

# NEWS BRIEF

Provided by: Wheeler & Taylor Inc.

## FMCSA Relaunches Crash Preventability Determination Program

On May 1, 2020, the Federal Motor Carrier Safety Administration (FMCSA) announced that it was relaunching and expanding the Crash Preventability Determination Program (CPDP).

The CPDP was previously launched as a pilot program in July of 2017, but was suspended last year while the administration made adjustments.

The program allows motor carriers and drivers to argue that a crash was not preventable. This is important, as nonpreventable crashes are not counted against a motor carrier in the FMCSA's Compliance, Safety, Accountability (CSA) system. As such, the crash would not result in a higher chance of the carrier being targeted for warning letters or investigations. For drivers, a nonpreventable crash has less of a chance of affecting future employment prospects.

The program is available for crashes that occurred on or after Aug. 1, 2019. Carriers or drivers who want to challenge the preventability of a crash can submit a Request for Data Review through the FMCSA's [DataQs website](#). Submissions should include a police accident report and any photos, videos or other supporting documents.

The relaunched version of the program expands upon the types of crashes eligible for inquiries compared with its pilot predecessor. Motor carriers and drivers can now submit requests for review for the following types of collisions:

- **Wrong direction or illegal turns**—When a collision was caused by either driver operating in the wrong direction, or by another motorist making an illegal turn
  - **Parked or legally stopped**—When a CMV was struck while parked or legally stopped at a traffic control device
  - **Failure of the other vehicle to stop**—When a CMV was struck by a motorist who failed to obey a traffic control device, or did not stop or slow in traffic
  - **Under the influence**—When a collision involved a motorist under the influence, such as operating while intoxicated
  - **Medical issues, falling asleep or distracted driving**—When a CMV was struck by a motorist experiencing a medical issue that contributed to the collision, or by a motorist who fell asleep or was distracted
  - **Cargo/Equipment/Debris or Infrastructure Failure**—When a CMV was struck by cargo, equipment or debris, or an accident stemmed from the failure of infrastructure
  - **Animal strike**—When a CMV struck an animal
  - **Suicide**—When a CMV struck a person committing, or attempting to commit, suicide
  - **Rare or unusual**—When a collision does not meet another eligible type and may have had an unusual factor, such as an airplane or a deceased driver
- **Struck in the rear**—When a commercial motor vehicle (CMV) was struck in the rear or on the side at the rear

Click [here](#) for the FMCSA's news release regarding the relaunch of the program.

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