

Crash Preventability Determination Program (CPDP)

Fall 2021



U.S. Department of Transportation
Federal Motor Carrier Safety Administration



Request and Review Process

CRASH PREVENTABILITY DETERMINATION PROGRAM



Note....

- Crash preventability determinations are made on the basis of information available to the Agency at the time of the determination
- It is not appropriate for use by private parties in civil litigation.
- This determination does not establish legal liability, fault, or negligence by any party and was made by persons with no personal knowledge of the crash.
- This crash preventability determination will not affect any motor carrier's safety rating or ability to operate.
- FMCSA will not issue penalties or sanctions on the basis of this determination.
- This crash preventability determination does not establish any obligations or impose any legal requirements on any motor carrier.

Requesting a Data Review

- FMCSA is accepting **Requests for Data Review (RDRs)** through the DataQs system for crashes that occurred on or after August 1, 2019.
- RDRs **must** include a police accident report (PAR) as evidence that a crash is Not Preventable.
- Drug and alcohol test results are **required** for fatal crashes.
- Other suggested documentation includes, but is not limited to:
 - Videos (max 5 MB)
 - Pictures
 - Court documents

Eligibility Guidelines

- The crash must meet at least one of the eligible crash types, occur on or after August 1, 2019, and be in FMCSA's system to be considered. Otherwise, the RDR will be closed by DataQs.
- If the crash is not eligible under one crash type, it may be eligible under another.
 - FMCSA will change it to a qualified type, if possible
- The most common reason for not qualifying for the program is that the crash is not one of the 16 crash types.
- Resources regarding crash type eligibility can be found on FMCSA's website:
<https://www.fmcsa.dot.gov/crash-preventability-determination-program>

Eligible Crash Types

The following crash types are eligible for submission to the program.

Struck in the Rear type of crash when the CMV was struck by a vehicle operating behind the CMV:

- in the rear; or
- on the side at the rear.

Wrong Direction or Illegal Turns type of crash when the CMV was struck:

- by a motorist driving in the wrong direction; or
- by another motorist in a crash when a driver was operating in the wrong direction; or
- by a vehicle that was making a U-turn or illegal turn.
 - Improper turns are not illegal turns

Parked or Legally Stopped type of crash when the CMV was struck:

- while legally stopped at a traffic control device (e.g., stop sign, red light, or yield); or while parked, including while the vehicle was unattended.

Eligible Crash Types

Failure of the Other Vehicle to Stop type of crash when the CMV was struck:

- by a vehicle that did not stop or slow in traffic; or
- by a vehicle that failed to stop at a traffic control device.

Under the Influence type of crash when the CMV was struck:

- by an individual under the influence (or related violation, such as operating while intoxicated), according to the legal standard of the jurisdiction where the crash occurred, where the individual was charged or arrested, failed a field sobriety or other test, or refused to test; or
- by another motorist in a crash where an individual was under the influence (or related violation such as operating while intoxicated), according to the legal standard of the jurisdiction where the crash occurred, where the individual was charged or arrested, failed a field sobriety test or other tests, or refused to test.

Eligible Crash Types

Medical Issues, Falling Asleep, or Distracted Driving type of crash when the CMV was struck:

- by a driver who experienced a medical issue which contributed to the crash; or
- by a driver **who admitted** to falling asleep or **admitted to** distracted driving (e.g., cellphone, GPS, passengers, other).

Cargo/Equipment/Debris or Infrastructure Failure type of crash when the CMV:

- was struck by cargo, equipment, or debris (e.g., fallen rock, fallen trees, unidentifiable items in the road); or crash was a result of an infrastructure failure.

Animal Strike type of crash when the CMV:

- struck an animal.

Eligible Crash Types

Suicide type of crash when the CMV:

- struck an individual committing or attempting to commit suicide.

Rare or Unusual type of crash when the CMV:

- was involved in a crash type that seldom occurs and does not meet another eligible crash type (e.g., pedestrian incident, non-motorized vehicles, being struck by an airplane or skydiver or being struck by a deceased driver).

Investigations

- If a motor carrier wants crashes reviewed for preventability after the investigation or audit is closed, for the purpose of changing a safety rating, the motor carrier will be required to pursue an administrative review as set forth in 49 CFR section 385.15.

