Meeting

Minutes for December 6–7, 2016

The Federal Motor Carrier Safety Administration’s (FMCSA) Post-Accident Report (PAR) Advisory Committee met on December 6–7, 2016, in Arlington, VA. In accordance with the provisions of Public Law 92-463, the meeting was open to the public. Mr. Robert Mills, PAR Chairman, called the meeting to order at 9:15 am.

The following individuals attended the meeting:

**PAR COMMITTEE MEMBERS**

Todd Armstrong, IL State Patrol

Dan Blower, University of Michigan, Research Transportation Institute

Brandon Buchanan, American Bus Association

Lee (Todd) Catoe, South Carolina Department of Safety

Christopher Corea, Maryland Highway Patrol

Brian Goldhammer, California Highway Patrol

Scott Grenerth, Owner-Operator Independent Drivers Association

Bruce Hamilton, Amalgamated Transit Union

Renee Hill, Arkansas Highway Police

Cliff Johnson, ACUITY Insurance

John Lannen, Truck Safety Coalition

Brad Marten, Montana Motor Carrier Service Division

Robert Mills, Fort Worth Police Department

Abigail Potter (*Surrogate for Michael Cammisa*), American Trucking Associations

Ken Presley, United Motor Coach Association

Holly Skaar, Idaho State Police

James Wright, Maine DMV

**FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES**

Shannon Watson, Senior Policy Advisor and Designated Federal Officer (DFO), FMCSA

Sarah Pascual, National Highway Traffic Safety Administration

Cyndy Shaffer, United States Department of Transportation, Volpe Center

Scott Valentine, FMCSA

**OTHER ATTENDEES**

Mary Jo Ammon, Ammon Consulting

Charity Coleman, iBiz

Joe Heaton, Beer Institute

Doug Morris, Owner-Operated Independent Drivers Association (OOIDA)

Kelly McNelis, iBiz

Bob Petrancosta, FedEx

**Call to Order**

Under section 5306 of the Fixing America's Surface Transportation (FAST) Act, the PAR is charged with reviewing post-accident reports and making recommendations on the data elements required by the reports and any modifications that may improve their use through the addition of data elements. The committee met to deliberate on PAR Task 16-1 and make recommendations to the FMCSA Administrator for transmittal to the Secretary.

**REMARKS AND COMMITTEE ACTION**

**1. Review of Statute and Task Statement; Robert Mills**

Robert Mills read aloud a portion of a letter sent to Administrator Scott Darling signed by companies and association of companies that ship billions of dollars of products nationwide. The letter addresses the need for a working group to collect data in State post-accident reports involving commercial vehicles. Task Statement 16-1 was also read aloud.

Discussion points

* Task Statement 16-1 is a statutory mandate from the FAST Act.
* The Committee reviewed the letter and Task Statement 16-1.

**2. FMCSA Crash Data Review Presentation; Scott Valentine**

Presentation highlighted data on crashes and accidents received from the States.

**3. Model Minimum Uniform Crash Criteria (MMUCC) Presentation; Sarah Weissman Pascual**

This presentation is the first draft that has been published for comment.

**4. Data Elements Discussion; Mary Jo Ammon**

The committee discussed recommendations to the Agency, beginning with “Crash Data Workgroup Findings—Regarding Vehicle Configuration PAR Data Elements.”

Discussion points

* Passenger cars should include SUVs and minivans.
* Some committee members are concerned that vehicle definitions are not descriptive and the difference between vehicle and passenger cars needs to be clear.
* The MMUCC help to describe every vehicle and to determine whether or not it is a commercial motor vehicle (CMV).
* Many States have adopted regulations that are found in SafetyNet.
* Vehicle types are currently regulated but crashes and safety programs are behavioral.
* The MMUCC do not include trailer length but do include a subfield of whether or not the officer judges the trailer as over length, height, or width. This is mostly related to overweight permitting. It is difficult to assess gross vehicle weight at the roadside.
* Identification numbers are not standard with trailers.
* Concern with officers not understanding the criteria language. For instance, some may confuse “turnpike” with “road.” Additionally, some officers will “eyeball” measurements of trailers that have crashed far off the road.
* Trailer data should be readily available. If the data are not available via the VIN number, they should be available from the license plate.
* There is not a specific place in the MMUCC that records trailer length, but this does not stop States from recording length. The MMUCC has the opportunity to record from other sources.
* Officers are not data collectors but should be able to pull together any necessary information that is asked for.
* Recommendation that the committee could adopt the MMUCC with the additional three or four categories in Task Statement 16-1 that may not be captured already. There was no consensus on this. Members noted that there was a difference between adopting the MMUCC and using the MMUCC as a guideline.
* Concern that the tools from FMCSA are not adequate and may not be able to provide all of the information requested.
* Preventability issues need to be considered.

