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FMCSA Announces Proposed Changes to Crash Preventability Determination Program

The Federal Motor Carrier Safety Administration has [published proposed modifications](#) to its [Crash Preventability Determination Program](#). The proposal seeks to clarify existing eligible crash scenarios and add four new crash types. Comments on the proposal are due in sixty days.

The four new eligible types are:

1. **CMV was struck on the side by a motorist operating in the same direction.** Currently, the crash type is limited to side strikes at the very rear of the vehicle (e.g., 5:00 and 7:00 points of impact).
2. **CMV was struck because another motorist was entering the roadway from a private driveway or parking lot.**
3. **CMV was struck because another motorist lost control of their vehicle.** FMCSA notes that many police accident reports (PARs) submitted under the current program fit this description but are currently ineligible for the program.
4. **Any other type of crash involving a CMV where a video demonstrates the sequence of events of the crash.** FMCSA believes that the submission of videos could allow it to review crashes that are not in the 20 other types. This appears to be the most notable change as a catch-all category.

In alignment with DOT's [National Roadway Safety Strategy](#), FMCSA seeks to leverage the program to help it better identify unsafe carriers by modifying crash types to "broaden eligibility, removing the distinction between direct and indirect strikes, and differentiating some types for improved reporting." FMCSA may make further modifications to the existing eligible crash types in the future.

In addition, FMCSA is proposing a stand-alone category for "**CMV was involved in a crash with a non-motorist.**" Under the current criteria, these events are included in the "**Rare and Unusual**" crash type.

Most of the changes to the existing crash types are slight verbiage adjustments. For example, the current crash type "**CMV was struck by a motorist driving in the wrong direction**" will change to "**CMV was struck because another motorist was driving in the wrong direction.**" Other changes include separating another motorist "**falling asleep**" into its own category, instead of being combined with forms of "**distracted driving**" under the current rubric. A complete listing of the new proposed categories is included below.

FMCSA notes in the Federal Register that the adjustments are expected to result in a doubling of the size of the Program. While changes appear to be favorable, industry stakeholders are encouraged to comment on the proposal. Please contact STC for assistance drafting comments.

STC also provides a service to motor carriers seeking help in evaluating and submitting crashes to FMCSA for preventability determinations. For more information, contact David O'Neal at doneal@scopelitisconsulting.com.

Proposed Crash Preventability Determination Program Eligible Crash Scenarios

1. CMV was struck in the rear by a motorist
2. CMV was struck on the side at the rear by a motorist
3. CMV was struck while legally stopped at a traffic control device or parked, including while the vehicle was unattended
4. CMV was struck because another motorist was driving in the wrong direction
5. CMV was struck because another motorist was making a U-turn or illegal turn
6. CMV was struck because another motorist did not stop or slow in traffic.
7. CMV was struck because another motorist failed to stop at a traffic control device
8. 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
9. CMV was struck because another motorist experienced a medical issue which contributed to the crash
10. CMV was struck because another motorist fell asleep
11. CMV was struck because another motorist was distracted (e.g., cellphone, GPS, passengers, other)
12. CMV was struck by cargo or equipment from another vehicle, or debris (e.g., fallen rock, fallen trees, unidentifiable items in the road);
13. CMV crash was a result of an infrastructure failure
14. CMV struck an animal
15. CMV struck an individual committing or attempting to commit suicide
16. CMV was struck on the side by a motorist operating in the same direction as CMV
17. CMV was struck because another motorist was entering the roadway from a private drive or parking lot
18. CMV was struck because another motorist lost control of the vehicle
19. CMV was involved in a crash with a non-motorist
20. 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 vehicle)
21. Any other type of crash where a CMV was involved and a video demonstrates the sequence of events of the crash