RDR Best Practices

- Advise drivers involved in crashes to work with the officer on the scene to document the crash fully
 - Narrative
 - Diagram
 - Point of impact information
 - Citations to other drivers
- Make sure crash meets eligibility requirements of type
 - 25% not qualified
- Present compelling evidence of eligibility and preventability
 - Provide video if available
 - Particularly helpful in wrong direction
 - Provide pictures that show both vehicles in the crash
- Check SMS for post crash inspections
 - Post crash inspections with pre-crash out of service violations = Preventable
- Submit D&A test results for fatal crashes or explanation
 - Meet testing time frames:
 - 8 hours – alcohol
 - 32 hours – controlled substances
- You can open a new RDR with more information/documentation

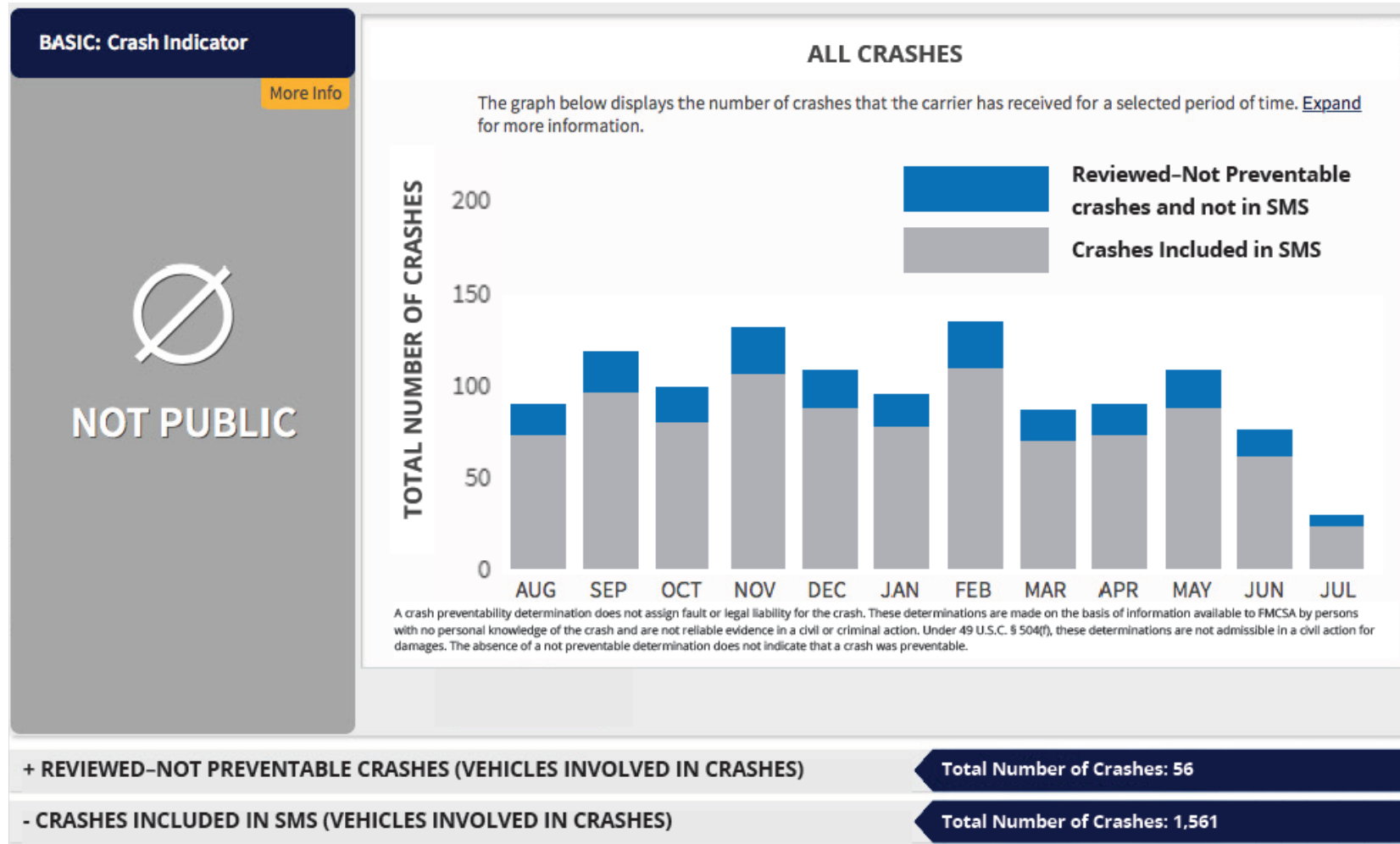
Review Process

- FMCSA will:
 - Review all RDRs for eligible crashes;
 - Review available carrier/driver data (DACH, CDLIS, Previous Investigations) to determine if the driver and/or carrier was disqualified from operating at the time of the crash;
 - Determine if crashes are Not Preventable, Preventable, or Undecided; and
 - Post final determinations to SMS within 60 days of the determination.
 - Post Not Preventable determinations to PSP within 60 days of the determination.
- Based on the volume received – taking 90 + days to complete review

