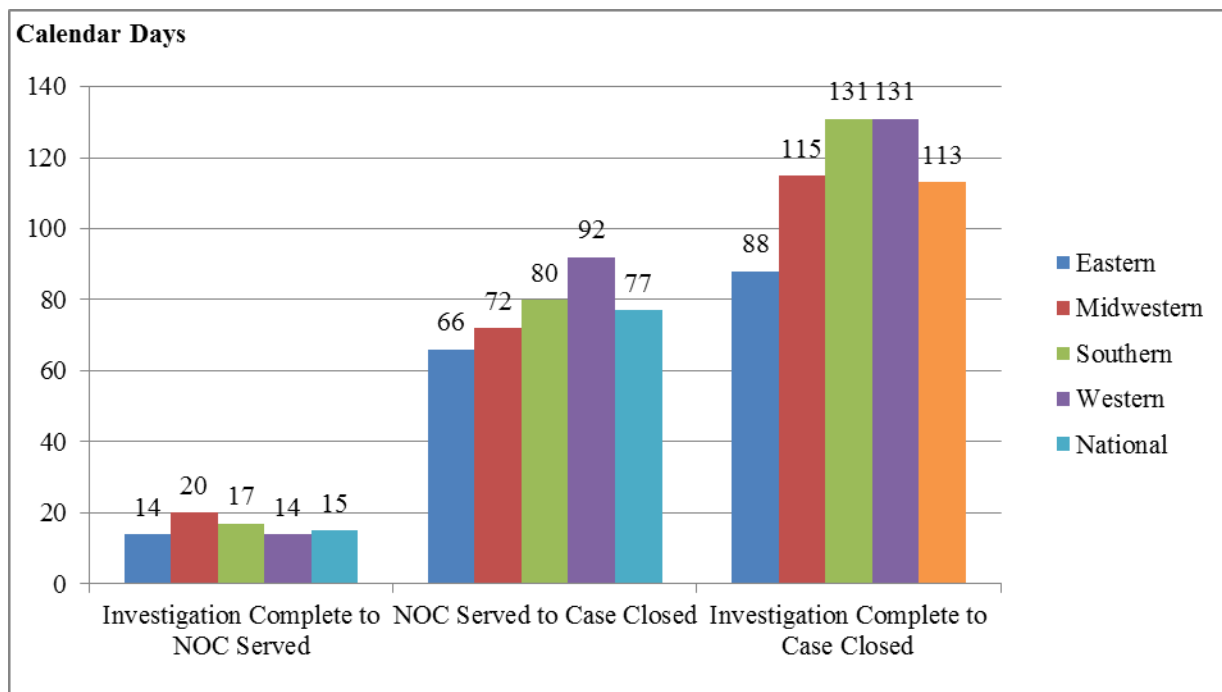


Figure 15. Bar graph. National and service center median times to complete an enforcement case, from “investigation complete” to “NOC served” to “case closed,” 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

Figure 16 presents information on the average time, by year, for each of the service centers to process an enforcement case, from completion of the investigation to closing the case. The ESC, MSC, and SSC generally show an increasing trend from 2010 through 2014. However the WSC presents a more stable trend with minor fluctuations from year-to-year. The MSC experienced a 62 percent increase, from an average of 179 days in 2010 to 290 days in 2014; for the SSC, the average time increased by 41 percent, from 175 days to 246 days. The ESC showed an increase of 30 percent when comparing 2010 to 2014, but if the comparison is from the lowest value of 143 days in 2011 to the highest value of 211 in 2013, the increase is 48 percent. Comparing 2010 to 2014 for the WSC yields a 12 percent increase, but comparing the lowest average in year 2013 with the highest average in 2014 results in an increase of 23 percent.

