

FMCSA's Crash Preventability Demonstration Program Frequently Asked Questions

1 What is FMCSA's Crash Preventability Demonstration Program?

The Crash Preventability Demonstration Program allows motor carriers or drivers involved in certain crash types to submit Requests for Data Review through FMCSA's DataQs system. Crashes must have occurred from June 1, 2017 through July 31, 2019. The results of the preventability reviews are posted on the Agency's Safety Measurement System (SMS) website.

For those crashes found to be Not Preventable, FMCSA displays, to enforcement users and carriers logged into their own profiles, the Crash Indicator Behavior Analysis and Safety Improvement Category (BASIC) percentiles in SMS with and without the crashes.

2 Why is FMCSA doing a Crash Preventability Demonstration Program?

Stakeholders expressed concern that the Crash Indicator Behavior Analysis and Safety Improvement Category (BASIC) in the Safety Measurement System (SMS) may not identify the highest-risk motor carriers for interventions and that the listing of crashes on the public SMS website, without an indication of preventability, can give an inaccurate impression about the risk posed by a company.

3 What types of crashes are eligible for review in the Crash Preventability Demonstration Program?

FMCSA is reviewing Requests for Data Review for crashes submitted through DataQs.

- When the commercial motor vehicle (CMV) was struck by a motorist 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
- When the CMV was struck by cargo or equipment from another vehicle

FMCSA's Crash Preventability Demonstration Program

4 Why aren't all crashes eligible for the Crash Preventability Demonstration Program?

Based on comments from the American Trucking Associations (ATA), FMCSA is conducting the Demonstration Program to test if certain crashes should be removed from a carrier's Safety Measurement System record. FMCSA is reviewing types of crashes that align with ATA's recommendations and are generally less complex.

For example, FMCSA is defining "struck in the rear" to mean only crashes when the rear of the commercial motor vehicle (CMV) was struck. Crashes where the CMV was struck on the side near the rear of the vehicle are not considered eligible.

Also, for "wrong direction" crashes, eligible crashes are those where the vehicle that struck the CMV was operating completely in the wrong lane and in the wrong direction. These crashes include when the vehicle that struck the CMV completely crossed the median or center line and traveled into opposing traffic. These crashes do not include when the vehicle that struck the CMV swerved across the center line but did not travel entirely in the wrong lane and in the wrong direction.

FMCSA is defining "legally stopped" to mean only when the CMV is stopped due to a traffic control device. Crashes where the CMV was "stopped in traffic" are not considered eligible.

These parameters are needed so that the Agency can accurately and consistently assess the evaluation of crashes.

5 When did the Crash Preventability Demonstration Program start and when does it end?

On August 1, 2017, carriers and drivers began submitting Requests for Data Review in DataQs for eligible crashes that occurred on or after June 1, 2017.

FMCSA will accept Requests for Data Review for crashes in the 8 eligible types that occurred from June 1, 2017, through July 31, 2019, until September 30, 2019.

6 When did FMCSA begin accepting crashes for the Crash Preventability Demonstration Program?

FMCSA began accepting Requests for Data Review in DataQs on August 1, 2017, for eligible crashes that occurred on or after June 1, 2017.

FMCSA's Crash Preventability Demonstration Program

7 How long will the Crash Preventability Demonstration Program last?

The Crash Preventability Demonstration Program was expected to last a minimum of 24 months.

FMCSA will accept Requests for Data Review for crashes in the 8 eligible types that occurred from June 1, 2017, through July 31, 2019, until September 30, 2019.

8 How do I submit a crash for review in the Crash Preventability Demonstration Program?

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

Information on how to submit a crash preventability RDR is available at: www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program.

9 What information do I need to submit for participation in the Crash Preventability Demonstration Program?

Motor carriers or drivers must submit compelling information and documentation to show that the crash was Not Preventable. Suggested documentation/evidence includes, but is not limited to:

1. Crash reports;
2. Police Accident Reports;
3. Insurance documents;
4. Videos or photos;
5. Media reports;
6. Affidavits; or
7. Transcripts.

Requests for Data Review (RDRs) with no documentation will be immediately closed as not eligible.

Submitted documentation should contain appropriate content (e.g., no unnecessarily graphic photos) and support the RDR.

10 Will FMCSA still process Requests for Data Review (RDRs) as part of the Crash Preventability Demonstration Program if the State has not yet submitted the crash report to FMCSA?

FMCSA will initiate a review of the crash preventability RDRs if the State has not yet submitted the crash report to FMCSA. However, FMCSA will not complete the review until FMCSA has the State report. While FMCSA expects this to rarely happen, if it does, FMCSA will contact the appropriate State and request that the crash be uploaded to FMCSA.

FMCSA's Crash Preventability Demonstration Program

11 How do I find out the status of my Request for Data Review (RDR) in the Crash Preventability Demonstration Program, and how long will it take for FMCSA to review 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 Demonstration 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.

- **PENDING: PUBLIC INPUT**

FMCSA published a Preliminary Not Preventable determination for the 30-day review period.

- **CLOSED: NOT ELIGIBLE**

The crash did not meet the requirements of the Demonstration Program.

- **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.

