Crash Preventability Demonstration Program

Background

- FMCSA's Safety Measurement System (SMS) uses safety performance data, which includes State-submitted crash records, to prioritize resources to identify commercial motor carriers for safety interventions.
  - Crash data reported to FMCSA by the States does not specify a motor carrier's role in crashes or whether or not the crash was Preventable.

- Studies conducted by FMCSA and others demonstrate that crash involvement is a strong indicator of future crash risk, regardless of role in the crash.

- Stakeholders have expressed concern that including all crashes in SMS without an indication of preventability may give an inaccurate impression about the risk posed by the company.

Program Goals

- The goal of the Crash Preventability Demonstration Program is to examine the feasibility, costs, and benefits of determining and displaying the preventability of certain crash types.

- FMCSA will evaluate if these preventability determinations improve the Agency's ability to identify high risk motor carriers.
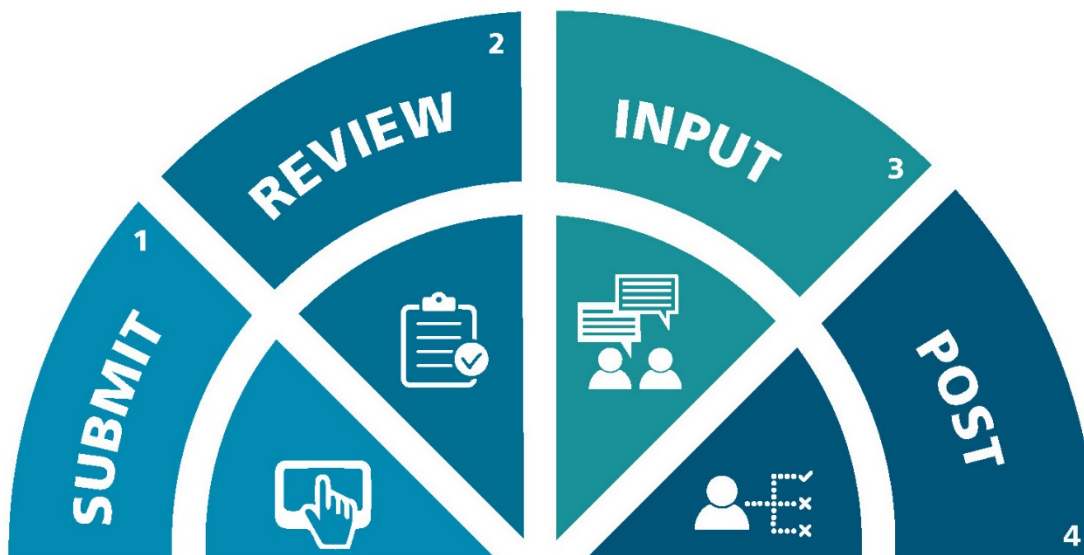
Eligible Crash Types

The following crash types are eligible for participation in the program:

- When the commercial motor vehicle (CMV) was struck by a motorist who was driving under the influence (or related offense);
- When the CMV was struck by a motorist driving the wrong direction;
- When the CMV was struck in the rear;
- When the CMV was struck while it was legally stopped or parked, including when the vehicle was unattended;
- When the CMV struck an individual committing or attempting to commit suicide by stepping or driving in front of the CMV;
- When the CMV sustained disabling damage after striking an animal in the roadway;
- When the crash was the result of an infrastructure failure, falling trees, rocks, or other debris; or
- When the CMV was struck by cargo or equipment from another vehicle.

Request and Review Process

STEP 1 — Motor carriers can submit requests through DataQs

STEP 2 — FMCSA reviews requests and determines crashes are:
- NOT PREVENTABLE
- PREVENTABLE
- UNDECIDED

STEP 3 — General public can provide input for Not Preventable crashes

STEP 4 — FMCSA posts final determinations to SMS

Requesting a Data Review

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

- As of August 1, 2017, FMCSA began accepting **Requests for Data Review (RDR)** through the DataQs system, for a minimum of 24 months, for crashes that occur on or after June 1, 2017.

- RDRs must include compelling documentation that a crash is Not Preventable.

- Suggested documentation includes, but is not limited to:
  - Police accident reports;
  - Insurance claim information;
  - Videos;
  - Pictures;
  - Hearing transcripts; or
  - Affidavits.

  Note: Submitted documentation should contain appropriate content and support the Request for Data Review.

Public Input

- If FMCSA reviews a crash preventability RDR and makes a preliminary determination that the crash is Not Preventable, FMCSA will post information about the crash to DataQs for 30 days.

- Anyone with relevant information to refute the preliminary determination of Not Preventable should submit it through DataQs.

- FMCSA will review any relevant information received before making a final determination.

Crash Review Decisions

- FMCSA will continue to list all crashes on SMS and use this data for prioritization.

- Reviewed crashes will have notes reflecting the results of the reviews.
  - **Not Preventable**
    - The notation will read, "FMCSA reviewed this crash and determined that it was not preventable."
    - The motor carrier and enforcement views of SMS will show measures and percentiles <u>with and without</u> the Not Preventable crashes.
  - **Preventable**
    - The notation will read, "FMCSA reviewed this crash and determined that it was preventable."
  - **Undecided**
    - If the documentation submitted did not allow for a conclusive decision, the notation will read, "FMCSA reviewed this crash and could not make a preventability determination based on the evidence provided."

Data Analysis

- FMCSA will maintain data throughout the Demonstration Program so that the Agency can conduct analyses to include:
  - The cost of operating the test and implications for a larger program;
  - Future crash rates of carriers that submitted RDRs;
  - Future crash rates of carriers with Not Preventable crashes; and
  - Impacts to the SMS Crash BASIC Indicator and prioritization.

For More Information

- FMCSA Crash Preventability Demonstration Program Website
  https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program

- DataQs
  https://dataqs.fmcsa.dot.gov