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**WHITE PAPER**  
**Idiosyncratic Practices of State Enforcement  
Agencies by Region**

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# **Idiosyncratic Practices of State Enforcement Agencies by Region**

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## Introduction

In 2010, the Federal Motor Carrier Safety Administration (FMCSA) promulgated what is now called the Compliance, Safety, and Accountability (CSA) program<sup>1</sup> in order to help the Agency fulfill its mission statement to reduce crashes, injuries, and fatalities involving large trucks and buses. The CSA program was undertaken to incorporate a comprehensive measurement system called the Safety Measurement System (SMS), an intervention process designed to correct safety problems, and a safety fitness determination methodology based on performance data. A number of concerns have been voiced however concerning CSA, one of which is the lack of uniformity across the different states and local governments.

In a 2015 study concerning the training of new entrant motor carriers, FMCSA stated that “it seems evident that some portion of the differences in safety performance among the States is due to the fact that different States emphasize different aspects of enforcing the FMCSRs. It is also reported that States vary in how they interpret the FMCSRs, which can contribute to emphasizing the differences.”<sup>2</sup> Although the Agency appears to recognize the disparity in enforcement between the states, it has continued to utilize the data to evaluate the safety performance of motor carriers. Without taking these geographic anomalies into account however the Agency cannot accurately or effectively utilize CSA to fulfill its mission.

In order to demonstrate this lack of uniformity and thereby illustrate the inaccuracy of the data, the Owner-Operator Independent Drivers Association (OOIDA) Foundation (OOFI) examined the publically available Motor Carrier Management Information Systems (MCMIS) database for calendar year 2014 as presented in the Agency’s Analysis and Information website for Roadside Inspections.<sup>3</sup> Utilizing the MCMIS database, OOFI developed four hypothetical trips which show that “inspection records are not likely to be reflective of the traffic volume of the nationwide carrier fleet, or the geographic location of firms, but instead the idiosyncratic practices of state enforcement agencies.”<sup>4</sup>

By taking a hypothetical load of freight through adjacent states in four separate regions of the country, OOFI will exhibit that violations are more likely to occur not because the equipment or the drivers are different, but because the enforcement practices vary within each state. Although the same federal regulations are enforced across the states, there are sharp differences in violations and out-of-service (OOS) rates. This lack of uniform enforcement makes the scoring of motor carriers through FMCSA’s CSA program artificial, while also rendering the present methodology for determining percentile rankings among event groups untenable.

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<sup>1</sup> The CSA program was originally named the Compliance Safety Analysis 2010

<sup>2</sup> David Goettee et al., *Overview of Federal Motor Carrier Safety Administration Safety Training Research for New Entrant Motor Carriers*, FMCSA (2015) pg. 171.

<sup>3</sup> <https://ai.fmcsa.dot.gov/SafetyProgram/RoadsideInspections.aspx>

<sup>4</sup> Gimpel, James, University of Maryland; *Continuing Issues in the Carrier Safety Measurement System (CSMS) of the FMCSA: The Perspective of Small Carriers*, March 2013.

Throughout the theoretical trips OOFI focused primarily on driver and vehicle OOS rates as OOS violations carry higher severity ratings which have a greater effect on motor carriers' CSA percentile scores. It is also important to note while examining these hypothetical trips that the national OOS rates for drivers and vehicles was 5.44% and 21.52% in 2014, respectively.

### **Hypothetical Trip One (the South East)**

Interstate Highway 95, which runs along the entire east coast of the United States from Florida to Maine, is one of the busiest highways within the U.S. It is also a major freight corridor for many motor carriers. According to the Federal Highway Administration's (FHWA) annual average daily truck traffic (AADTT) count, I-95 currently carries over 8,500 trucks per day.

After picking up and securing a load in Miami, Florida which is destined for Hampton Roads, Virginia, the driver of our first trip begins to travel north on I-95. From OOFI's analysis, it is evident that the driver is more likely to receive an inspection in Florida than in any other state on the East Coast, as Florida accrued 120,715 driver inspections in 2014 with an OOS rate of 6%, therefore a driver operating in Florida has a 10.3% greater chance of being placed OOS than the national average. The driver's truck is also more likely to receive an inspection in Florida as the state had 67,194 vehicle inspections with an OOS rate of 21.61%.

Continuing north on I-95, the driver enters Georgia where the number of driver inspections are far less than Florida (69,427), but the OOS rate is 17.3% higher than the national average. Whereas the vehicle inspections are far less than the driver inspections at 38,654 and the OOS rate is 4.2% below the national average. When the driver travels into South Carolina, they will experience a 61% higher chance for receiving an OOS driver violation and a 77% greater chance of having a vehicle OOS violation than the national averages.

Although our driver is more likely to be inspected when he or she crosses into North Carolina, as the state has more driver inspections than either Georgia or South Carolina, the state's OOS percentage for drivers is 21% below the national average and their vehicle OOS rate is 16.1% below. Thus if the driver manages to get through Florida, Georgia, and South Carolina without an OOS order, than he or she has a greater likelihood of traveling through North Carolina without an OOS violation as well.

