



## FMCSA's New Crash Preventability Determination Program

### A Win for Carriers and Drivers

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In 2017, the Federal Motor Carrier Safety Administration (FMCSA) announced the creation of a Crash Preventability *Demonstration* Program (i.e., a pilot program), as part of its larger Compliance, Safety, Accountability (CSA) oversight program. This demonstration program was designed to evaluate whether removing clearly not-preventable crashes would improve the accuracy of CSA.

Between 2017 and 2019, FMCSA accepted crash review requests from motor carriers. To be eligible, the crash had to fall in one of eight narrow scenarios like being struck in the rear or struck while legally parked. Overall, 8,188 eligible crashes were submitted and 7,564 were ruled not-preventable on the part of the truck driver, an astounding 92% success rate. FMCSA learned valuable lessons from the demonstration project.

On May 6, 2020, the [FMCSA announced](#) a permanent, and expanded "Crash Preventability Determination Program." The new program consolidates a few crash scenarios and adds several more. In all, FMCSA now accepts crashes that fall in [16 different categories](#), doubling the number of eligible scenarios accepted under the earlier pilot program. Wisely, FMCSA also included a catch-all category for "rare and unusual" crashes, which captures those "did that really just happen?" type crashes. Crashes deemed not-preventable will be noted on the carrier's CSA profile and will not be used to calculate the Crash Indicator BASIC score. Also, drivers will finally receive the recognition they deserve when the preventability determinations are added to their Pre-employment Screening Program record, which many carriers rely on to help make hiring decisions.

The program started on May 6, 2020, and all eligible crashes that occurred on or after August 1, 2019 are eligible for review. Trucking companies should review their crash record as soon as possible to determine which, if any, crashes are eligible and request a correction. FMCSA has produced several helpful documents that can [help carriers determine when a crash is eligible](#) and [how to use the DataQs system](#) to submit the request for review. Carriers must have a copy of the PAR to support their claim.

Ultimately, this program will improve the accuracy of CSA and help FMCSA and its State enforcement partners better target scarce resources to investigate the least safe motor carriers.

It's taken a long time for FMCSA to come to a basic conclusion: crashes a driver could not have prevented are not indicative of a driver's safety, or that of the driver's employing carrier. With any luck, as the program progresses, and our collective understanding of crash preventability and causation

improves, new crash scenarios will be added, and carrier accountability and FMCSA's CSA program will continue to improve.

We've come a long way, but there's still more road to travel.

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