Crash Preventability Determination Program (CPDP)

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

Fall 2024

What is the Crash Preventability Determination Program?

The Crash Preventability Determination Program (CPDP) allows carriers and drivers to submit evidence that an eligible crash was not preventable.

FMCSA reviews 21 specific crash types and modifies information in the Agency's Safety Measurement System (SMS) and Pre-employment Screening Program (PSP) to distinguish not preventable crashes.

How the CPDP Works

STEP 1 Eligible crash occurs

STEP 2 The motor carrier or driver submits a Request for Data Review (RDR) in FMCSA's DataQs system

STEP 3 FMCSA reviews requests and determines if crashes are:
Not Preventable
Preventable
Undecided

STEP 4 FMCSA posts final determinations to the Safety Measurement System (SMS)

Eligible Crash Types

1. CMV was struck in the rear by a motorist.
2. CMV was struck on the side at the rear by a motorist.
3. CMV was struck on the side by a motorist operating in the same direction as CMV.
4. CMV was struck because another motorist was driving in the wrong direction.
5. CMV was struck because another motorist was making a U-turn or illegal turn.
6. CMV was struck while legally stopped at a traffic control device or parked, including while the vehicle was unattended.
7. CMV was struck because another motorist did not stop or slow in traffic.
8. CMV was struck because another motorist failed to stop at a traffic control device.
9. 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.
10. CMV was struck because another motorist experienced a medical issue which contributed to the crash.
11. CMV was struck because another motorist fell asleep.

Eligible Crash Types

12. CMV was struck because another motorist was distracted (e.g., cellphone, GPS, passengers, other).
13. CMV was struck by cargo or equipment from another vehicle, or debris (e.g., fallen rock, fallen trees, unidentifiable items in the road).
14. CMV crash was a result of an infrastructure failure.
15. CMV struck an animal.
16. CMV crash involving a suicide death or suicide attempt.
17. CMV was struck because another motorist was entering the roadway from a private driveway or parking lot.
18. CMV was struck because another motorist lost control of the vehicle.
19. CMV was involved in a crash with a non-motorist.
20. 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).
21. Any other crash involving a CMV where a video demonstrates the sequence of events of the crash.

Submission Requirements

For a submission to be considered

- Must contain a police accident report (PAR).
- The crash must meet one of the 21 eligible crash types.
- Must be no older than 5 years*.
- Drug and alcohol test results are required for fatal crashes.

*Crashes that occurred on or before November 30, 2024, will be reviewed under the previous program standards

How to Request a Data Review

DataQs

Visit FMCSA's DataQs system to submit a request for data review (RDR)

1. Register for an account or log in to the DataQs system.
2. Start a new request.
3. Select "Crash, Inspection, Investigation, or Audit" as your request type.
4. Find your crash report.
5. Choose "Crash could not be prevented" as your request type and follow the request specific prompts.

RDR Best Practices

- Suggested additional documentation includes, but is not limited to:
  - Videos (max 25 MB)
  - Pictures
  - Court documents
- Work with the officer on the scene to document the crash fully.
  - Narrative
  - Diagram
  - Point of impact information
  - Citations to other drivers
- Submit D&A test results for fatal crashes or explanation. Meet testing time frames:
  - 8 hours – alcohol
  - 32 hours – controlled substances
- Make sure your crash meets eligibility guidelines.

Crash Preventability Reviews and FMCSA Investigations/Audits

If a motor carrier wants crashes reviewed for preventability after an FMCSA 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.

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.