Before the driver delivers the load to its final destination, he or she will need to travel through the state of Virginia where the OOS rate for drivers is 17.8% higher than the national average and the vehicle OOS rate is 50.1% higher. Ultimately, the driver exits I-95 and makes their delivery at Hampton Roads. The trip through the South East demonstrates the large disparity in the frequency of both inspections and OOS orders between the states even though they are located within the same geographical region. With such variances, it is difficult for the driver to understand what is required of him or her in order to be compliant with the regulations, as each state administers the rules differently.

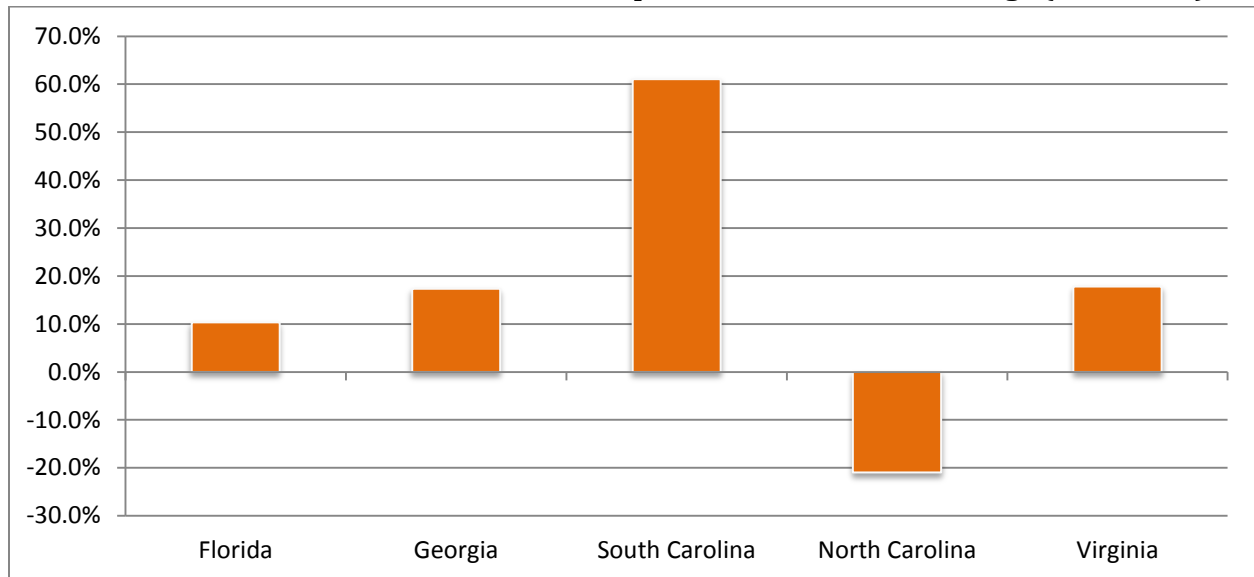
**Table 1: Vehicle Miles Traveled per Inspection in the South East**

State	VMT per Driver Inspection	VMT per Vehicle Inspection
Florida	1,596,338	2,867,845
Georgia	1,575,108	2,829,073
South Carolina	1,040,705	1,983,962
North Carolina	1,407,551	1,706,258
Virginia	2,630,590	3,626,880
<b>National</b>	<b>1,028,286</b>	<b>1,516,830</b>

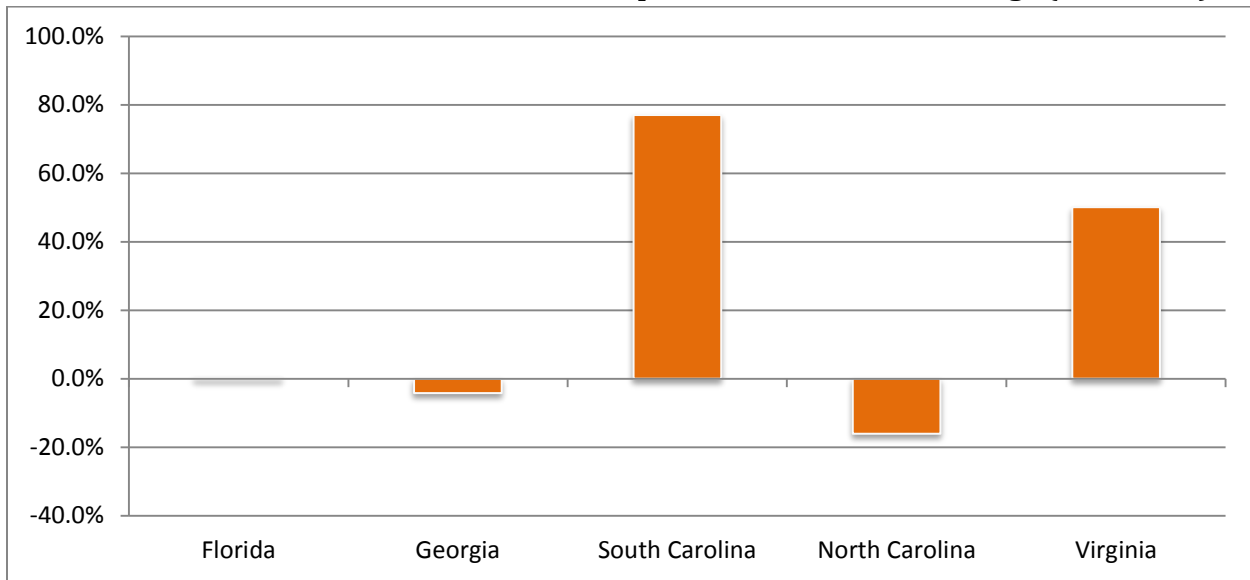
**Table 2: Inspections and OOS Violations per Million Ton-Miles<sup>5</sup> in the South East**

