

Crash Preventability Determination Program



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

FREQUENTLY ASKED QUESTIONS



These FAQs are intended to provide information that FMCSA published in the Federal Register in a user-friendly format. The link to the Federal Register Notice is available on the program website at: [www.FMCSA.dot.gov/crash-preventability-determination-program](https://www.fmcsa.dot.gov/crash-preventability-determination-program). The guidance contained herein lacks the force and effect of law, except as authorized by law or as incorporated into a contract, and is not meant to bind the public in any way. This guidance is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

1 What is FMCSA's Crash Preventability Determination Program?

FMCSA's Crash Preventability Determination Program (CPDP) reviews 21 specific crash types and modifies information in the Agency's Safety Measurement System (SMS) to distinguish not preventable crashes. Under the CPDP, if you have an eligible crash that occurred, you may submit a Request for Data Review (RDR) with the required police accident report and other supporting documents, photos, or videos through the Agency's DataQs system.

The results of the preventability reviews are posted on FMCSA's SMS website. Crashes found to be Not Preventable are not included in the Crash Indicator Behavior Analysis and Safety Improvement Category (BASIC) that FMCSA uses, with other data, to prioritize motor carriers for safety interventions. In addition, Not Preventable crashes are noted in the Agency's Pre-Employment Screening Program (PSP).

2 Where can I get more information about the CPDP?

Information on the program is available at:

www.fmcsa.dot.gov/crash-preventability-determination-program.

Motor carriers and drivers can submit crash preventability RDRs through DataQs at: <https://dataqs.fmcsa.dot.gov>.



3 What types of crashes are eligible for review in the CPDP?

FMCSA expanded the CPDP on December 1, 2024. Crashes on or after this date follow the eligibility below, while those prior to December 1, 2024, will be reviewed under the previous standards.

To submit a crash for consideration, a carrier should submit a Request for Data Review (RDR) on FMCSA's DataQs website and upload the police accident report.

If the crash is not eligible under the crash type for which it was submitted, FMCSA will move the crash to an eligible crash type, if one exists. However, if the crash does not meet one of the eligible crash types, it will be closed.

The following crashes are eligible for review under the program:

- CMV was struck in the rear by a motorist.
- CMV was struck on the side at the rear by a motorist.
- CMV was struck on the side by a motorist operating in the same direction as CMV.
- CMV was struck because another motorist was driving in the wrong direction.
- CMV was struck because another motorist was making a U-turn or illegal turn.
- CMV was struck while legally stopped at a traffic control device or parked, including while the vehicle was unattended.
- CMV was struck because another motorist did not stop or slow in traffic.
- CMV was struck because another motorist failed to stop at a traffic control device.
- CMV was struck because another 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.
- CMV was struck because another motorist experienced a medical issue which contributed to the crash.
- CMV was struck because another motorist fell asleep.
- CMV was struck because another motorist was distracted (e.g., cellphone, GPS, passengers, other).
- CMV was struck by cargo or equipment from another vehicle, or debris (e.g., fallen rock, fallen trees, unidentifiable items in the road).
- CMV crash was a result of an infrastructure failure.
- CMV struck an animal.
- CMV crash involving a suicide death or suicide attempt.
- CMV was struck because another motorist was entering the roadway from a private driveway or parking lot.



3 What types of crashes are eligible for review in the CPDP? (Continued)

- CMV was struck because another motorist lost control of the vehicle.
- CMV was involved in a crash with a non-motorist.
- CMV was involved in a crash type that seldom occurs and does not meet another eligible crash type (e.g., being struck by an airplane or skydiver or being struck by a deceased driver in another vehicle).
- Any other crash involving a CMV where a video demonstrates the sequence of events of the crash.

4 Why aren't all crashes eligible for the CPDP?

Currently, FMCSA only reviews 21 different crash types. The eligible crashes are less complex crash events that do not require extensive expertise to review. If new crash types are able to be reviewed consistently, the Agency may consider expanding the program to include additional crash types in the future.

5 Why won't FMCSA accept crashes that are more than 5 years old?

The FMCSA systems that display the preventability outcomes from the CPDP (e.g., SMS and PSP) only use data up to 5 years old. Crashes older than 5 years are not used for safety calculations or displayed in these systems.

6 My crash occurred before December 1, 2024, what crash types can I submit to?

If your crash occurred prior to December 1, 2024, you should submit under one of the following crash types. FMCSA cannot accept crashes older than 5 years.

Struck in the Rear type of crash when the CMV was struck

- 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.

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.



6 My crash occurred before December 1, 2024, what crash types can I submit to? (Continued)

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; 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.

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 falling asleep or admitted 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

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., being struck by an airplane or skydiver or being struck by a deceased driver).



7 How do I submit a crash for review in the CPDP?

Motor carriers and drivers can submit crash preventability Requests for Data Review (RDRs) through DataQs at: <https://dataqs.fmcsa.dot.gov>.

If the crash is not eligible under the crash type for which it was submitted, FMCSA will move the crash to an eligible crash type, if one exists. However, if the crash does not meet one of the eligible crash types, the RDR will be closed.

Resources regarding crash type eligibility and how to submit a crash preventability RDR can be found on FMCSA's website: <https://www.fmcsa.dot.gov/crash-preventability-determination-program>.

8 What information do I need to submit for participation in the CPDP?

Motor carriers or driver must submit a police accident report. Requests for Data Review (RDRs) with no police accident report will be immediately closed as not eligible.

For fatal crashes, carriers are required to submit USDOT based drug and alcohol test results (or the required documentation of why the testing did not occur in the required timeframes).