Final Determinations

- **Not Preventable:** If a driver, who exercises normal judgment and foresight, could not have foreseen the possibility of the accident that in fact occurred, and could not have avoided it by taking steps within his/her control.
- **Preventable:** If a driver, who exercises normal judgment and foresight, could have foreseen the possibility of the accident that in fact occurred, and avoided it by taking steps within his/her control, which would not have risked causing another kind of mishap. This includes when the driver or CMV was legally prohibited from operating at the time of the crash, including if the post-crash inspection report shows there was an OOS violation as well as if the driver was prohibited from driving per the Drug and Alcohol Clearinghouse.
- **Undecided:** If the documentation submitted did not allow for a conclusive decision by reviewers. This includes cases that are closed because the carrier did not provide additional information as requested.

SMS Display & Impact



SMS Display & Impact – Not Preventable Crash List

- REVIEWED–NOT PREVENTABLE CRASHES (VEHICLES INVOLVED IN CRASHES)

Total Number of Crashes: 56

FMCSA reviewed these crashes as part of the Crash Preventability Determination Program and determined they were Not Preventable. These crashes are not included in the Crash Indicator BASIC calculation.

Report			Vehicle		Crash			
Date	Number	State	Plate Number	Plate State	Fatal	Inj.	Tow.	HM
7/21/2019	RI0000560539	RI	2835234	IN	0	0	Yes	No
7/18/2019	TN0102451133	TN	2700287	IN	0	0	Yes	No
7/15/2019	NYSP35359690	NY	357406	IN	0	0	Yes	No
7/15/2019	AL0009684200	AL	3CA124	OK	0	1	Yes	No
7/13/2019	WY0201908192	WY	2696851	IN	0	0	Yes	No
7/12/2019	MS2504190333	MS	2XY901	OK	0	1	Yes	No
7/12/2019	WI0000108822	WI	2XB617	OK	0	1	Yes	No

SMS Display & Impact – Preventable & Undecided Crash List

- CRASHES INCLUDED IN SMS (VEHICLES INVOLVED IN CRASHES)

To filter your Crash History based on severity, select the severity below. You can also sort your data by Date, Report Number, Vehicle Type, etc.

☒ All Crashes 1,561
 (or)
 ☐ Fatal Crashes (39)
 ☐ Injury Crashes (512)
 ☐ Towaway Crashes (1,010)

To see crashes that FMCSA has reviewed for participation in the Demonstration Program or reviewed and were determined Undecided or Preventable in the Determination Program, select the determination below. Crashes that were reviewed during the Demonstration Program are not removed from the Crash Indicator BASIC calculation.

☒ All Crashes
 (or)
 ☐ Not Preventable–Demonstration Program
 ☐ Undecided
 ☐ Preventable

Report			Vehicle		Crash				Measure = $\frac{\text{Sum of the Total Weight (TotW)}}{\text{Avg. PU} \times \text{UF} = 17,314}$		
Date	Number	State	Plate Number	Plate State	Fatal	Inj.	Tow.	HM	Severity Weight (SW)	Time Weight (TiW)	Total Weight (TotW)
7/21/2019	RI0000560539	RI	2835234	IN	0	0	Yes	No	1	3	3
7/18/2019	TN0102451133	TN	2700287	IN	0	0	Yes	No	1	3	3
7/15/2019	NYS35359690	NY	357406	IN	0	0	Yes	No	1	3	3
7/15/2019	AL0009684200	AL	3CA124	OK	0	1	Yes	No	2	3	6
7/13/2019	WY0201908192	WY	2696851	IN	0	0	Yes	No	1	3	3
7/12/2019	MS2504190333	MS	2XY901	OK	0	1	Yes	No	2	3	6
7/12/2019	WI0000108822	WI	2XB617	OK	0	1	Yes	No	2	3	6
7/10/2019	NJ0019921755	NJ	2723826L	IN	0	0	Yes	No	1	3	3
7/8/2019	IN0903405707	IN	3BZ918	OK	0	1	Yes	No	2	3	6
7/4/2019	NV0190700288	NV	2723319	IN	0	0	Yes	No	1	3	3
7/3/2019	MN0191840021	MN	2695612	IN	0	0	Yes	No	1	3	3
7/3/2019	GA0007271029	GA	2700124	IN	0	0	Yes	No	1	3	3
7/1/2019	CA8401903757	CA	2698464	IN	0	0	Yes	No	1	3	3
6/30/2019	KY0072374638	KY	2SQ187	OK	0	0	Yes	No	1	3	3

Not Preventable: FMCSA reviewed this crash and it determined that it was not preventable

Pre-Employment Screening Program (PSP)

- FMCSA will note Not Preventable determinations in PSP.
- Not Preventable determinations will be posted within 60 days.
- Crashes will remain in PSP for 5 years from the date of the crash.