State	Driver Violations per Million Ton-Miles		Vehicle Violations per Million Ton-Miles	
	Inspections	OOS Viol	Inspections	OOS Viol
Florida	1.96	0.12	1.09	0.24
Georgia	1.11	0.07	0.62	0.13
South Carolina	1.77	0.86	0.93	0.36
North Carolina	1.76	0.41	1.36	0.25
Virginia	1.02	0.07	0.74	0.24
<b>National</b>	<b>0.98</b>	<b>0.05</b>	<b>0.66</b>	<b>0.14</b>

**Chart 1: Difference in Driver OOS Rate compared to the National Average (South East)**



<sup>5</sup> A ton-mile is one ton of freight carried one mile as a unit of traffic

**Chart 2: Difference in Vehicle OOS Rate compared to the National Average (South East)**

### Hypothetical Trip Two (the North East)

After the driver's delivery at Hampton Roads, he or she picks up another load heading to Portland, Maine and thus gets on I-95 once again traveling north toward Washington D.C. where the driver is less likely to incur an OOS violation than in the South, as D.C. has a 53.3% lower OOS rate for drivers than the national average. The vehicle OOS rate is also lower in D.C at 17.3% below the national average.

Driving along I-95 into Maryland, the driver will face a driver OOS rate that is 18% higher than the national average while experiencing a 7.3% lower OOS rate for vehicles. Nevertheless, both the driver and the vehicle have a greater likelihood of being inspected as Maryland conducted 107,531 driver inspections and 94,277 vehicle inspections in 2014. Continuing on into Delaware, the driver will experience the same OOS rate for both drivers and vehicles as in Maryland, however, the inspections are not near as frequent.

As far as OOS violations are concerned, New Jersey will provide some relief for the driver, as the both the driver and vehicle OOS rates are below the national average by 20.2% and 9.3% respectively. The lower OOS rates will continue for the driver as he or she travels into Pennsylvania where the state places drivers OOS 7.5% lower than the national average and vehicles 3.1% below.

The driver will however once again experience higher OOS rates in both New York and Connecticut where driver OOS rates are 11.4% and 66.5% higher respectively and vehicle OOS rates are 18.5% and 71.4% higher. The driver will experience some relief in driver OOS rates while traveling through Rhode Island, but will witness a higher driver OOS rate in Massachusetts. In the final leg of the driver's trip up the I-95 corridor, he or she will experience higher than normal vehicle OOS rates in Rhode Island, Massachusetts, New Hampshire, and Maine. The trip in the North East demonstrates that while some states have fewer inspections, such as Rhode Island, Massachusetts, and Maine, their OOS orders tend

to be higher than the national average.

**Table 3: Vehicle Miles Traveled per Inspection in the North East**

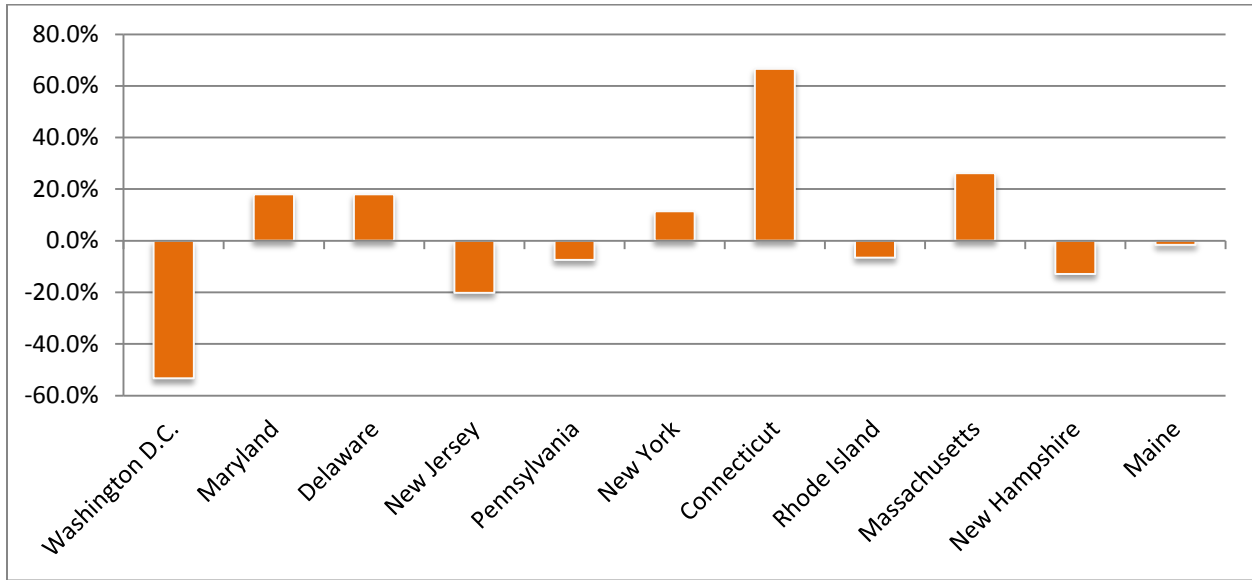
State	VMT per Driver Inspection	VMT per Vehicle Inspection
Washington D.C.	799,955	2,340,411
Maryland	527,178	601,292
Delaware	1,349,181	1,827,607
New Jersey	4,131,484	1,413,018
Pennsylvania	2,547,412	1,647,646
New York	2,844,997	1,394,425
Connecticut	1,734,694	1,498,565
Rhode Island	2,004,728	1,521,076
Massachusetts	4,308,416	5,880,430
New Hampshire	2,518,742	1,269,109
Maine	4,208,779	1,536,080
<b>National</b>	<b>1,028,286</b>	<b>1,516,830</b>

