§ 107.309 Warning letters.

(a) The Associate Administrator may issue a warning letter to any person whom the Associate Administrator believes to have committed a probable violation of the Federal hazardous material transportation law or any provision of this subchapter, subchapter C of this chapter, or any special permit issued thereunder.

(b) A warning letter issued under this section includes:

1. A statement of the facts upon which the Associate Administrator bases its determination that the person has committed a probable violation;
2. A statement that the recurrence of the probable violations cited may subject the person to enforcement action; and
3. An opportunity to respond to the warning letter by submitting pertinent information or explanations concerning the probable violations cited therein.


§ 107.310 Ticketing.

(a) For an alleged violation that does not have a direct or substantial impact on safety, the Associate Administrator may issue a ticket.

(b) The Associate Administrator issues a ticket by mailing it by certified or registered mail to the person alleged to have committed the violation. The ticket includes:

1. A statement of the facts on which the Associate Administrator bases the conclusion that the person has committed the alleged violation;
2. The maximum penalty provided for by statute, the proposed full penalty determined according to PHMSA’s civil penalty guidelines and the statutory criteria for penalty assessment, and the ticket penalty amount; and
3. A statement that within 45 days of receipt of the ticket, the person must pay the penalty in accordance with paragraph (d) of this section, make an informal response under §107.317, or request a formal administrative hearing under §107.319.


§ 107.311 Notice of probable violation.

(a) The Office of Chief Counsel may serve a notice of probable violation on a person alleging the violation of one or more provisions of the Federal hazardous material transportation law or any provision of this subchapter or subchapter C of this chapter, or any special permit or order issued thereunder.

(b) A notice of probable violation issued under this section includes the following information:

1. A citation of the provisions of the Federal hazardous material transportation law, an order issued thereunder, this subchapter, subchapter C of this chapter, or the terms of any special permit issued thereunder which the Office of Chief Counsel believes the respondent is violating or has violated.
2. A statement of the factual allegations on which the demand for remedial action, a civil penalty, or both, is based.