**5. Finalize Data Elements Discussion; Mary Jo Ammon**

Continuation of Data Elements Discussion.

Discussion points

* The committee is interested in referencing the MMUCC 4th Edition for Vehicle Configuration Elements and specifying anything different or additional as it related to the draft MMUCC 5th Edition.
* The MMUCC is updated only once every five years.
* In MCMIS, vehicle type is what is in the vehicle configuration field. By virtue of the recommendation, the committee can expand the vehicle configuration that goes into the MCMIS crash file. There are two types of crash data in the MCMIS configuration.
* Need to evaluate the standard of what the system is capable of using with CMV access of MMUCC data.
* Data captured in SafetyNet are not transferred to MCMIS, causing data lapses and confusion.
* If more data are collected, it would be easier moving forward as data elements within each database would not need to be changed.
* The MMUCC does not cover vehicle types.
* The committee is looking to adopt the MMUCC V8 into their guidelines and recommendations.
* Most States are already collecting the relevant vehicle configuration data for uploading into MCMIS.
* The committee agrees with the data elements currently laid out. However, cargo body types should be expanded to include attributes for different bus types. Not every State has specific information on a double- or triple-decker bus.
* The committee will submit the data reviewed during a specific point in time. It may adopt the MMUCC criteria and any additional ideas the committee may have.
* The committee is looking for FMCSA to approve additional funding despite FMCSA being at the same funding level. FMCSA is bound by the President’s budget, but the committee is still looking to address this issue.
* Technology is changing so quickly that it is inefficient to continue collecting the same data collected in the 1990s.
* Flexibility with driver behavior or vehicle problems causing accidents is needed. These are specific elements of the MMUCC.
* Consider adding the entire large vehicle and hazardous materials section to the committee’s recommendation.
* Concern that the data collected by officers are not submitted efficiently to FMCSA. Many States collect necessary information but there is not a good and consistent system to get this information back to FMCSA.
* Data should not be collected in haste. The more data collected, the longer officers have to stay on the road, increasing their safety risk.
* Looking to collect as much information as possible from the MMUCC, but there needs to be a better pathway to get this data into a Federal reporting system.
* States are not collecting data regarding the number of axels because it is not mentioned in the MMUCC. Most States do not require this information but it is not difficult to add it to the documentation. Option for this to be a sub-element.
* The committee recommended that the number of axles per vehicle/unit be taken back to the MMUCC team for approval.
* The distance between axles can be valuable.
* There are similar problems with capturing vehicle weight, for which there are neither standards nor training. This information should ideally be captured but it is not realistic.
* More realistic to look at different combinations that lead to when trucks crash.

**7. Identify Best Practices for Data Collection**

The committee finished the last part of the Task 16-1 discussion and recommendations.