**Table 4: Inspections and OOS Violations per Million Ton-Miles in the North East**

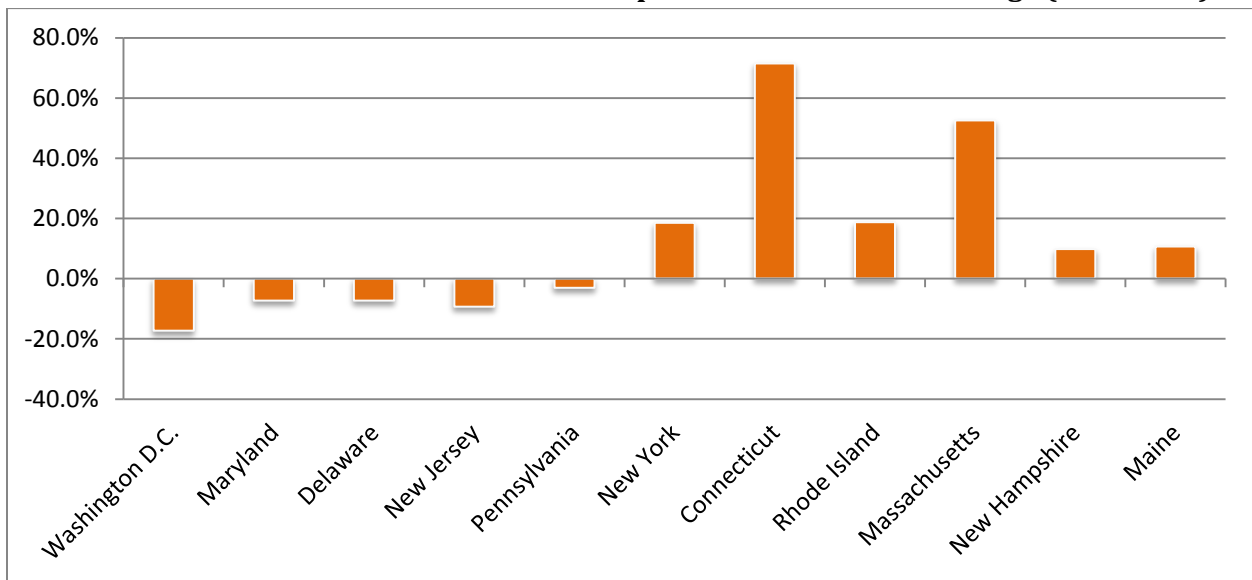
State	Driver Violations per Million Ton-Miles		Vehicle Violations per Million Ton-Miles	
	Inspections	OOS Viol	Inspections	OOS Viol
Washington D.C.				
Maryland	8.93	0.57	7.83	1.56
Delaware	2.17	0.12	1.64	0.23
New Jersey	0.77	0.03	0.57	0.11
Pennsylvania	1.41	0.07	0.92	0.19
New York	1.92	0.12	1.46	0.37
Connecticut	0.58	0.05	0.40	0.15
Rhode Island	1.76	0.09	1.25	0.32
Massachusetts	0.97	0.07	0.71	0.23
New Hampshire	3.08	0.15	2.15	0.51
Maine	1.42	0.08	0.94	0.22
<b>National</b>	<b>0.98</b>	<b>0.05</b>	<b>0.66</b>	<b>0.14</b>



**Chart 3: Difference in Driver OOS Rate compared to the National Average (North East)**



**Chart 4: Difference in Vehicle OOS Rate compared to the National Average (North East)**



**Hypothetical Trip Three (the Midwest)**

One of the most important freight arteries in the United States is found in the Midwest region, as I-35, which runs from Laredo, Texas to Duluth, Minnesota, carries more than 8,500 trucks per day according to FHWA’s AADTT. In fact, over 25% of the traffic on I-35 is large trucks. For the third trip, our driver picks up a load in Laredo which is destined for Minnesota, and as such he or she travels north along I-35.

Beginning in Texas, the driver will have a greater likelihood of receiving both a driver and a vehicle inspection than in any state in the North East or South East regions. In addition, the driver will very well receive more scrutiny on their log books as 26% of all driver violations in Texas are form and manner.