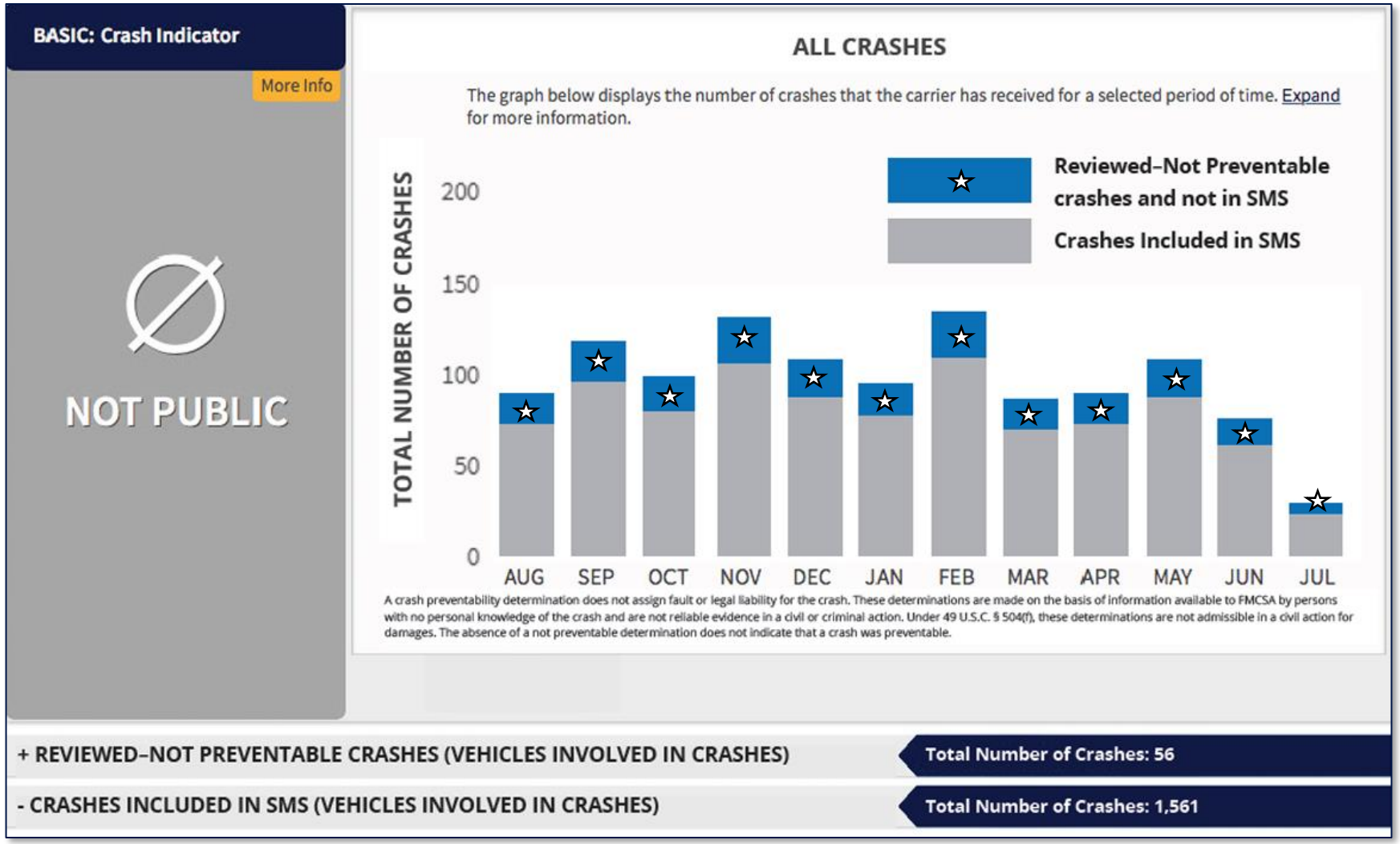
Undecided

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.

Determination Disclaimers

- Crash preventability determinations are made based on information available to the Agency at the time of the determination.
- Determinations might change if the Agency receives additional information after the RDR is closed.
- It is not appropriate for use by private parties in civil litigation.
- Determinations do not establish legal liability, fault, or negligence by any party and was made by persons with no personal knowledge of the crash.
- Determinations do not establish any obligations or impose any legal requirements on any motor carrier.
- Determinations will not affect any motor carrier's safety rating or ability to operate.
- FMCSA will not issue penalties or sanctions based on a determination.

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)

Total Number of Crashes: 1,561

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 = Sum of the Total Weight (TotW) / Avg. PU × 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	NYSP35359690	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: Eligibility Guide

CRASH TYPE ELIGIBILITY GUIDE

The Crash Preventability Determination Program (CPDP) accepts 21 different crash types. FMCSA expanded the CPDP on December 1, 2024. Crashes on or after this date follow the new eligibility list, while those prior are reviewed under the previous standards. FMCSA cannot review crashes older than 5 years. This is noted under each of these crash types within this document. FMCSA uses eligibility standards to ensure that crashes can be reviewed and analyzed consistently.

This guide provides the requirements of each crash type and some examples to help you determine if your crash is eligible for submission to the CPDP but does not include all crash scenarios that may be eligible. Please remember, if your crash is not eligible under one crash type, it may be eligible under another. However, if you submit a Request for Data Review (RDR) in DataQs for a crash that does not qualify for any of the eligible crash types, FMCSA will not review the RDR for preventability and it will be closed.