Based on the high volume of RDRs received each week in the Demonstration Program, it takes approximately 90 days for submitted RDRs to enter the review process. Once in review, FMCSA is averaging 60 days to complete the review process. FMCSA does not have the resources to respond to requests for updates.

12 How long will it take for FMCSA to post Crash Preventability Demonstration Program results to the Safety Measurement System (SMS)?

Once FMCSA completes its review of the crash, the Agency will post results to the SMS within 60 days.

FMCSA's Crash Preventability Demonstration Program

13 Will FMCSA ask for any specific documents?

As noted in the Federal Register notices, 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 example, as part of each preventability determination, FMCSA is ensuring that there were no violations present that should have precluded the driver and/or vehicle from operating. This includes verifying that the driver had a valid Commercial Driver's License (CDL) and medical certificate on the date of the crash. FMCSA is using the Commercial Driver's License Information System (CDLIS) to verify the CDL and medical certificate. However, if the license or medical information was updated since the time of the crash, the submitter will be asked to provide documentation to confirm the driver was operating with a valid CDL and medical certificate at the time of the crash. If the submitter fails to provide evidence of a valid CDL and/or medical certificate for an eligible crash, the determination will be Undecided.

Also, if the crash resulted in a fatality, FMCSA is requesting the documentation for the required drug and alcohol tests. If the submitter fails to provide the required documentation, the determination will be closed for no requestor response.

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

During the Crash Preventability Demonstration Program, FMCSA will continue to list Not Preventable crashes on the public Safety Measurement System (SMS) website. However, the crash will appear with a notation that reads, "FMCSA reviewed this crash and determined that it was Not Preventable."

For logged-in users (carriers viewing their own data, FMCSA, and law enforcement users), two Crash Indicator Behavior Analysis and Safety Improvement Category (BASIC) percentiles and measures will be calculated—one with and one without the Not Preventable crashes.

15 What happens if FMCSA decides my crash was Preventable?

The public display of the Safety Measurement System (SMS) will include a notation that reads, "FMCSA reviewed this crash and determined that it was Preventable."

16 What happens if FMCSA cannot decide 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 Safety Measurement System (SMS) will include a notation that reads, "FMCSA reviewed this crash and could not make a preventability determination based on the evidence provided."

FMCSA's Crash Preventability Demonstration Program

17 Will FMCSA seek input from other parties before deciding a crash was Not Preventable?

During the Demonstration Program, if FMCSA reviews a crash and concludes in a preliminary determination that it was Not Preventable, the crash report number, U.S. DOT number, motor carrier name, crash event date, crash event State, and crash type will be listed on DataQs.

Any member of the public with documentation or data to refute the preliminary determination will have 30 days to submit the documentation through DataQs at: <https://dataqs.fmcsa.dot.gov/public>.

Information on how to submit additional documentation is available at: www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program.

FMCSA will review and consider any new documents or data before making a final determination. FMCSA will post all determinations to the Safety Measurement System (SMS) within 60 days of final decisions.

In addition, FMCSA is maintaining a list of Final Not Preventable determinations on its website at www.fmcsa.dot.gov/crash-preventability-demonstration-program. This list will be updated monthly. If at any time during the Demonstration Program someone has information to refute the determination, it may be submitted to FMCSA by sending the information by email to Crash.Preventability@dot.gov.

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

Carriers may request that FMCSA reconsider requests by reopening the Request for Data Review in DataQs and submitting additional documentation.

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

Throughout the Crash Preventability Demonstration Program, FMCSA will maintain data so that at the conclusion, the Agency can conduct certain analyses. It is expected that the Agency's analyses would include, but not be limited to, the cost of operating the test and its extrapolation to a larger program; future crash rates of carriers that submitted Requests for Data Review, future crash rates of motor carriers with Not Preventable crashes, and impacts to the Safety Measurement System (SMS) crash rates and prioritization. The analysis will be used to examine the American Trucking Associations' assertions that crashes of these types are not preventable and that removing these crashes from the motor carriers' records would result in a better correlation to future crash risk, as well as to inform future policy decisions on this issue.

FMCSA's Crash Preventability Demonstration Program

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

Crash preventability determinations made during this Demonstration 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 Demonstration Program determinations, nor do they establish any obligations or impose legal requirements on any carrier. These Demonstration Program determinations also will not change how the Agency will make enforcement decisions.

Information submitted about a crash as part of this Demonstration Program may be shared with the appropriate FMCSA Division Office for further investigation. Likewise, if an investigation reveals additional information about a crash for which the Demonstration Program made a preventability determination, this information may be shared within the Agency and the crash subjected to further review.

21 Where can I get more information about the Crash Preventability Demonstration Program?

Information on how to submit a crash preventability Request for Data Review (RDR) is available at:
www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program.

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

22 What did the National Academy of Sciences (NAS) Correlation Study say about using crashes in the Safety Measurement System (SMS)?

NAS indicated that all crashes are useful in identifying unsafe motor carriers. In addition, NAS encouraged FMCSA to continue to focus on improving crash data. NAS indicated its awareness of the Agency's plans for the Crash Preventability Demonstration Program and expressed interest in the findings from the program.