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ISSUE NAME

Operational Policy 5 - Post Crash Inspection Defintion

STATUS

Closed

Crash Data and Investigation Standards Committee

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Post Crash Inspections are completed in association with crash investigations in most, if not all, jurisdictions. CVSA has created the Crash Data and Investigation Standards Committee to work towards a uniform method of conducting these inspections. There is nothing in writing, anywhere in CVSA policy or regulation, that specifically defines a Post Crash inspection, giving guidance on how they are to be conducted or documented.

JUSTIFICATION OR NEED

Post Crash Inspections need to be defined within CVSA policy to provide a platform for the Crash Data and Investigation Standards Committee to continue to build a uniform program. This will also provide a written explanation of what a Post Crash Inspection is and a location to reference when questions are raised.

REQUEST FOR ACTION

Define Post Crash Inspections within CVSA Operational Policy, specifically in Ops Policy 5. As the Crash Data and Investigation Standards Committee continues their work, a separate Ops Policy, with procedures, may be warranted but until then, this will define these inspections within current policy.

A possible placement would be after the description of the different levels of inspection, between COUNTING INSPECTIONS and RAISED LIFT AXLE(S).

Sample wording to begin discussions:

POST CRASH INSPECTIONS

Post-Crash Inspections are conducted in association with a CMV crash investigation. A Driver/Vehicle Examination Report is completed to document all violations and defects discovered at the time of investigation. When completing this type of inspection, the inspector shall choose Post Crash as a Special Check when initiating the report. The defects identified to be there as a result of the crash will be identified as such on the violation page.

ACTION TAKEN BY COMMITTEE

A subcommittee drafted a definition. The definition of a post-crash inspection was added to Ops 5 to read as follows:

POST-CRASH INSPECTION

Commercial Motor Vehicle – Post-crash inspections are conducted in association with commercial motor vehicle (CMV) crash investigations. A CVSA CMV post-crash inspection is an inspection performed by a CVSA-certified inspector in association with a CMV crash. A driver/vehicle examination report should be completed to document all violations and defects discovered at the time of the post-crash inspection.

The purpose of this policy is to ensure consistency and uniformity in post-crash CMV inspections. The intent is to identify and document all possible pre-crash defects/violations, with specific intent to find potential crash causal factors.

A CMV post-crash inspection shall first meet the U.S. Federal Motor Carrier Safety Administration's (FMCSA) definition of an accident in title 49 Code of Federal Regulations (CFR) 390.5. Once met, the inspector should begin the post-crash inspection by selecting the appropriate level of CVSA inspection (e.g., Level I, II, III or V) and selecting the post-crash check box when initiating the report.

As the inspector identifies each violation discovered during the post-crash inspection, the inspector should select "yes" when the violation discovered is a result of the crash or "no" when the violation was not the result of the crash (the violation was pre-existing). When the CMV post-crash investigator cannot make the determination, the inspector should select "unknown."

Not all post-crash inspections will meet the threshold for a complete level I inspection. This policy is not meant to restrict the level of inspection. Agency policies, the reconstructionist, inspector, collision investigator, or type and severity of a crash may necessitate a different level of CVSA inspection.

The CMV post-crash inspection shall include the following elements:

- CVSA Operational Policy 14 should be used as guidance for documenting violations for post-crash inspections until a post-crash operational policy is created.
- All violations determined to be "pre-crash" (violations present before the crash occurred) should be listed first on the violations page.
- All violations should be listed on the post-crash inspection report, including post-crash damage/violations.
- If the violations are out-of-service, they may be designated as CFR 396.7 violations.
- Specify the violations with each out-of-service condition.

NOTE: Multiple violations of the same nature should be listed as one violation (e.g., CFR 396.3(a)(1) violations for broken parts and/or accessories should be listed as one violation with additional information in the inspector's notes or an additional narrative). There should be no stacking.

Non-commercial Motor Vehicle – CVSA recognizes member jurisdictions complete thorough post-crash inspections on large trucks and buses not in commerce. When a post-crash inspection is completed on an exempt, non-regulated CMV or a CMV not in commerce and the member jurisdiction chooses to utilize the standardized inspection to document violations discovered, the inspection should be marked as a Level VII inspection⁵.

ADVANCED POST-CRASH INSPECTION

More significant CMV crashes may require additional expertise (e.g., crash reconstructionist, specialized post-crash inspector) to determine causal factors in the collision. CVSA recommends, as a best practice, additional expertise utilized in the following crash types:

- A fatality
- Serious bodily injury
- High-profile collision
- Potential defect in the roadway
- Any other reason a jurisdiction deems necessary

In the event of a more significant CMV crash, CVSA recommends utilizing specially trained investigators such as:

- Crash reconstructionist
- Advanced CVSA post-crash trained officer
- Drug recognition expert