Cracks in the system

When a dispatcher or other supply chain representative "threatens to withhold work from" or punishes "a driver for refusing to operate in violation" of safety regulations, it can constitute coercion, according to law.

Blowing the whistle on coercion

In the nearly four years since FMCSA's driver protection rule took effect, results have been indirect at best, minimal at worst, when drivers report they've been pressured to violate regs. **BY TODD DILLS**

There have been 2,636 driver complaints alleging coercion or harassment to ignore trucking regulations in the almost four years since a coercion rule went into effect, yet only four cases citing the coercion statute have been closed by the Federal Motor Carrier Safety Administration.

"It's like they passed a law, but nobody does anything to enforce it," says Lewie Pugh, executive vice president for the Owner-Operator Independent Drivers Association.

The four cases cited 49 CFR

390.6 in the Federal Motor Carrier Safety Regulations, which prohibits coercion. That's defined elsewhere as having occurred when the entity "threatens to withhold work from, take employment action against, or punish a driver for refusing to operate in violation." The definition also says: "Coercion may be found to have taken place even if a violation has not occurred."

No closed cases since 2016 showed violations of 49 CFR 390.36, which prohibits harassment.

FMCSA says there's a good reason for the absence of coercion citations in closed cases. If a carrier, shipper/receiver, broker or freight forwarder is audited after a coercion complaint, it usually doesn't result in a violation of the coercion rule itself, partly because it's often difficult to provide adequate evidence of intent.

However, "If we couldn't prove coercion or harassment, we could prove underlying violations," says FMCSA Enforcement Division Chief Bill Mahorney.

Overdrive reviewed the more than 18,000 overall cases closed by FMCSA since the coercion rule went into place in January 2016. Of those, the agency says approximately 150 enforcement cases – meaning fines were levied for violations – resulted from coercion or harassment complaints. Those include the four that actually charge a coercion violation.

Of the approximately 2,636 driver complaints the agency has collected alleging coercion or harassment, since about 150 concluded with some kind of enforcement, the remaining 2,500 complaints were found lacking sufficient evidence or were not pursued to an enforcement result for other reasons.

Violation of the coercion and harassment rules, and many other regulations, is punishable by a civil penalty of up to $10,000 per incident — a decent-sized stick to the smallest carriers, but mere pennies for the largest of fleets unless there are dozens of violations. Nonetheless, it's the principal means by which FMCSA and states can punish a company for coercing or harassing drivers.

Two of the four closed cases citing coercion were during fiscal year 2017 (October 2016 through September 2017), two during fiscal 2018. Two cases were against the same carrier, found to have reincarnated under a different name. None were found in the fiscal year that ended in September.

Even with FMCSA's defense that coercion complaints yield other violations, critics of the rule still see shortcomings.

One is that blowing the whistle, even when action is taken against a carrier or other business, doesn't benefit a driver other than the hope that a penalty, or at least an intrusive investigation, will discourage further coercion. That's little compensation for giving time to the process and risking career disruption.

"The rule's a joke," says attorney Paul Taylor, whose Truckers Justice Center represents truckers. Most whistleblowers are likely to "continue to get coerced," he believes, unless financial penalties for underlying violations found are such that they truly do move a business toward better behavior.

The irony of e-logging and coercion

Coercion complaints filed with FMCSA have gone up every year since the rule prohibiting coercion took effect in January 2016, more than doubling by the third year. That's in spite of another rule taking effect in that third year, 2018, that seemingly would have put the brakes on coercion and greatly reduced driver complaints about it.

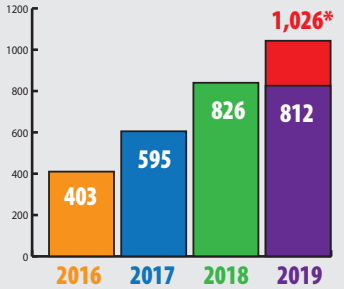
2018 was the first full year where most of the industry operated under the ELD mandate that went into effect Dec. 18, 2017. The new technology presumably eliminated traditional opportunities to cheat on logs by doctoring paper log books, whether coerced by a dispatcher or initiated by a driver eager for more miles and pay. Yet as the chart shows, complaints rose considerably in 2018 and are on track to top 1,000 in 2019.

One explanation for the trend could be growing driver awareness and use of the coercion rule. The increase in complaints from 2016 to 2017, with virtually no impact from the ELD mandate, would support that rationale.