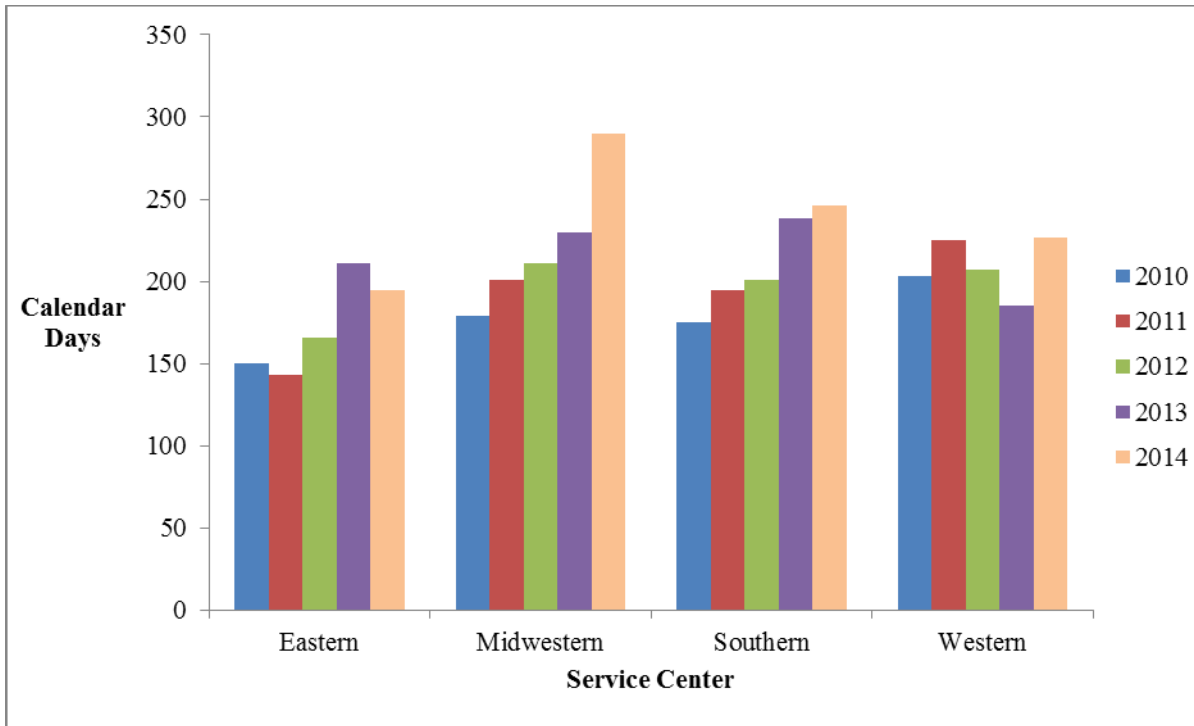


Figure 16. Bar graph. Service center average enforcement case processing times, from ‘investigation complete’ to ‘case closed,’ by year, 2010–14.

Source: FMCSA: EMIS, September 5, 2015.

Figure 17 compares the frequency of various parts being cited in NOC violations across all four service centers. Part 382 (drug and alcohol use and testing) violations account for a greater proportion of the SSC’s NOC violations, in comparison to the other service centers: they make up 38 percent of the SSC’s total NOC violations, but only 30 percent of NOC violations in the other service centers. Part 395 (HOS of drivers) is more frequently cited in the MSC. Part 395 violations account for 30 percent of the NOC violations in the MSC, but less than 20 percent of the NOC violations in the other service centers. The WSC has the highest frequency of Part 396 (inspection, repair, and maintenance) violations, at nearly 20 percent, compared to less than 13 percent of all NOC violations in the other service centers. Parts 392 (driving of CMVs) and 390 (FMCSRs; general) make up a greater portion of the ESC’s NOC violations (8 percent and 10 percent, respectively) compared to less than 4 percent for the other service centers. The percentages are relatively close across service centers for all the other parts presented in Figure 17.