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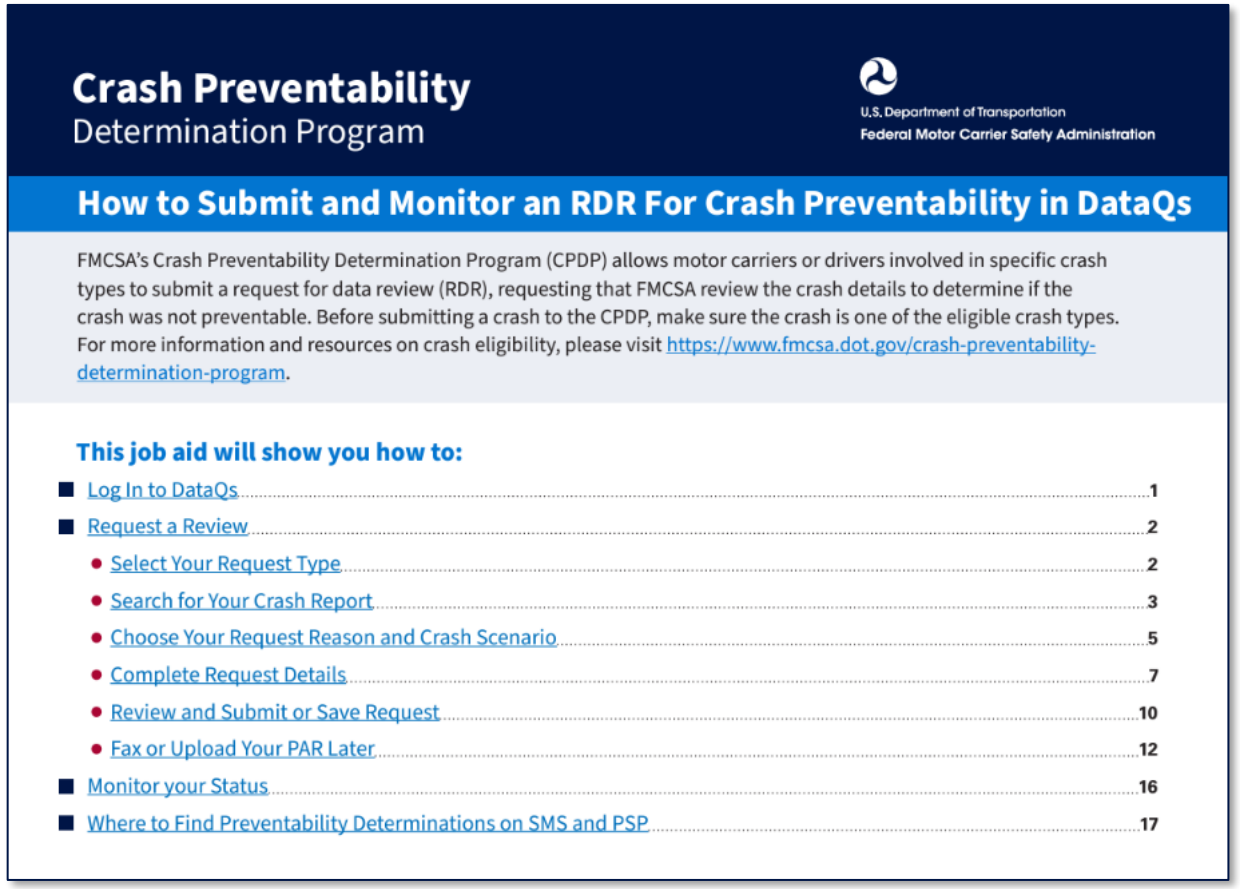
Download the Eligibility Guide on the CPDP website

Resources: Submitter Guide



Crash Preventability
Determination Program

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How to Submit and Monitor an RDR For Crash Preventability in DataQs

FMCSA's Crash Preventability Determination Program (CPDP) allows motor carriers or drivers involved in specific crash types to submit a request for data review (RDR), requesting that FMCSA review the crash details to determine if the crash was not 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:

- Log In to DataQs 1
- Request a Review 2
  - Select Your Request Type 2
  - Search for Your Crash Report 3
  - Choose Your Request Reason and Crash Scenario 5
  - Complete Request Details 7
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Download the Submitter Guide on the CPDP website

Other Resources and Contacts

For more information and resources, including FAQs and Federal Register Notices, visit the CPDP website:

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

Contact the CPDP team:

Crash.Preventability@dot.gov