Another explanation, at least for 2018 and 2019, could be that the new logging rigor imposed by ELD use prompted many carriers to coerce hours of service cheating in new ways, such as turning off the ELD or improper logging of on-duty driving as personal conveyance.

FMCSA declined to speculate on causes for the steady, sizeable increases in coercion complaints.

Coercion complaints



Source: FMCSA

*** 2019 complaints totaled 812 through mid-October. At that rate, the year's total would be 1,026.**

Though the Owner-Operator Independent Drivers Association offers members assistance in filing a coercion complaint, Pugh says, "We've never seen any of our members' complaints be acted upon" in a meaningful way.

The four enforcement cases that cited the coercion rule also included other violations. Civil penalty totals ranged from almost $6,000 charged to a 14-truck fleet to more than $80,000 to a fleet of 40 trucks that was shut down as an imminent hazard after reincarnating under a different name.

Another shortcoming seen by some in the rule is that it doesn't ensure there will be no retribution against the complainant. Instead, drivers are left with the option of seeking protections offered under the Surface Transportation Assistance Act, in place since 1982. It protects drivers from retribution for refusal to violate a regulation.

Such wrongful-termination cases can result in reinstatement of employment or reversal of the punitive action if affirmed by the Occupational Health and Safety Administration. Also, they can be taken to court if denied for potential monetary damages related to a firing or other action.

Ideally, "If you air the dirty laundry, somebody should clean it" in-house, says independent owner-operator Vince Crisanti. But too often, pointing to problems inside a company simply isn't enough to improve a driver's situation.

"Say you live in rural Alabama, and there's a carrier there with a contract to ship from the local place making furniture," Crisanti says. "Are you going to turn them in [if] they're the only employer in your area?"

Given the real risk of retaliation by an employer or lessor, the coercion rule is "something of a joke," he says. "The turnover rate is so high for drivers in the trucking industry — you know there's another person right behind you."

James Jaillet

Via OverdriveOnline.com/OverdriveRadio, hear audio from FMCSA's listening session at the Great American Trucking Show in August. OOIDA Executive Vice President Lewie Pugh (pictured) urged FMCSA at GATS to follow up on drivers' coercion complaints to help counter a widespread objection to the hours of service proposal. That's the common driver worry that if the proposed off-duty pause of up to three hours is put in place, "you're setting yourself up" for a logistics chain party to force a driver off-duty at the docks when he might not truly be, Pugh said in a later interview.

Yet another of the rule's shortcomings, as seen by some, is that there is no provision for monetary award to a whistleblower in a successful filing without taking an STAA case to court. Success there requires strong evidence of punitive retaliatory action.

"I get coercion calls every day," says Taylor, whose law practice is built largely on such cases. One common problem is "drivers getting coerced to go 300 to 400 miles on personal conveyance." That abuses the intended purpose of PC to allow short moves – such as to find parking after running out of hours at a receiver – to occur off-duty. Other cases involve "drivers coerced to go on paper" logs while turning off an electronic logging device.

Among those inquiries, Taylor says, "there are potential cases, when some sort of discipline is imposed" for the driver's refusal to be coerced. STAA protections include clear remedies: reversal of the discipline imposed, and the option for administrative court review with potential damages.

In addition to hours- and fatigue-related violations, other regulations also can be tied to coercion, says Joe DeLorenzo, director of FMCSA's Office of Enforcement and Compliance. Those include "not possessing required operating authority, and vehicle maintenance issues. These cases all fall into the agency's normal investigation and enforcement procedures, perhaps leading to a civil penalty case made against the motor carrier."

Further coercion and harassment measures were codified with the ELD mandate. Introduced in tandem with the coercion rule, the mandate prohibits ELD-technology-related harassment of drivers by their carriers or lessors.

The concern is use of information through the ELD "that the motor carrier knew, or should have known, would result in the driver violating" either the 49 CFR 392.3 prohibition on driving while ill or fatigued or a portion of the hours rule. A common example is using in-cab communications tied into an ELD to disturb a resting driver with a dispatch during a 10-hour off-duty period.

Drivers citing coercion face an uphill battle

A team driver told her carrier of an illness that would prevent her safe operation of the truck. Her codriver was out of hours, so she felt the pair had no choice other than to wait it out. She informed the carrier that driving in her condition would violate 392.3, which prohibits driving while ill or fatigued. She was fired.

This case was under consideration this fall by Minnesota-based Truckers Justice Center attorney Paul Taylor. He's often involved in cases that result from wrongful-termination complaints to the federal Occupational Safety and Health Administration, under the Surface Transportation Assistance Act, which protects drivers against being fired for refusal to violate a safety regulation. Many of those complaints also end up getting filed with the Federal Motor Carrier Safety Administration as acts of coercion.