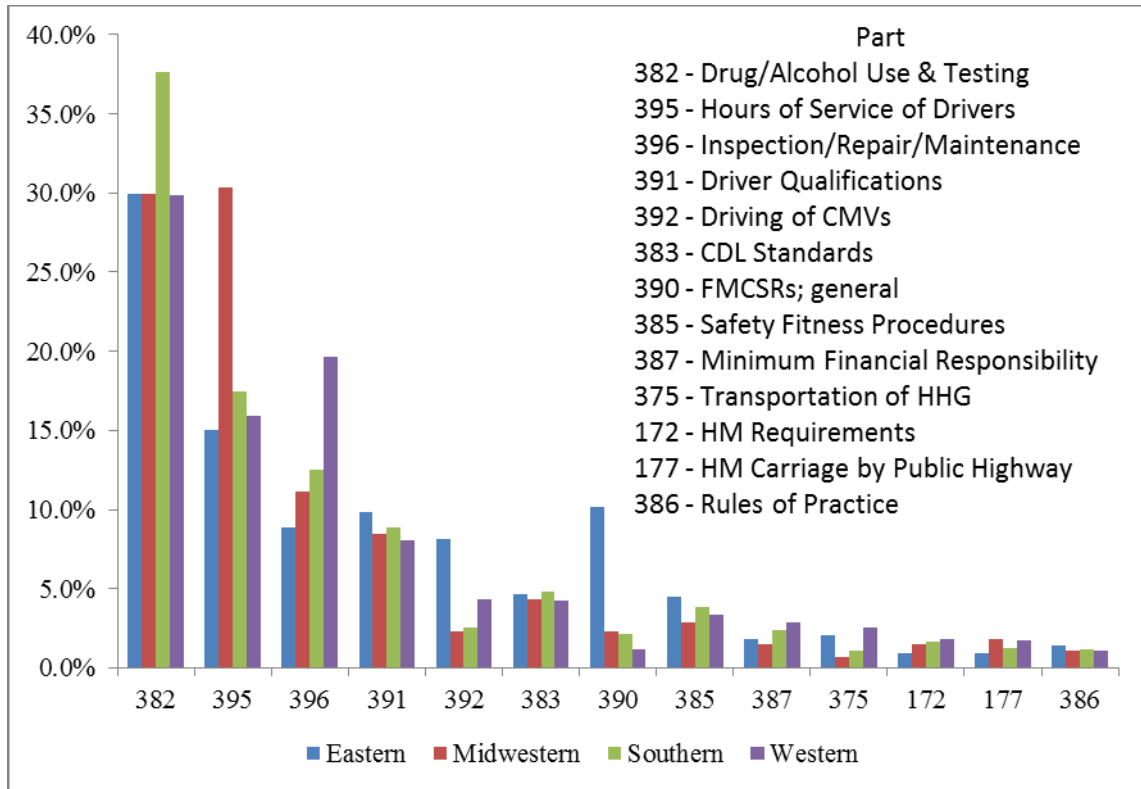


Figure 17. Bar graph. Comparison among service centers of the percentage of NOC violations cited by part, 2010–14.

Source: FMCSA: EMIS, September 5, 2015

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5. STATE-BY-STATE ANALYSIS

The EMIS data contains the safety investigator (SI) code of the FMCSA or State SI initiating the case. Any SI code recorded as “US” indicates the case was initiated by a FMCSA SI. The number of cases resulting in issuance of NOCs that were denoted as “closed with enforcement” between 2010 and 2014 were sorted by State, based on the SI code. The results are presented in Table 7. Because Texas was reassigned from the SSC to the WSC on October 1, 2012, Texas NOCs are split between the two service centers accordingly, based on the date the NOC was served.

Some States have zero NOCs listed as having been initiated by a State SI; however, this coding can be misleading due to the way some States process NOCs. For example, in Alaska, cases initiated by the State are handed over to an FMCSA SI to process and are coded as “US.” For some other States with zero NOCs listed for State SIs, such as California, the State does not process NOCs through FMCSA; instead, they issue State citations and process them through their State system. The breakdown is as follows:

- Nineteen States, as well as the District of Columbia and Puerto Rico, had only FMCSA SI codes. Of these:
 - The WSC had eight States with zero NOCs with State SI codes, including Texas.
 - The ESC had five States, plus the District of Columbia and Puerto Rico, with zero NOCs with State SI codes.
 - The SSC had three States with zero NOCs with State SI codes, which also included Texas.
 - The MSC had three States with zero NOCs with State SI codes.
- Mexico also had four recorded NOCs with a FMCSA SI code.