The most unusual violation which is likely to be cited in the state is code of federal regulations (CFR) 393.78 – *windshield wipers inoperative/defective* as it was cited for 28,874 violations in 28,020 inspections.

As the driver voyages north into Oklahoma, the driver must be acutely aware of the speed limit as the number one cited driver violation was CFR 392.2SLLS2 – *state/local laws speeding 6-10 miles per hour over the speed limit*, which represented 27% of the non-OOS driver violations. Driver OOS rates in Oklahoma are 11.2% below the national average, while vehicle OOS rates are 6.9% higher.

In Kansas, the driver is more likely to experience a driver inspection than a vehicle inspection as 65% of all inspections are driver inspections. The driver OOS rate however is 5.7% lower than the national average, while the state’s vehicle OOS rate is 31.1% lower. Considering all of the Midwest states, Kansas has the most frequent inspections per vehicle miles traveled.

Looping east out of Kansas on I-35, the driver enters Missouri where there were 30,904 more driver inspections performed compared to vehicle inspections in 2014. The driver inspections lead to an OOS rate that is 26.3% higher than the national average, while the vehicle inspections incurred an OOS rate that is 52.2% higher. Moreover, the driver needs to be concerned with their hours-of-service compliance while traveling through Missouri.

Continuing the trip, the driver will turn north on I-35 toward Iowa where a higher prevalence of driver inspections over vehicle inspections continues. While the number of inspections will drop off in Minnesota, the driver and vehicle OOS rates for both Iowa and Minnesota are considerable higher than the national average at 62.3% and 38.8% for drivers and 17.7% and 16.5% for vehicles. In Minnesota, the driver is more likely to be cited for 393.95A – *no/discharged/unsecured fire extinguisher* than any other violation. When accounting for all states, the Midwest had more driver and vehicle inspections than any other region, while also including some of the largest OOS enforcement discrepancies.

**Table 5: Vehicle Miles Traveled per Inspection in the Midwest**

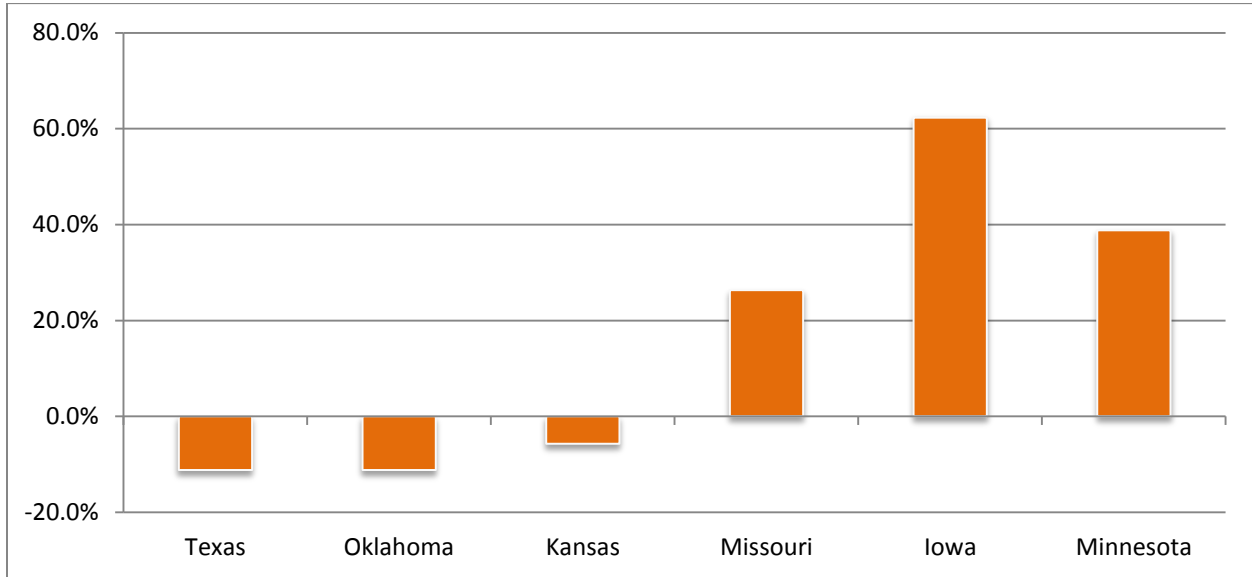
State	VMT per Driver Inspection	VMT per Vehicle Inspection
Texas	808,978	870,667
Oklahoma	1,794,154	2,708,594
Kansas	556,819	969,168
Missouri	808,582	1,262,942
Iowa	573,997	1,039,147
Minnesota	2,271,238	3,144,608
<b>National</b>	<b>1,028,286</b>	<b>1,516,830</b>