While such filings might be straightforward, resolving them is anything but. Evidence is often inconclusive, the process can drag for months, and protection for complainants is impossible if the specific coercive act is what's ultimately investigated. Add to that list the absence of monetary award to the aggrieved driver, at least under the coercion rule, and possible work disruption for drivers still employed, and there is no shortage of disincentives for blowing the whistle.

In creating the rule, FMCSA addressed the identity issue: "Because prosecution of coercion in violation of 390.6 of this subchapter will require disclosure of the driver's identity, the Agency shall take every practical means within its authority to ensure that the driver is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure," the rule states.

Part of those "practical means" FMCSA can employ includes emphasis to any investigated carrier of the protections granted under STAA against retaliatory action. In conducting investigations in response to complaints, too, FMCSA can withhold the complainants' identity by focusing not on coercion itself but on the underlying violations.

Whistleblower complaints about carrier safety or retaliatory action made to OSHA, too, come with a measure of identity protection by law not found when it comes to coercion complaints.

In the team drivers' case Taylor outlined, the coercive act is clear not only because the retaliatory threat was acted upon, but also because the driver clearly informed the carrier that her driving would violate the regulations. The women in that case told Taylor their coercion complaint, filed weeks earlier, "hasn't had a result," he says. Full investigations of such cases can take months.

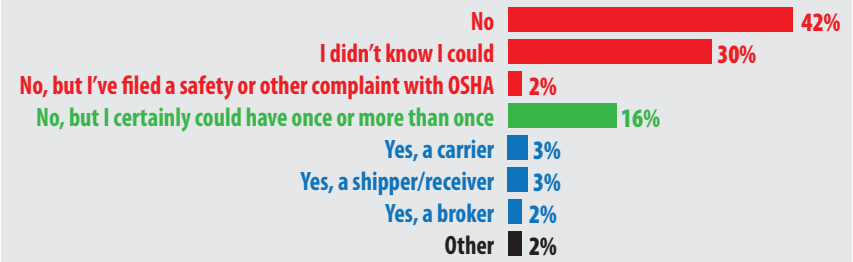
Another case was aired during a conference call in September in which Bill Mahorney, FMCSA's Enforcement Division chief, and the Commercial Vehicle Safety Alliance's Chris Turner (formerly of the Kansas Highway Patrol) heard testimony from drivers and safety personnel at a fleet with about 150 drivers. The call was organized by Vince Crisanti of the Trucking Solutions Group, a group of owner-operators who meet regularly to share business ideas.

A young driver, going by "Charlie Brown" on the call, recalled starting one day with a brief run to return to the company's terminal. "They told me I was due out on a run that night 10 hours later," meaning it was unlikely he'd get the necessary rest midday to make the overnight run safely.

When Brown later told management he was too fatigued to handle the run, rather than being sent home, the company invoked a policy in which a driver too ill or fatigued to drive is required to report to the yard for an eight-hour on-site shift at the time of the dispatch.

Management found him catnapping in a parked truck during the late-night shift and he was sent home. After receiving no dispatch for the next two weeks, he resigned. He learned a month later that, in the company's view, he had been terminated, further compounding the

Have you ever filed a coercion complaint with FMCSA?



8% of *Overdrive* readers say they have used the complaint process put in place by the coercion rule, since 2016.

ramifications for him.

Mahorney, pointing to 49 CFR 392.3, which covers ill and fatigued drivers, said Brown followed the proper procedure by telling the carrier he was too fatigued to operate safely. "If the company doesn't accept that, that could be a coercion complaint," Mahorney says.

While CVSA's Turner expressed skepticism that this incident constituted coercion, an STAA case could be made, he said, given the punitive actions taken. "Use the other remedies that are available to you."

At once, if FMCSA doesn't hear about such instances of punitive policies, they can do little to correct them, Mahorney and others on the call stressed. Turner and Mahorney also emphasized roles for state enforcement, including roadside inspectors, to act upon such apparent problems.

Turner said when he was the lead highway patrol contact in Kansas for the Motor Carrier Safety Assistance Program (MCSAP) lead agency, a driver in a coerced circumstance would occasionally call in a violation from the road. To protect the driver from retaliation, Turner said, "We'd perform stops on this driver, and we'd put it on our inspection report as a random stop, and the carrier would never know it was going on."