Based on Table 7, State SIs initiated approximately 11 percent (3,544) of all NOCs during the 5-year period, which accounted for 11 percent (\$17,393,976) of the total claimed amount. However, these percentages varied by service center and State. The MSC had the highest percentage of its NOCs initiated by State SIs (19 percent), accounting for almost 17 percent of the MSC’s claimed amount. However, if the one large claim against a cargo tank facility in Ohio were removed from the FMCSA claimed amount, the State share of total claims would increase to almost 19 percent.

In the SSC, 17 percent of NOCs were initiated by State SIs, accounting for 19 percent of the service center’s claimed amount. In the ESC and WSC, State SIs initiated 4 percent and 5 percent of NOCs, respectively.

In Georgia, State SIs initiated the greatest number of NOCs—652 over the 5-year period—totaling \$2,581,540 in claims. This represented 39 percent of NOCs served in Georgia and 28 percent of the amount claimed. Minnesota had the second highest number of NOCs initiated by State SIs—375 over the 5-year period—which was nearly half (48 percent) of all Minnesota NOCs: the \$1,497,089 in State SI claims accounted for 43 percent of the Minnesota total claimed amount.

Colorado and Wisconsin had the next highest State SI NOC counts, at 278 and 256, respectively, each accounting for 45 percent of their State's total NOCs. Their \$1,277,328 and \$1,371,180 in claims represent 49 and 46 percent of total claims for Colorado and Wisconsin, respectively. Oklahoma was the only other State with more than 200 NOCs initiated by State SIs, with those claims accounting for more than 40 percent of the State's total claims. Oklahoma's \$1,558,875 in claims from NOCs initiated by State SIs was second only to Georgia.

In Hawaii, of the 40 NOCs listed as being initiated by State SIs, two came from American Samoa SIs and three came from Guam SIs.

Table 7. Federal and State NOCs and claims, by State and service center, 2010–14.