The burden is on the submitter to provide compelling evidence the crash is eligible and not preventable. As a result, submitters are encouraged to submit other documents to support their request including:

- Videos;
- Pictures; and
- Court documents.

Please note: maximum file size for files uploaded on DataQs is 25MB. If you have a file that is too large, please first ensure it only contains the necessary information or footage if it is a video. If needed, larger files can be emailed to crash.preventability@dot.gov.

Submitted documentation should contain appropriate content (e.g., no unnecessarily graphic photos) and support the RDR. Video submissions should only include relevant footage. Please do not submit hours worth of video and only submit the necessary events.

9 Will FMCSA still process RDRs as part of the CPDP if the State has not yet submitted the crash report to FMCSA?

FMCSA requires submitters to submit a police accident report (PAR) with their request. FMCSA reserves the right to request additional information on the crash, which may include any documentation the carrier is required to maintain under the Agency's regulations.

For fatal crashes, carriers are required to submit USDOT based drug and alcohol test results (or the required documentation of why the testing did not occur in the required timeframes).



10 Will FMCSA still process RDRs as part of the CPDP if the State has not yet submitted the crash report to FMCSA?

No, in order to submit an RDR, a user must select a crash record from a list of crashes in the Agency's Motor Carrier Management Information System (MCMIS). If the MCMIS crash report has not yet been submitted by the State, the submitter may save the RDR and complete the submission once the MCMIS crash record exists.

11 How do I find out the status of my RDR?

FMCSA's DataQs system provides status information about all RDRs and is updated immediately when a crash preventability RDR moves from one stage of review to the next.

For the Crash Preventability Determination Program, the statuses are as follows:

- **Submitted:** FMCSA has received the RDR in the system but has not yet begun review.
- **In Review:** The RDR is in the review process.
- **Pending—Requestor Response:** FMCSA is waiting for the requestor to provide a document
- **Closed—Not Eligible:** The crash was not one of the eligible crash types.
- **Closed—No Requestor Response:** FMCSA requested additional documents, and they were not received within 14 days.
- **Closed—Determination Made:** FMCSA completed its review of the crash and rendered a determination of Not Preventable, Preventable, or Undecided.

12 Why was my request automatically closed out by the DataQs system?

There are three reasons requests are automatically closed:

- The crash occurred more than 5 years ago.
- The crash was not one of the eligible crash types.
- The wrong crash report number was used.



13 How long will it take for FMCSA to post CPDP results to the Safety Measurement System (SMS) and the Pre-Employment Screening Program (PSP)?

Once FMCSA makes a determination on the crash, the Agency will post results to the SMS and PSP within 60 days.

More information on how often SMS results are updated can be found on FMCSA's CSA website: <https://csa.fmcsa.dot.gov/HelpCenter/GetFAQById/30897>

14 What happens if FMCSA decides my crash was Not Preventable?

During the Crash Preventability Determination Program, FMCSA will continue to list Not Preventable crashes on the public SMS website. However, the crash will appear in a separate table from all other crashes titled "Reviewed - Not Preventable Crashes."

In addition, crashes found to be Not Preventable in the Determination Program will not be included in the carrier's Crash Indicator Behavior Analysis and Safety Improvement Category (BASIC).

The Not Preventable determinations will be noted on the driver's Pre-Employment Screening Program (PSP) record.

15 What happens if FMCSA decides my crash was Preventable?

The public display of the SMS will include a notation that reads, "Reviewed - Preventable: FMCSA reviewed this crash and determined that it was Preventable." These crashes will be included in the Crash Indicator BASIC.

Preventable crashes include those with evidence that the driver and/or carrier was legally prohibited from operating the vehicle at the time of the crash.

16 What happens if FMCSA cannot determine if my crash was Not Preventable, based on the evidence submitted?

In these cases, the documentation submitted did not allow for a conclusive decision by FMCSA. When crash reviews are Undecided, the public display of the SMS will include a notation that reads, "Reviewed - Undecided: FMCSA reviewed this crash and could not make a preventability determination based on the evidence provided." These crashes will be included in the Crash Indicator BASIC.



17 Will FMCSA consider input from others in making a determination about a crash?

Yes, anyone with documentation or data to refute a determination may submit the documentation to FMCSA by email to Crash.Preventability@dot.gov. This information will be reviewed, and determinations may be changed as a result of this additional information.

18 Can I submit additional information if FMCSA determines my crash was Preventable or Undecided?

Carriers may ask that FMCSA reconsider a request by reopening the Request for Data Review (RDR) in DataQs and submitting additional documentation. RDRs that are re-opened without additional information will be re-closed without a change.

19 What will FMCSA do with the information collected during the Crash Preventability Determination Program?

Throughout the Crash Preventability Determination Program, FMCSA will maintain data so the Agency can conduct analyses on the program.

20 How does this CPDP impact crashes reviewed for preventability during investigations?

The Crash Preventability Determination Program does not impact preventability determinations made through FMCSA safety investigations conducted under 49 CFR part 385. Crash preventability determinations made during this Determination Program will not affect any carrier's safety rating or ability to operate. FMCSA will not issue penalties or sanctions on the basis of the Determination Program determinations, and the determinations do not establish any obligations or impose legal requirements on any carrier. These Determination Program determinations will not change how the Agency will make enforcement decisions.

21 Why was the RDR I submitted under the Video crash type closed as Not Eligible even though my video shows the entire sequence of crash events?

This crash type is reserved for crashes that do not meet any of the other crash types but clearly shows the crash was Not Preventable by the CMV driver. If your crash fits one of the other 20 accepted crash types, it should be resubmitted appropriately. Please include the video evidence to support your submission.