										E 0080 E		
2	04/11/2018	513264	Legal Name 174362	SMITH, JOHN	PA1234567	PA	01/01/1960	PA	PA0000000	ROUTE 0307 N	0	1
↳ REVIEWED - NOT PREVENTABLE - FMCSA REVIEWED THIS CRASH AND DETERMINED THAT IT WAS NOT PREVENTABLE.												
3	06/15/2018	513264	Legal Name 174362	SMITH, JOHN	PA1234567	PA	01/01/1960	PA	PA0000000	ROUTE 0051 N	0	0
4	10/04/2018	227058	Legal Name 114032	SMITH, JOHN	PA1234567	PA	01/01/1960	PA	PA0000000	ROUTE 8033	0	0

Resources – Submitter Guide

Please use the CPDP Submitter Guide found on our website for a step-by-step process on how to submit your RDR.

CRASH PREVENTABILITY Determination Program


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Federal Motor Carrier Safety Administration

HOW TO SUBMIT AND MONITOR A REQUEST FOR DATA REVIEW (RDR) IN DATAQS

FMCSA's Crash Preventability Determination Program (CPDP) allows motor carriers or drivers involved in specific crash types to request that FMCSA review the crash details to determine if the crash was preventable. Before submitting a crash to the CPDP, make sure the crash is one of the eligible crash types. For more information and resources on crash eligibility, please visit <https://www.fmcsa.dot.gov/crash-preventability-determination-program>.

This job aid will show you how to:

1. [Log in to FMCSA's DataQs system](#)
2. [Request a review through DataQs](#)
3. [Submit necessary documentation](#)
4. [Save or submit your request](#)
5. [Fax or upload your PAR at a later date](#)
6. [Monitor the status of your request](#)
7. [Find your Safety Measurement System \(SMS\) and Pre-Employment Screening Program \(PSP\) changes](#)

**Log In to DataQs**

Users must log in to submit a request

Resources – Eligibility Guide

The CPDP Eligibility Guide provides examples on what crashes may qualify for the program and what would not be accepted for each crash type.

ANIMAL STRIKE EXAMPLES

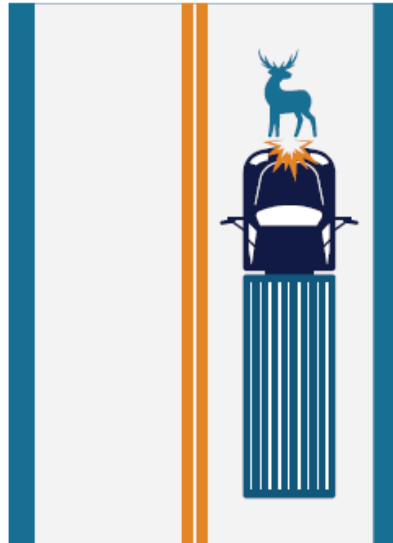
For a crash to be eligible under struck an animal:

- The CMV struck an animal.

Struck an Animal

✓ ELIGIBLE

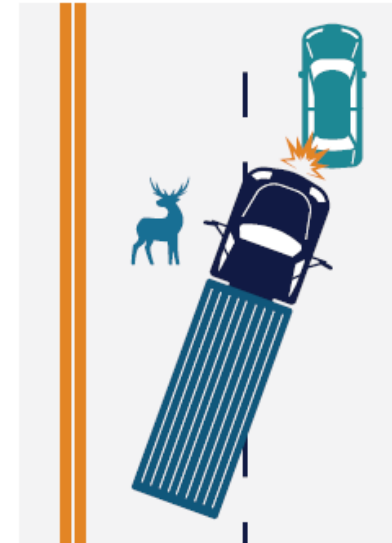
The CMV struck the animal.



Avoiding an Animal

✗ NOT ELIGIBLE

The CMV attempted to avoid an animal and crashed into another object or ran off the road.



For More Information

- FMCSA Crash Preventability Determination Program Website
<https://www.fmcsa.dot.gov/safety/crash-preventability-determination-program>
 - Eligibility Guide
 - DataQs Submitter Guide
 - FAQs
 - Quarterly Statistics
- DataQs
<https://dataqs.fmcsa.dot.gov>
- Questions?
Email: Crash.Preventability@dot.gov