National Transportation Safety Board

Office of the Chair

Washington, DC 20594

March 30, 2023

Docket Management Facility
US Department of Transportation
1200 New Jersey Avenue SE
West Building, Room W12–140
Washington, DC 20590

Re: Docket Number DOT–NHTSA–2023–0002

Dear Sir or Madam:

The National Transportation Safety Board (NTSB) has reviewed the National Highway Traffic Safety Administration's (NHTSA) request for comments titled "Draft *Model Minimum Uniform Crash Criteria* (*MMUCC*) *Guideline*, Sixth Edition," published at 88 *Federal Register* 7128 on February 2, 2023. The purpose of this request for comments is to collect feedback from crash data collectors, users, administrators, managers, and technicians on the viability of data element improvements. The proposed changes are designed to improve crash data standardization as well as increase specificity in crash data elements to advance transportation safety professionals' ability to assess crash characteristics and improve accuracy when creating safety countermeasures for preventing motor vehicle-involved crashes occurring on public roads.

The NTSB is pleased to note that certain proposed revisions of existing data elements, along with the addition of new data elements, will further address open NTSB recommendations issued to NHTSA. Revisions to the *MMUCC* also relate to three key safety issue areas on the NTSB's 2021–2023 Most Wanted List of Transportation Safety Improvements: "Protect Vulnerable Road Users through a Safe System Approach," "Prevent Alcohol- and Other Drug-Impaired Driving," and "Implement a Comprehensive Strategy to Eliminate Speeding-Related Crashes." These safety issue areas would be greatly benefitted by improvements to state crash data, which will increase transportation safety professionals' ability to improve the safety of those traveling on public roads.

Protect Vulnerable Road Users through a Safe System Approach

In its 2022 report titled *Micromobility: Data Challenges Associated with Assessing the Prevalence and Risk of Electric Scooter and Electric Bicycle Fatalities and Injuries*, the NTSB found that a lack of data elements and standardization in police crash and injury surveillance data limited the accurate assessment of electric scooter

(e-scooter) and electric bicycle (e-bike) injury and fatality prevalence and risk, and inhibited data linkage.[1] The following recommendation was issued to NHTSA:

> Work with the Governors Highway Safety Association to ensure that revisions to the *Model Minimum Uniform Crash Criteria* include data elements for electric scooters and electric bicycles. (H-22-26)[2]

An accompanying recommendation was made to the Governors Highway Safety Association (GHSA) to work with NHTSA to ensure that data elements for e-scooters and e-bikes are incorporated into the *MMUCC* (H-22-32).[3] In response to the NTSB's recommendation, the GHSA agreed that codes for micromobility devices should be appropriately incorporated into police crash data and expressed "strong support" for the new micromobility data elements proposed for inclusion in the sixth edition of the *MMUCC*.[4]

These planned revisions to the *MMUCC* include expanded definitions of device type and person type. In the NTSB's 2022 report on e-scooter and e-bike data limitations, the grouping of dissimilar devices used by pedestrians was found to be an impediment to accurately assessing injury and fatality prevalence and risk. Non-motorist person type (an attribute of *MMUCC* element P5) has been revised and now includes a specific attribute for person on personal conveyance—a significant improvement from the fifth edition, which categorized persons on personal conveyances in a category with other pedestrians. Proposed guidance also includes the ability to differentiate motorized wheelchairs from recreational motorized scooters by giving each a distinct category within the grouping of personal conveyances (*MMUCC* element NM9). Revisions also include an additional subfield under non-motorist device type that allows for recording whether the device was motorized. These updated elements are accompanied by rules for entry into electronic crash data entry systems.[5]

The addition of data elements allowing for the differentiation between motorized and non-motorized device types, along with the expansion of the non-motorist person type attribute to include micromobility devices, will allow for the identification of e-scooters and e-bikes in crash databases. Further, guidance provided in the *MMUCC* for implementing these changes would ensure that data are

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[1] National Transportation Safety Board, *Micromobility: Data Challenges Associated with Assessing the Prevalence and Risk of Electric Scooter and Electric Bicycle Fatalities and Injuries*, SRR-22-01 (Washington, DC: National Transportation Safety Board, 2022).

[2] Safety Recommendation H-22-26 is classified Open—Await Response.

[3] Safety Recommendation H-22-32 is classified Open—Initial Response Received.

[4] See the Safety Recommendation H-22-32 correspondence history for further details of the GHSA's February 21, 2023, initial response.

[5] See "Appendix C: Edit Rules" of the draft *MMUCC Guideline: Model Minimum Uniform Crash Criteria,* Sixth Edition (2024), which is available via the docket (DOT–NHTSA–2023–0002).

recorded accurately at the scene of a crash and entered into crash databases correctly. Inclusion of the proposed data elements into the *MMUCC* will likely satisfy Safety Recommendation H-22-26.