Service Center/ State	State NOCs	FMCSA NOCs	State % of NOCs	State Claims	FMCSA Claims	State % of Claims
ESC Total	364	8,500	4.1%	\$1,596,842	\$36,782,986	4.2%
CT	19	539	3.4%	\$35,760	\$1,931,889	1.8%
DC	0	24	0.0%	\$0	\$83,550	0.0%
DE	0	287	0.0%	\$0	\$1,053,595	0.0%
MA	31	571	5.1%	\$137,035	\$2,940,336	4.5%
MD	0	595	0.0%	\$0	\$2,952,263	0.0%
ME	0	428	0.0%	\$0	\$1,557,380	0.0%
NH	0	255	0.0%	\$0	\$1,406,802	0.0%
NJ	150	1,335	10.1%	\$792,115	\$6,786,241	10.5%
NY	11	1,495	0.7%	\$43,426	\$6,220,223	0.7%
PA	0	1,076	0.0%	\$0	\$3,922,018	0.0%
PR	0	29	0.0%	\$0	\$294,318	0.0%
RI	23	190	10.8%	\$122,870	\$900,439	12.0%
VA	64	1,092	5.5%	\$190,460	\$4,365,531	4.2%
VT	15	246	5.7%	\$42,316	\$1,007,559	4.0%
WV	51	338	13.1%	\$232,860	\$1,360,842	14.6%
MSC Total	1,109	4,637	19.3%	\$5,750,409	\$28,682,120	16.7%
IA	75	369	16.9%	\$437,420	\$2,430,791	15.3%
IL	0	418	0.0%	\$0	\$2,782,104	0.0%
IN	137	500	21.5%	\$1,043,369	\$2,675,467	28.1%
KS	52	187	21.8%	\$598,755	\$1,442,872	29.3%
MI	0	471	0.0%	\$0	\$3,138,642	0.0%
MN	375	415	47.5%	\$1,497,089	\$2,000,680	42.8%
MO	191	861	18.2%	\$682,976	\$2,780,254	19.7%
NE	23	577	3.8%	\$119,620	\$3,083,467	3.7%
OH	0	531	0.0%	\$0	\$6,735,770	0.0%
WI	256	308	45.4%	\$1,371,180	\$1,612,073	46.0%
SSC Total	1,576	7,851	16.7%	\$7,525,181	\$31,863,693	19.1%
AL	82	414	16.5%	\$418,800	\$1,815,675	18.7%
AR	28	423	6.2%	\$206,970	\$2,016,014	9.3%
FL	0	973	0.0%	\$0	\$4,072,540	0.0%
GA	652	1,037	38.6%	\$2,581,540	\$4,170,013	38.2%
KY	61	245	19.9%	\$124,550	\$872,994	12.5%
LA	139	223	38.4%	\$880,716	\$1,450,852	37.8%
MS	143	348	29.1%	\$698,428	\$1,602,683	30.4%
MX	0	4	0.0%	\$0	\$11,000	0.0%
NC	127	815	13.5%	\$653,580	\$3,526,559	15.6%
OK	208	443	32.0%	\$1,558,875	\$2,002,085	43.8%
SC	136	395	25.6%	\$401,722	\$1,641,922	19.7%
TN	0	410	0.0%	\$0	\$2,096,154	0.0%
TX	0	2,121	0.0%	\$0	\$6,585,202	0.0%
WSC Total	495	8,870	5.3%	\$2,521,544	\$39,157,658	6.0%
AK	0	47	0.0%	\$0	\$138,410	0.0%
AZ	61	2,127	2.8%	\$169,620	\$6,139,964	2.7%
CA	0	3,145	0.0%	\$0	\$15,123,674	0.0%
CO	278	335	45.4%	\$1,277,328	\$1,315,261	49.3%
HI	40	88	31.3%	\$391,258	\$697,490	35.9%
ID	0	242	0.0%	\$0	\$1,281,853	0.0%
MT	2	277	0.7%	\$8,210	\$1,090,192	0.7%
ND	0	254	0.0%	\$0	\$1,788,797	0.0%
NM	39	296	11.6%	\$218,750	\$1,828,500	10.7%
NV	53	184	22.4%	\$301,316	\$926,578	24.5%
OR	0	188	0.0%	\$0	\$860,238	0.0%
SD	0	114	0.0%	\$0	\$571,784	0.0%
TX	0	1,071	0.0%	\$0	\$3,836,373	0.0%
UT	0	139	0.0%	\$0	\$1,089,590	0.0%
WA	3	279	1.1%	\$33,280	\$1,578,499	2.1%
WY	19	84	18.4%	\$121,782	\$890,455	12.0%
Total	3,544	29,858	10.6%	\$17,393,976	\$136,486,457	11.3%

Source: FMCSA: EMIS, March 27, 2015.

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6. CONCLUSIONS

FMCSA is responsible for ensuring that all truck and bus companies, their drivers and employees, and other entities and drivers regulated by the USDOT fully comply with the Federal Motor Carrier Safety Regulations (FMCSRs). These entities can be subject to FMCSA enforcement action in conjunction with compliance reviews (CRs), complaint investigations, terminal audits, roadside inspections, or other actions. These enforcement cases may result in the issuance of a NOC. The findings in this study are based on data from EMIS, and the cases analyzed are those resulting in the issuance of NOCs denoted as “closed with enforcement” between January 1, 2010, and December 31, 2014. During this timeframe, 33,402 cases were closed with enforcement.

