

FMCSA Announces New Crash Fault Dispute Program

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On August 1, 2017, the Federal Motor Carrier Safety Administration (FMCSA) will launch a [demonstration program](#) that that will enable motor carriers to dispute the determination of certain truck crashes as “preventable.”

The [program](#) is designed to aid motor carriers in improving Compliance, Safety, Accountability (CSA) scores – if the agency reclassifies the cause of crashes that were previously deemed preventable.

On July 12, 2016, the agency proposed that it would accept requests from carriers for data review (RDRs) on accident determinations via a demonstration program. The [agency notice](#) released on July 27, 2017 announced the crash preventability demonstration program. Through the program, the FMCSA will accept requests for data review (RDRs) to evaluate the preventability of certain categories of crashes. The notice describes the crash types that will qualify for the demonstration program, the process for submitting RDRs to evaluate the preventability of a crash, how decisions on preventability will be displayed in agency systems, and the data to be collected through this program for use in future decisions about a longer-term crash preventability program.

The agency will use its national data correction system known as DataQs in the demonstration program. For this program, the DataQs system will accept videos 5 MB or smaller in specific video container formats, including MP4, MPG, MKV, AVI, MPEG, and WMV file types.

Only certain crash types will be eligible for the demonstration program. FMCSA will review RDRs for crashes submitted through DataQs:

- When the commercial motor vehicle (CMV) was struck by a motorist driving under the influence (or related offense)
- When the CMV was struck by a motorist driving the wrong direction
- When the CMV was struck in the rear
- When the CMV was struck while it was legally stopped or parked, including when the vehicle was unattended
- When the CMV struck an individual committing or attempting to commit suicide by stepping or

driving in front of the CMV

- When the CMV sustained disabling damage after striking an animal in the roadway
- When the crash was the result of an infrastructure failure, falling trees, rocks, or other debris
- When the CMV was struck by cargo or equipment from another vehicle

The start date for submitting RDRs on crashes is August 1, 2017. As of August 1, 2017, motor carriers may begin submitting RDRs on crashes that occurred on or after June 1, 2017. The FMCSA states that the burden is on the submitter to show that the crash was not preventable.

The FMCSA's FAQs for the demonstration program are available [here](#).

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National Law Review, Volume VII, Number 296

Source URL: <https://natlawreview.com/article/fmcsa-announces-new-crash-fault-dispute-program>