Such tactics by drivers could have double-edged consequences. The carrier cited for an underlying violation would get dinged, but so would the driver, with the violation carrying through to his/her Pre-Employment Screening Program record for three years. Yet the violation could bolster the driver's case in working behind the scenes with law enforcement to encourage better behavior at the fleet.

Also, Turner noted, if you've taken your complaint to a state division of the highway patrol or an individual patrolman or inspector and it seems like nothing is happening, appeal to the lead agency for MCSAP in the state, Turner says. "Be sure to talk to your MCSAP commander or someone in charge of the commercial vehicle enforcement unit." (Find a list of MCSAP leads in every state via CVSA.org/contactpage/contacts. Click "Law Enforcement Lead Agency Contacts.")

The picture presented of the fleet on the conference call was one summed up well by owner-operator Crisanti: "Coercion is not necessarily a two-by-four in the face. Rather, it's many, many splinters."

Parties other than carriers now subject to enforcement

Cracks in the system

Shippers and receivers can be found guilty of driver coercion in certain circumstances of excessive detention or pressuring a driver to log personal conveyance.

One standout aspect of the coercion rule is that it marked the first time the Federal Motor Carrier Safety Administration gained some authority to investigate and fine shippers and receivers not already under the purview of its regulation. The rule also broadened agency authorities over brokers. It now has the ability to hold all these parties accountable for forcing drivers to violate hours of service and other regulations.

Ray Martinez, making his first public tour through the world of truckers since being named FMCSA administrator, heard at least one anecdote of such driver abuse at the March 2018 Mid-America Trucking Show in Louisville, Kentucky. During an agency listening session, a small-fleet owner told how one of his drivers, nearly out of hours, was detained at a facility for six hours. This happened after carrier personnel talked with the facility and the broker on the load to "make sure that if the driver sat for more than two hours, he'd have a safe place to park," the fleet owner said. That "safe place" to park and regain hours never materialized.

"Shippers need to be held to the fire and not pay just $25 an hour for detention" and think the problem goes away, the fleet owner said.

FMCSA Office of Enforcement and Compliance Director Joe DeLorenzo responded that the coercion rule "for the first time gave us enforcement authority over a shipper [or receiver] that causes a violation of the regs" by a driver.

Inability to address such problems "within the existing regulations," DeLorenzo said, led to development of the coercion rule. Now, when such problems come to light, "we can go after them investigatively and fine them for that."

With the electronic logging device mandate and yard moves functionality, FMCSA addressed sticky situations of short truck moves around shippers/receivers, truck stops and similar situations. Two months after the discussion at MATS, the agency also changed its guidance regarding the off-duty driving status of personal conveyance, too. FMCSA allowed PC use to move to the nearest safe parking location from a shipper or receiver after load/unload exhausts hours availability.

Yet this shipper/receiver scenario isn't the only coercive practice by entities other than carriers, in the view of owner-operators.

For instance: withholding payment or threatening to do so if a trucker refuses to violate regulations for the sake of delivering on time. One operator commenting under an *Overdrive* story prior to the change in the PC guidance recalled being escorted by police out of a shipper facility when he refused to violate hours after a lengthy delay. The shipper then "banned me and is refusing to pay for the four pallets that they took seven hours to unload."

If a shipper, receiver or broker retaliates in such fashion after knowing its demands will put you in violation, under the coercion rule their action merits a formal complaint as much as a carrier's action would.

Virtually all coercion complaints the agency has received have been about carriers, DeLorenzo says. A look at the 18,000-plus enforcement cases closed since the beginning of

2016, most not related to coercion, shows 10 cases having been concluded with a fine issued to one or another non-hazmat shipper entity by the agency, and no cases against brokers concluded.

In all the closed cases against shippers, violations involved resembled those in cases closed against carriers; the investigated shipper entities clearly also own trucks and employ drivers.

All those shippers also had U.S. Department of Transportation numbers, though DeLorenzo emphasizes that coercion enforcement is not contingent on a business "possessing a USDOT number or FMCSA operating authority."

Lewie Pugh, executive vice president of the Owner-Operator Independent Drivers Association, questions the validity of FMCSA's authority to investigate such entities other than those previously under agency purview. "FMCSA has no real direct oversight of shippers and receivers," he says. Pugh suggests a public list of shippers and receivers that have violated the rule or been investigated would be helpful.

"If you're a carrier and you have a shipper/receiver who's jacking with your drivers," Pugh adds, "you need to charge that shipper [detention] and pay it direct to the driver. If a shipper or receiver tells your driver to take his break" while in readiness to unload or load, "they can't do that. Drivers should take that to the carrier."