- Freight carriers made up the vast majority of the enforcement cases: 24,603 cases, or 73 percent of the total. Driver enforcement cases made up another 12 percent, and passenger carriers and hazardous materials (HM) carriers each accounted for 4 percent. Of the 33,402 cases reviewed, 78 percent had a CR as the type of intervention, while 19 percent were cases resulting from roadside inspections. Special investigations accounted for another 3 percent of the cases.
- The total amount claimed over the 5-year period was \$153,880,433, and the total settled amount was \$151,465,179, giving a settled-to-claimed ratio of 98.4 percent. This suggests that the vast majority of claims are settled for the original claimed amount; in fact, in 32,858 of the 33,402 total NOCs (also 98.4 percent) the settled amount equaled the claimed amount. About 22 percent (7,299) of the 33,402 enforcement cases involved a suspension of a portion of the claim. For the cases with a suspension, the total settlement amount was \$57,578,832, and the total amount suspended was \$21,717,023; thus, 37.7 percent of the settlement amount was invested in safety-related technologies and programs.
- Based on cases closed between 2010 and 2014, the mean or average time between the completion of the investigation and the serving of the NOC was 25 days. However, this average was influenced by some cases that took an inordinate amount of time. There were 56 cases that took more than a year before the NOC was served. Therefore, the median of 15 days is likely more representative of the time it takes to get from an investigation being completed to an NOC being served.
- During this 5-year period, the mean or average time between an NOC being served and a closing of the case with enforcement was 174 days. This average, too, was influenced by cases with inordinately lengthy times. The median time from NOC served to case closed was 77 days, and the most often reported amount of time was 66 days. These latter two values are more representative of the typical time it would take.
- For enforcement cases closed between 2010 and 2014, there were 52,551 violations cited in the investigations. The most frequently cited violations were for Part 382, which involves drug and alcohol use and testing; there were 16,821 such violations, or nearly one-third of the total number of violations. The second most frequently cited violations were for Part 395, which involves hours of service (HOS) of drivers. There were 9,672

such violations, accounting for more than 18 percent of all violations. The next most frequently cited violations were for Part 396, which involves inspection, repair, and maintenance of vehicles. There were 6,954 violations of Part 396, or about 13 percent of the total. Part 391, driver qualifications, follows on the list of most frequently cited violations. There were 4,640 driver qualifications-related violations, accounting for about 9 percent of the total. The remaining roughly one-quarter of the violations are spread out over various parts.

- The number of cases closed with enforcement remained relatively stable at slightly more than 7,000 for the first 3 years of the analysis, but then declined to about 6,500 in 2013 and 5,700 in 2014. However, the amount claimed each year shows a different pattern. The largest claimed amount was \$38,758,107 in 2014, the year with the fewest enforcement cases. The smallest amount claimed was \$24,158,967 in 2011, a year with more than 7,000 cases.
- The data were additionally analyzed by the service center processing the NOC to determine potential similarities and differences among them. For NOCs denoted as “closed with enforcement” between January 1, 2010, and December 31, 2014, the Eastern Service Center (ESC) processed 8,864 enforcement cases, the Midwestern Service Center (MSC) 5,745 cases, the Southern Service Center (SSC) 9,427 cases, and the Western Service Center (WSC) 9,365 cases. The ESC, MSC, and WSC showed a general decline in the number of enforcement cases processed over the 5-year period, with each having their lowest number of cases in 2014. However, the WSC case count remained fairly stable over the period.
- Over the 5-year period, the WSC had the highest total amount claimed from enforcement cases—almost \$42 million. The SSC and ESC each had about \$39 million in claims, and the MSC had the smallest amount—almost \$31 million.
- State safety investigators (SIs) initiated approximately 11 percent (3,544) of all NOCs during the 5-year period, which accounted for 11 percent (\$17,393,976) of the total claimed amount. However, these percentages varied by service center and State. The MSC had the highest percentage of its NOCs initiated by State SIs—19 percent. The SSC had 17 percent of its NOCs initiated by State SIs, and the ESC and WSC had lower percentages of their NOCs initiated by State SIs—4 percent and 5 percent, respectively.