**Table 6: Inspections and OOS Violations per Million Ton-Miles in the Midwest**

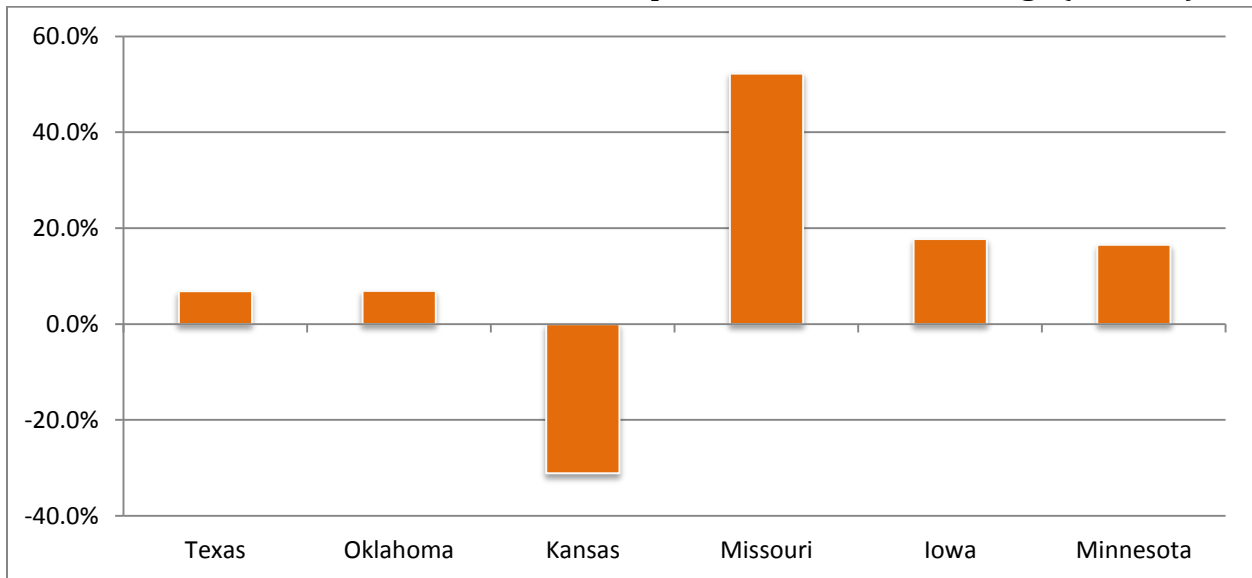
State	Driver Violations per Million Ton-Miles		Vehicle Violations per Million Ton-Miles	
	Inspections	OOS Viol	Inspections	OOS Viol
Texas	1.19	0.06	1.12	0.26

Oklahoma	0.53	0.04	0.34	0.07
Kansas	0.77	0.04	0.44	0.07
Missouri	1.80	0.12	1.15	0.37
Iowa	0.65	0.06	0.36	0.09
Minnesota	0.25	0.02	0.18	0.04
<b>National</b>	<b>0.98</b>	<b>0.05</b>	<b>0.66</b>	<b>0.14</b>

**Chart 5: Difference in Driver OOS Rate compared to the National Average (Midwest)**



**Chart 6: Difference in Vehicle OOS Rate compared to the National Average (Midwest)**



## Hypothetical Trip Four (the West)

In the West region of the United States, I-5 is a major freight corridor which runs north and south from San Diego, California to Bellingham, Washington near the Canadian border. While I-5 only runs through three states, it is comprised of a considerable amount of mileage, much of which can be attributed to California where many truck drivers do not like to operate simply because of the environmental regulations. Nevertheless, in the fourth hypothetical trip, our driver picks up a load in California destined for Washington State.

Although California has a very high number of inspections, both for drivers and vehicles, they have an unusually low OOS rate, which is 70% below the national average for drivers and 25% lower for vehicles. The driver is more likely to be cited for CFR 392.2H – *state/local hours of service* violation than any other, as this violation accounts for 20% of all violations in California.

Continuing north on I-95, the driver enters Oregon where he or she will experience a drastic difference in the level of scrutiny and OOS orders. In Oregon, the driver OOS rate is 142% greater than the national average and the vehicle OOS rate is 51.4% greater. In almost 30% of all driver violations, the driver is cited for CFR 395.8E – *false report of drivers record of duty status* and in fact, nearly 70% of all driver violations are related to the hours-of-service. The driver needs to be extremely cautious and watchful of their hours-of-service limits while traveling through Oregon.

Finally, the driver will complete the trip by traveling through Washington State where he or she will have less of a chance to being placed OOS than Oregon. The OOS rate for drivers in Washington is 11.2% below the national average, while the vehicle OOS rate is 10.6% above. The driver will need to be especially vigilant to wear their seat belt as Washington cites 392.16 – *failing to wear a seatbelt while operating a commercial motor vehicle* in 11.9% of all violations. Additionally, Washington was the only state in the West that has 393.95A – *no/discharged/unsecured fire extinguisher* as the primary non-OOS vehicle violation.