Pugh and some others believe that if enough people engage FMCSA over such problems, shippers and receivers with the biggest problems might feel more impetus to fix their dockside problems. "If FMCSA mailboxes get filled up with Walmarts and Piggly Wigglys, somebody in the government might do something," Pugh says.

Another approach is to turn the tables on applying force, as driver Bob Stanton has it: "I have a very simple technique on the very rare occasions I get pressure" to violate regs, he says. "I simply ask, 'How do you spell your last name? I want to get it right in the National Consumer Complaint Database complaint to FMCSA, and the email to our director of safety."

Only once, he said, did the conversation progress to him saying: "Do you think you'll be fired before or after the FMCSA starts the investigation of the complaint?"

Cracks in the system

Righteous whistleblower or 'disgruntled employee'?

Kevin Hosea, an Iowa-based 30-plus-year CDL driver, was fired from his stint at Warm Trucking, a small dry van hauler in the same state. He subsequently reported the firing and events leading up to it as coercive acts.

According to Hosea, he was coerced to violate the hours of service rule, sometimes with back-office log edits to attempt to hide the truth. Owner Mark Warm flatly denies any wrongdoing toward Hosea or others at the company.

Hosea says the problem is larger than the one incident. "My safety manager/dispatcher highly encouraged and at times demanded that I run illegal," he says. Over his nearly two years with the fleet, he complied more than once, though he's naturally risk-averse. "I'm a very nervous Nellie driving by a scale with my log off or over my hours — if I knew the weigh station was closed, it'd still about burn a hole in my stomach."

He began to push back. The final straw came in May when a dispatcher put Hosea on a run that likely would force him to exceed legal hours and possibly make him miss a medical appointment he'd notified his fleet about days in advance. He refused the dispatch, headed home and soon was fired. Months later, he found work elsewhere.

Hosea filed a coercion complaint after his firing, with some evidence, he says. He enlisted attorney Paul Taylor to help with a separate Occupational Safety and Health Administration complaint.

"FMCSA is just sitting on this," Hosea told *Overdrive* in July. This was after an initial call with the Federal Motor Carrier Safety Administration's Ohio division office in May, a week after his firing: "The guy was overly nice and full of questions. 'We'll go in and do an audit,' he said. '[The carrier] will get slapped with some fines, and we'll give him a chance to straighten out.' "

A dispute between Kevin Hosea (pictured) and the small-fleet employer who fired him shows the complexity of coercion-related cases. Fleet owner Mark Warm denies allegations of coercion.

When Hosea checked months later, an FMCSA Iowa division representative was singing a different tune. "DOT told me I looked like a disgruntled employee," he says.

That's just what owner Warm, who's been in the trucking business for more than 25 years, calls Hosea. Warm denies that anyone with the fleet ever coerced any driver to do anything illegal. Hosea is "trying to smear my name."

What precipitated Hosea's firing, in Warm's view, was his rash decision to head home before even trying to work through dispatch to solve his scheduling problem.

Furthermore, Hosea has "tried to pull a power trip," says Warm, by filing complaints everywhere he can. "He went through Iowa Workforce Development for his unemployment" and was denied.

Unemployment claims in Iowa are successful only if the loss of work was through no fault of the employee. Hosea says Warm's depiction of his firing as causal – for "insubordination" – had the desired result.

When Hosea checked in with state and federal enforcement personnel in Iowa in September, he was assured that roadside checks on the carrier's rigs were beginning and that FMCSA was still investigating Hosea's allegations of hours violations.

As of early November, Warm Trucking trucks had been inspected 11 times since Hosea's firing. Three inspections occurred in Iowa, one noting a high-severity false-log violation. FMCSA's own off-site audit, a non-ratable review – meaning an investigation of the carrier that would not result in a safety rating change – was conducted in the Sept. 17 audit. The case is not closed. As in other such cases, the carrier has an opportunity to correct problems noted and some due process on violations alleged.

According to a copy of the off-site investigator's report obtained by *Overdrive* through the Freedom of Information Act, alleged violations included 11 instances of a single driver operating beyond the limits of the 14-hour on-duty clock and 11 instances of violating the 11-hour daily maximum drive limit, among seven drivers' logs examined. The company employed 24 drivers at the time.

Three of the drive-time violations alleged are deemed "egregious" in the report, and it recommended fines. Coercion itself was not listed among alleged violations, and Warm continued to deny any coercion. He would not comment on other violations.