Discussion points

* Crashes are more often the result of companies hiring drivers not suited for the job at hand versus equipment failure.
* Preventability is a topic referred to by the Agency in Part 385 regarding safety ratings; this is the only place in the regulations where preventability is discussed.
* Further clarification of crash or accident definitions are expanded to apply to non-commercial vehicles. FMCSA reviewed preventability earlier in 2016, and further information regarding preventability will be available soon.
* Preventability is only taken into account during the safety rating process in cases where the carrier’s crash rate is above the unsat/unfit safety rating.
* Cannot ignore the fact that carriers with “not at fault” crashes still have a higher implied propensity for further crashes. Consider not displaying “not at fault.”
* FMCSA currently does not have tools to correctly analyze all data. The MMUCC has data that can complement what FMCSA has.
* The MMUCC includes primary causes of crashes. The MMUCC ties this into VIN numbers, allowing FMCSA to target enforcement a little better. This would help FMCSA with contributing factors.
* The Motor Carrier Safety Advisory Committee (MCSAC) held a subgroup meeting on Compliance, Safety, Accountability (CSA). Many individuals would like to have fault determined as part of post-accident reporting.
* Some committee members believe that what is in the MMUCC right now will not get the Agency where it needs to be.
* Primary cause and contributing cause of crashes are two separate definitions. The MMUCC does not assign cause. Crashes are complex situations that happen because of a multitude of factors.
* If the officer cannot determine who is at fault for a crash, this section of post-accident reporting is left blank. The officer needs to be aware of contributing factors and think of the primary cause of the accident. The officer cannot always determine the cause of the crash on the scene.
* Fault can be collected as part of post-accident reporting, but not for all crashes.
* Need to focus on what data can be readily provided to the Agency.
* The committee feels they can get further with using the wording “contributing factors” and “accurate sequence of events.” Preventability and CSA scores need to be considered to present something different that officers can code accurately and system-wide.
* The MMUCC is a way to get all contributing circumstances and factors that relate to crashes.
* A standard definition of ‘primary cause’ is missing.
* Recommendation that FMCSA should modify systems, but a caveat is whether or not the additional data are required or tied to State grants. The FMCSA system should accept the MMUCC data that the State is willing to report.
* All contributing factors, elements, and sequences of events within the MMUCC seem necessary.
* A crash report from an officer should be factual and not opinion based.

**8. Finalize Best Practices Discussion**

The committee finalized discussion and came up with recommendations for Congress.

Discussion points

* Difference between geometry of the crash and cause of the crash. Look to embellish and elaborate more on the definition of primary cause.
* Not all States have the ability to record all data and submit it to FMCSA systems.
* A police report has been provided to FMCSA to make further determinations.
* Subjective information should be reported. However, need to take caution as some qualifiers will have officers caught up in court.
* Elements from the MMUCC that the committee is looking to have adapted are:
  + First Harmful Event
  + Manner of Crash/Collision Impact
  + Contributing Circumstances—Roadway Environment
  + Motor Vehicle Maneuver/Action
  + Vehicle Damage
  + Sequence of Events
  + Most Harmful Events for this Motor Vehicle
  + Contributing Circumstances—Motor Vehicle
  + Driver Actions at Time of Crash
* The MMUCC has a definition and rational definition of all elements listed above. These are all standard variables in crash data files. With a new revision, they have the potential to be more standardized.
* Trying to provide FMCSA will all tools possible to target the right carriers.
* FMCSA should be able to receive MMUCC data if States are willing to do so.
* Recommend Congress approve additional FMCSA funding to allow States to upload additional data.

**9. Additional Issues or Recommendations for PAR**

The committee finalized recommendations and addressed outstanding issues.

Discussion points

* Best practices are framed by the need to burden police officers as little as possible. Use data linkage and data elements where possible to structure police reports. Identify objective data elements.
* Issue with third parties is linking their software with FMCSA software.
* Death and crashes are FMCSA’s concerns. Recommend adding these to the MMUCC.
* FMCSA should be concerned about these issues as they will impact the agency.

**PRESENTATIONS**

|  | Presenter | Presentation |
| --- | --- | --- |
| 1 | Scott Valentine, Analysis Division, FMCSA | FMCSA Crash Data Review |
| 2 | Sarah Weissman Pascual, Management & Program Analyst, NHSTA | Model Minimum Uniform Crash Criteria (MMUCC) |

**Public Comment Period**

**Joe Heaton—Beer Institute**

The Beer Institute is a trade association representing companies that produce and import beer. FMCSA should have received the letter that was sent to the administration on October 7, 2016. Mr. Heaton submitted the same letter as public the week before this meeting. Mr. Heaton seeks to flag the letter as part of the coalition of 33 trade associations and companies interested in this matter. Mr. Heaton is hoping the group recommends data on vehicle weight, axle and configuration be collected in post-accident reports. All information is included in the letter.

**ADJOURNMENT:** The meeting adjourned at 3:56 pm.

We hereby certify that, to the best of our knowledge, the foregoing minutes are accurate and complete.

//Signed//\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Robert Mills

Chairman, PAR

//Signed//\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Shannon Watson

Designated Federal Officer, PAR