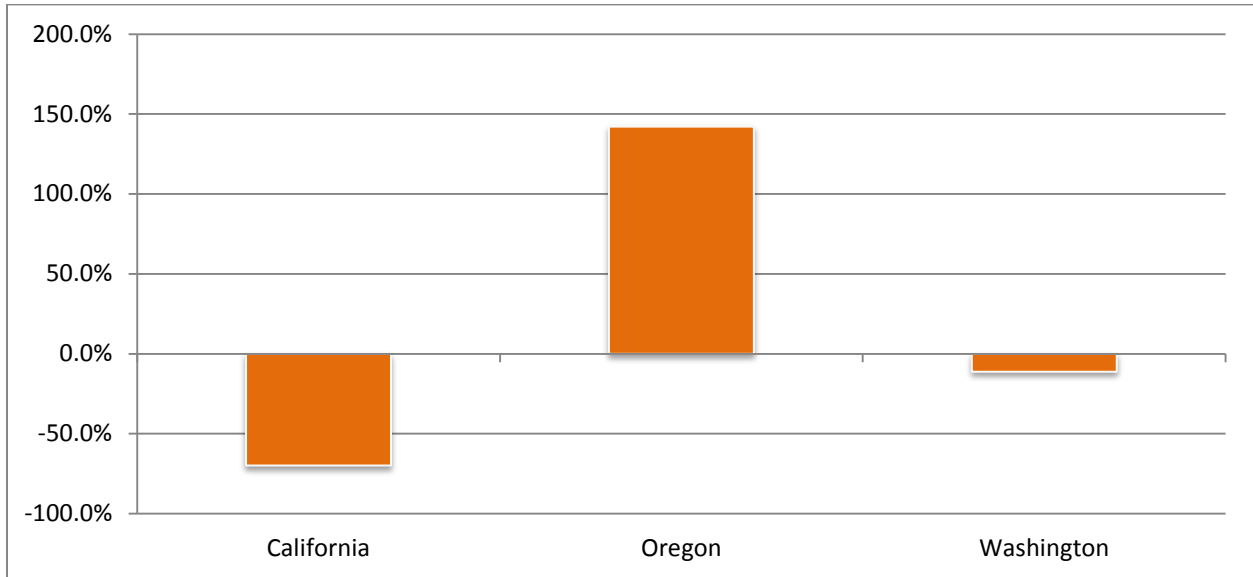
**Table 7: Vehicle Miles Traveled per Inspection in the West**

State	VMT per Driver Inspection	VMT per Vehicle Inspection
California	715,546	376,295
Oregon	673,985	1,018,585
Washington	734,227	1,439,307
<b>National</b>	<b>1,028,286</b>	<b>1,516,830</b>

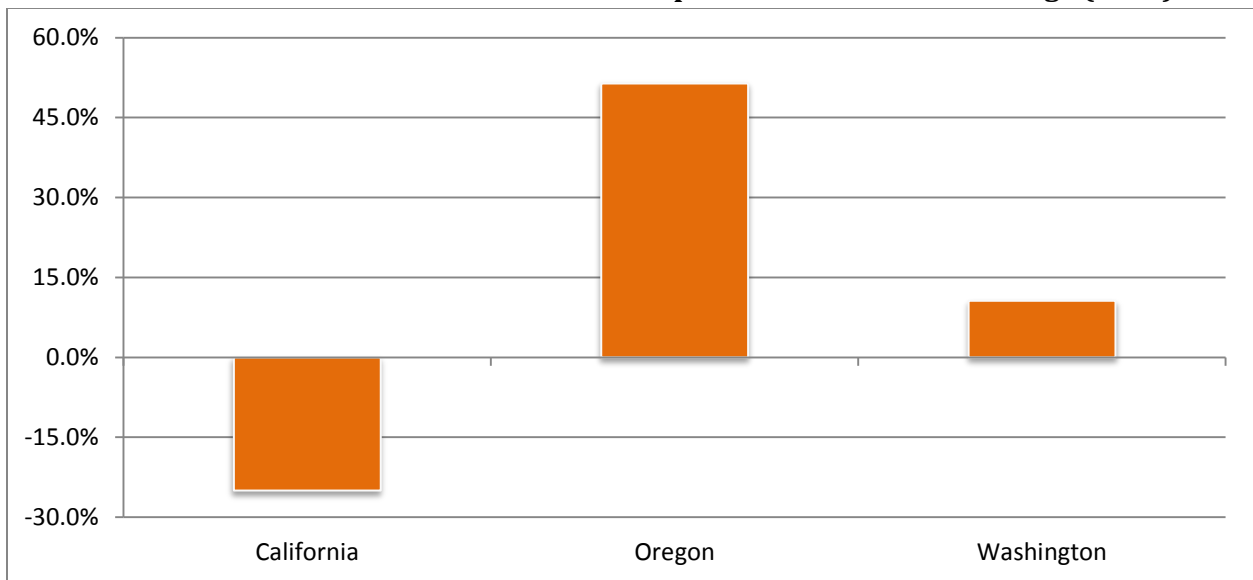
**Table 8: Inspections and OOS Violations per Million Ton-Miles in the West**

State	Driver Violations per Million Ton-Miles		Vehicle Violations per Million Ton-Miles	
	Inspections	OOS Viol	Inspections	OOS Viol
California	2.69	0.04	2.20	0.35
Oregon	1.56	0.21	1.03	0.34
Washington	1.67	0.08	0.85	0.20
<b>National</b>	<b>0.98</b>	<b>0.05</b>	<b>0.66</b>	<b>0.14</b>

