

FMCSA Announces Changes to Crash Preventability Determination Program

December 4, 2024

On December 4, 2024, the Federal Motor Carrier Safety Administration (FMCSA) announced [modifications](#) to its [Crash Preventability Determination Program](#) (CPDP).

FMCSA first announced its proposal to add and update eligible crash types in April 2023, at which time they accepted public comments. According to their notice announcing the changes, they received 60 unique comments on the proposal from a variety of industry stakeholders, which largely supported the proposed changes.

FMCSA has operated the CPDP since launching a “demonstration program” in August 2017 – and then transitioning it into a fully-formed program in May 2020 – to allow carriers and drivers to submit evidence that an eligible crash was not preventable. If FMCSA determines the crash was not preventable, it is listed on the carrier’s Safety Measurement System (SMS) profile as not preventable, and is not included as part of the carrier’s Crash Indicator Behavior Analysis and Safety Improvement Category (BASIC) measure in SMS, thereby improving the carrier’s BASIC score. Additionally, “not preventable” determinations will be noted on a driver’s Pre-Employment Screening Program (PSP) report. FMCSA made no changes to this process in its announcement.

As of September 2024, more than 68,000 crashes have been submitted for review. Almost 19,000 of those were determined to not meet an eligible crash type. Of the remaining 49,000, more than 45,000 – 92% – were determined to be ‘not preventable’.

According to FMCSA, the changes being enacted are intended to clarify some of the existing eligible crash scenarios and to add four new eligible crash types to encompass more scenarios, such as for multi-vehicle crashes. While many commenters submitted recommendations for additional crash types, the Agency stuck to its original proposed changes and indicated in its response that many of the suggestions were either already accounted for in the existing crash types or were too complex and would require extensive review. They also indicated that the newly established video crash type could capture some of these additional crash types.

The four new eligible crash types are:

1. **CMV was struck on the side by a motorist operating in the same direction.** Until now, this crash type has been limited to side strikes at the very rear of the vehicle (e.g., 5:00 and 7:00 points of impact). In this new crash type, they allow for crashes when the striking vehicle is operating in the same direction as the CMV and strikes the CMV in the side (e.g., at the 2:00, 3:00, 4:00, 8:00, 9:00, or 10:00 positions.)
2. **CMV was struck because another motorist was entering the roadway from a private driveway or parking lot.** FMCSA has not yet articulated any specific criteria for this crash

type; for example, whether it matters which part of the CMV is struck. However, they do note in the eligibility guide that the striking vehicle should be entering a public roadway from an “uncontrolled” private driveway or parking lot.

3. **CMV was struck because another motorist lost control of their vehicle.** FMCSA notes for this crash to be eligible the Police Accident Report (PAR) must specifically mention loss of control by the other motorist either on the citation, in the contributing factors, and/or in the PAR narrative.
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 video will allow for the review of crashes not included in the 20 other types. This appears to be the most notable change as a catch-all category. The video must show pre-crash, crash, and post-crash sequence of events, including date and timestamp. It also has to show the striking event occurring. The footage can be from a dash cam, third party, traffic camera, building or nearby business security footage, and it must match the PAR and include a date/time stamp. FMCSA also mentions the video files should not include hours or days of footage preceding the crash.

Additionally, the Agency mentioned it has increased the file size limitation for submissions to 25 MB, and the system will accept most commonly used file formats. They also noted that all files uploaded are encrypted, and information submitted to the CPDP is not used for enforcement purposes. Lastly, crashes should only be submitted under this crash type if it is not eligible under any other crash type in the program. If it falls under another crash type, the submitter should submit the crash there with the video as supporting documentation.

FMCSA now will also offer a stand-alone crash type for **“CMV was involved in a crash with a non-motorist.”** Under the prior criteria, these events would typically be included in the **“Rare and Unusual”** crash type.

Most of the changes being made to the existing crash types are slight verbiage adjustments. For example, the 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 crash type, instead of being combined with forms of **“distracted driving”** under the current rubric. A complete listing of the new proposed categories is included below.

The Agency is now accepting submissions for the new and updated crash types for crashes that occur on or after December 1, 2024. Crashes that occurred before December 1, 2024 will be evaluated under the May 2020 eligibility criteria.

The following scenarios constitute the new list of eligible crash types:

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 crash involving a suicide death or suicide attempt.
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 driveway 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, skydiver, or a deceased driver in another vehicle).
21. Any other type of crash, not listed above, where a CMV was involved and a video demonstrates the sequence of events of the crash.

FMCSA has published an updated [Eligibility Guide](#) and [Fact Sheet](#) that carriers may use as reference documents in assessing their crashes and preparing their submissions.

STC 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.