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# Friday Safety Brief

## December 20th, 2024



### FMCSA Expands Crash Preventability Determination Program

*Crashes determined to be Not Preventable through the CPDP are removed from the calculation of the Crash Indicator Behavior Analysis Safety Improvement Category (BASIC) in FMCSA's SMS, but are still listed on the website.*

A [notice](#) published in the Federal Register on Wednesday, Dec. 4 finalizes the proposed changes, responds to comments and outlines steps for implementation.

With this expansion, the program will include more [non-preventable types of accidents](#) that will be eligible for a preventability ruling.

This is a huge win for the industry and gives carriers who have reportable crashes a larger opportunity to submit these and get them processed.

Let's look at the CPDP more closely.

## What is the CPDP program?

The Crash Preventability Determination Program (CPDP) is a process managed by FMCSA that allows truck drivers and motor carriers to submit evidence to have a crash reviewed and potentially classified as “not preventable” if certain conditions are met.

If successful, those crashes won't be factored into the carrier's safety rating as heavily as a preventable crash would be.

Under the CPDP, if you were involved in an eligible crash, you may submit a ***Request for Data Review (RDR)*** with the required police accident report and other supporting documents, photos, or videos through the Agency's DataQs system.

Crashes determined to be **Not Preventable** through the CPDP are removed from the calculation of the Crash Indicator Behavior Analysis Safety Improvement Category (BASIC) in FMCSA's SMS, but are still listed on the website.

According to FMCSA, between May 1, 2020 and Dec. 30, 2022, nearly 40,000 DataQ requests in this crash-review program were submitted to the agency. Approximately 72% of the submitted requests were eligible, meaning they matched one of 16 specific crash types that could be deemed not preventable. More than 95% of the eligible crashes were found to have been not preventable.

## What's Changing with CPDP?

The program had its faults as only those that fit in the eligible crash boxes would be considered for removal. In some cases, carriers could have clear evidence that a crash they had was not preventable, but if it didn't meet the 16 eligible crash types, then it could not be removed.

Now, FMCSA's crash preventability program is increasing the amount of crash types from 16 to 21.

This will expand the program to review even more crashes each year for preventability. The additional crash types are **expected to double the size of the program.**

1. A commercial motor vehicle was struck because another motorist was entering the roadway from a private driveway or parking lot.
2. A commercial motor vehicle was struck because another motorist lost vehicle control. FMCSA reviewed many police accident reports that included this information, but these accidents were ineligible for the program under the current crash types.
3. Any other type of crash involving a commercial motor vehicle, where a video demonstrates the sequence of events of the crash.

They also said they would analyze the changes to new and existing crash types for two years, but may announce changes sooner if certain crash types cannot be consistently reviewed or if there is insufficient information to make eligibility and preventability determinations.

The Agency will accept RDRs for the new and updated crash types for crashes that occur on or after December 1, 2024.

#### All 21 Eligible Crash Types to be Reviewed

Crashes on or after Dec 1, 2024 follow the eligibility list on this page, while those prior to December 1, 2024, will be reviewed under the previous standards.

CMV was struck in the rear by a motorist.

CMV was struck on the side at the rear by a motorist.

CMV was struck on the side by a motorist operating in the same direction as CMV.

CMV was struck because another motorist was driving in the wrong direction.

CMV was struck because another motorist was making a U-turn or illegal turn.

CMV was struck while legally stopped at a traffic control device or parked, including while the vehicle was unattended.

CMV was struck because another motorist did not stop or slow in traffic.

CMV was struck because another motorist failed to stop at a traffic control device.

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.

CMV was struck because another motorist experienced a medical issue which contributed to the crash.

CMV was struck because another motorist fell asleep.

CMV was struck because another motorist was distracted (e.g., cellphone, GPS, passengers, other).

CMV was struck by cargo or equipment from another vehicle, or debris (e.g., fallen rock, fallen trees, unidentifiable items in the road).

CMV crash was a result of an infrastructure failure.

CMV struck an animal.

CMV crash involving a suicide death or suicide attempt.

CMV was struck because another motorist was entering the roadway from a private driveway or parking lot.

CMV was struck because another motorist lost control of the vehicle.

CMV was involved in a crash with a non-motorist.

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 vehi-