**Chart 7: Difference in Driver OOS Rate compared to the National Average (West)**



**Chart 8: Difference in Vehicle OOS Rate compared to the National Average (West)**



## Conclusion

It is vitally essential when making regulations which could potentially affect the livelihood of thousands of truckers, especially small business owners, that the information and data which is gathered is truly representative of that motor carrier and/or driver. The trucking industry in the United States is a highly diverse industry which operates in every city, county, province and state, and is highly regulated by a number of different agencies at all levels of government and enforcement. Each of these Federal, state, and local agencies have their own agenda concerning what is important within their jurisdiction and while they receive Motor Carrier Safety Assistance Program funding, and agree to uphold the intent of the Federal Motor Carrier Safety Regulations in a consistent and uniform manner, the reality is that those state and local enforcement agencies will follow the dictates of their own priorities. “It is also reported that States vary in how they interpret the FMCSRs, which can contribute to emphasizing the differences.<sup>6</sup>”

Dr. James Gimpel of the University of Maryland stated it best when analyzing the violations and subsequent CSA scores from each state, “Inspection records are not likely to be reflective of the traffic volume of the nationwide carrier fleet, or the geographic location of firms, but instead the idiosyncratic practices of state enforcement agencies.”

The four trips presented in this analysis are not abnormalities, but are the everyday reality of truck drivers and motor carriers delivering in all 48 contiguous states with 48 different enforcement agencies and 48 distinct priorities for their respective jurisdictions. Until there is uniformity within both the inspection process and the reporting program that holds carriers and/or drivers to a single standard, the data which is presently available is unreliable.

Both the CSA scores and the data which is utilized to determine those scores have been highly criticized by a number of respected associations, organizations, Federal agencies, and professional scientists. Thus it is inappropriate to continue to move forward with circumspect data in making decisions about a person’s career and their business success or failure. FMCSA has devoted a number of years to the CSA program and has continuously “tweaked” the program. OOFI strongly believes that if the program needs to be “tweaked” so frequently, then the very core of the CSA program must be examined. Attempts to advance any program which places professional truck drivers and small business owners at risk of financial ruin should not require “tweaks” after six years of implementation.

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<sup>6</sup> *Overview of Federal Motor Carrier Safety Administration*, pg. 171.

## Appendix A: Vehicle Miles Traveled per Inspection by Region

State	VMT per Driver Inspection	VMT per Vehicle Inspection
South Region	1,135,403	1,706,641
North East Region	1,534,871	2,183,065
Midwest Region	1,064,838	1,608,642
West Region	723,642	1,034,751
<b>National</b>	<b>1,028,286</b>	<b>1,516,830</b>

## Appendix B: Inspections and OOS Violations per Million Ton-miles by Region

State	Driver Violations per Million Ton-Miles		Vehicle Violations per Million Ton-Miles	
	Inspections	OOS Viol	Inspections	OOS Viol
South Region	3.42	0.20	2.28	0.49
North East Region	1.25	0.07	0.88	0.21
Midwest Region	1.57	0.09	1.04	0.24
West Region	3.55	0.17	2.48	0.46
<b>National</b>	<b>0.98</b>	<b>0.05</b>	<b>0.66</b>	<b>0.14</b>



## Appendix C: The States' Driver and Vehicle Out-of-Service Rates compared to the National Average

State	Driver OOS Rate	Vehicle OOS Rate	State - National Percent Difference	
			Driver	Vehicle
Florida	6.0%	21.6%	10.3%	0.4%
Georgia	6.4%	20.6%	17.3%	-4.2%
South Carolina	8.7%	38.2%	61.0%	77.0%
North Carolina	4.3%	18.1%	-21.0%	-16.1%
Virginia	6.4%	32.3%	17.8%	50.1%
Washington D.C.	2.5%	17.8%	-53.3%	-17.3%
Maryland	6.4%	19.9%	18.0%	-7.3%
Delaware	5.4%	13.8%	18.0%	-7.3%
New Jersey	4.3%	19.5%	-20.2%	-9.3%
Pennsylvania	5.0%	20.9%	-7.5%	-3.1%
New York	6.1%	25.5%	11.4%	18.5%
Connecticut	9.1%	36.9%	66.5%	71.4%
Rhode Island	5.1%	25.6%	-6.6%	18.7%
Massachusetts	6.9%	32.8%	26.1%	52.5%
New Hampshire	4.7%	23.6%	-12.9%	9.8%
Maine	5.4%	23.8%	-1.6%	10.7%
Texas	4.8%	23.0%	-11.2%	6.9%
Oklahoma	6.6%	19.6%	-11.2%	6.9%
Kansas	5.1%	14.8%	-5.7%	-31.1%
Missouri	6.9%	32.5%	26.3%	52.2%
Iowa	8.8%	25.3%	62.3%	17.7%
Minnesota	7.6%	25.1%	38.8%	16.5%
California	1.6%	16.1%	-70.0%	-25.0%
Oregon	13.17	32.59	142%	51.4%
Washington	4.8%	23.8%	-11.2%	10.6%
South Region	5.9%	21.6%	8.5%	0.4%
North East Region	5.7%	24.0%	4.8%	11.5%
Midwest Region	5.8%	23.5%	6.6%	9.2%
West	4.7%	18.7%	-13.6%	-13.1%