Most of the violations noted were found in just one of the sample drivers' logs, excepting false-log allegations in all seven of those sampled. False-log examples cited include alleged improper use of personal conveyance and fuel transactions conducted while logged off duty.

Hosea's OSHA case, meanwhile, is still in progress.

How to file a complaint

Filing a complaint can be done via the National Consumer Complaint Database at nccdb.fmcsa.dot.gov. If you click through to the "Driver" section of the website's navigation, you will see the option for a "Truck Complaint" and, under that heading, "Coerced to commit a violation."

Complaints are routed to division offices of the Federal Motor Carrier Safety Administration, which are in every state.

To be an actionable coercion complaint, the driver first must tell the shipper/receiver, broker, freight forwarder or carrier that doing what is being asked will violate a federal regulation. Then, the other party would need to take action or make threats that can be interpreted as an attempt to limit work opportunity.

An oft-shared example is if a driver's out of hours due to no fault of his own and a shipper or broker threatens to withhold future work if the delivery isn't made on time. Since a threat can be actionable, the coerced violation doesn't have to occur.

If punitive retaliatory action is taken by an employer after a company driver or independent contractor's refusal to violate a regulation, a complaint via the Occupational Safety and Health Administration's whistleblower process could force the employer to reverse their action, whether that's retaliatory firing or something else: Visit OSHA.gov/whistleblower/WBComplaint.html. Legal help with this process can be effective in securing compensatory damages in such a case.

Here's the minimum of what FMCSA wants to know with any complaint:

- The name, address and telephone number for you and the company coercing you.
- Origin and destination of the shipment.
- The U.S. Department of Transportation (DOT) and Motor Carrier (MC) identification numbers, if available. This isn't applicable to most shippers and receivers, but would be for a broker or forwarder.
- Specific violation(s) alleged. This would include violation of the coercion prohibitions in 49 CFR 390.6, as well as underlying violations that were coerced.
- Documentation of the coercive act. Text or email messages and your replies, log screenshots, electronic logging device records, etc., are encouraged.

"If your carrier wants to force dispatch on you," says a current safety director who formerly drove, and who declined to speak on the record, "send them the following text or message: 'Per FMCSR 392.3 [or other rule that would be violated] and the Driver Coercion Rule, I would suggest that you allow me to drive per regulation. I will follow through with FMCSA notification requirements if you continue to force me to drive beyond legal limitations.' "

Submitting to the coercion to violate regulations will, of course, open you up to potential problems if inspected. Clear annotations within the log and a copy of your complaint to DOT, should you make one, might explain the issue for most officers. That's hardly guaranteed, though, since interpretation of e-logs in questionable circumstances has been uneven under the ELD mandate.

FMCSA and state partners could do more to publicize the methods for reporting coercion incidents, says Lewie Pugh of the Owner-Operator Independent Drivers Association. Too many drivers and owner-operators "don't realize the National Consumer Complaint Database is for coercion complaints," in addition to consumer complaints about household-goods haulers and much more.

Concentration of coercion complaints

Alabama	1.6	Maine	1.6	Ohio	2.6
Arizona	1.4	Maryland	2.9	Oklahoma	2.3
Arkansas	1.2	Massachusetts	3.3	Oregon	2.5
California	1.7	Michigan	2.6	Pennsylvania	2.6
Colorado	4.6	Minnesota	1.5	Rhode Island	2.9
Connecticut	3.8	Mississippi	2.0	South Carolina	3.0
Delaware	5.6	Missouri	2.1	South Dakota	0.3
Florida	2.4	Montana	3.8	Tennessee	1.8
Georgia	3.4	Nebraska	3.0	Texas	2.4
Idaho	2.9	Nevada	7.9	Utah	2.2
Illinois	3.6	New Hampshire	0.0	Vermont	2.6
Indiana	2.4	New Jersey	2.6	Virginia	4.4
Iowa	1.6	New Mexico	2.9	Washington	2.5
Kansas	2.7	New York	5.6	West Virginia	4.1
Kentucky	2.3	North Carolina	3.4	Wisconsin	1.6
Louisiana	2.2	North Dakota	4.0	Wyoming	10.6

These are the number of complaints per 1,000 Class 8 power units domiciled with for-hire freight carriers in each state. They range from 0 in New Hampshire, where no coercion or harassment-related complaints have been made, to 10.6 in Wyoming, where relatively few Class 8 trucks are registered and operating.

Complaint numbers – FMCSA; Class 8 estimated truck counts – RigDig Business Intelligence, RigDig.com/bi.