Prevent Alcohol- and Other Drug-Impaired Driving

In its 2022 report titled *Alcohol, Other Drug, and Multiple Drug Use Among Drivers*, the NTSB found that drug data in national-level databases continue to be unreliable and cannot be used to estimate drug prevalence among drivers.[6] As a result, the NTSB made several recommendations to NHTSA and states aimed at standardizing driver drug toxicology testing.

The planned revisions to the *MMUCC* include the removal of the drug test element (*MMUCC* element P23), including its subfields: test status, which indicates whether a test was given; type of test, which indicates the biological specimen collected, such as blood or urine; and drug test result, which indicates the drugs found in a specimen. Drug test results may include hundreds of drugs and their metabolites and are often not available until weeks or months after a biological specimen is collected. Analysts who populate crash databases are more likely to obtain high-quality data by directly reviewing toxicology reports from a laboratory than by relying on police crash reports that, even if they were later updated based on toxicological findings, may provide an incomplete, secondhand reporting of drug results. However, NHTSA has reported that in about one in four cases, analysts who populate the agency's Fatality Analysis Reporting System (FARS) obtained drug test data from police crash reports.[7] Consequently, it will be important to provide training and guidance to FARS analysts on methods to obtain drug test results directly from toxicology laboratories to ensure that drug test result data are not lost as a result of removing this subfield from the *MMUCC*.

Although the NTSB agrees with the removal of the drug test result subfield, we are concerned about the removal of the test status and type of test subfields. There are data elements within FARS that are designed to mirror these *MMUCC* subfields.[8] Removing the test status and type of test subfields could hinder understanding of how often drug tests are conducted and the types of specimens collected. Removing these subfields could also make it more difficult for analysts to know when they should seek drug test results from toxicology laboratories. Although the *MMUCC* element known as law enforcement suspects drug involvement (*MMUCC* element P19) could serve a similar purpose, the FARS coding and validation manual provides

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[6] National Transportation Safety Board, *Alcohol, Other Drug, and Multiple Drug Use Among Drivers,* SRR-22-02 (Washington, DC: National Transportation Safety Board, 2022).

[7] A. Berning, R. C. Smith, M. Drexler, and K. Wochinger, *Drug Testing and Traffic Safety: What You Need to Know*, DOT HS 813 264 (Washington, DC: National Highway Traffic Safety Administration, 2022).

[8] The FARS elements are drug test status and drug specimen.

an explicit rationale for why this should not be done.[9] Specifically, it states the following:

> **Ordering a test is not the same as reporting involvement.** There are instances when law enforcement does not indicate in the police crash report whether drugs were involved or not, but they do mention that a test was given or ordered. For example, the police may only say that an evidential test was ordered for a driver without indicating that they suspected drugs or providing a result.[10]

For its 2022 report, the NTSB analyzed FARS drug data and found wide variability in reported drug test results by state.[11] Also, the proportion of drivers reported as drug tested in FARS was lower in recent years than it was in 2012. FARS contains elements reflecting whether a drug test was conducted and the biological specimen collected, and the FARS coding and validation manual instructs analysts to not use police-reported drug involvement as a surrogate for whether a test was conducted for the reason noted above.

The NTSB acknowledges that law enforcement may not be aware of either drug test status or type of test when they initially complete a crash report. However, similarly important drug test information may be available to law enforcement at this initial stage. For example, a *MMUCC* element field indicating whether a drug test was requested could be accurately completed by law enforcement and would provide more information than simply knowing if drug impairment was suspected. Such a field would also serve as an indicator to FARS analysts that they may need to seek a toxicology report if one was not provided with the initial case file.

Consequently, the NTSB is concerned that removing the test status and type of test subfields from the sixth edition of the *MMUCC* would further reduce the reliability of drug-related data in FARS, and we encourage NHTSA instead to consider replacing these fields with a drug test requested field.

Implement a Comprehensive Strategy to Eliminate Speeding-Related Crashes

In its 2017 report titled *Reducing Speeding-Related Crashes Involving Passenger Vehicles*, the NTSB found that reporting of speeding-related crashes is inconsistent.[12] For example, the report noted that 85% of all speeding-related passenger vehicles involved in fatal crashes were assigned "exceeded speed limit" in

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[9] National Highway Traffic Safety Administration, *2020 FARS/CRSS Coding and Validation Manual*, DOT HS 813 251 (Washington, DC: National Highway Traffic Safety Administration, 2022).

[10] Emphasis retained from the *2020 FARS/CRSS Coding and Validation Manual*; see page 801.

[11] *Alcohol, Other Drug, and Multiple Drug Use Among Drivers,* SRR-22-02.

[12] National Transportation Safety Board, *Reducing Speeding-Related Crashes Involving Passenger Vehicles*, SS-17/01 (Washington, DC: National Transportation Safety Board, 2017).

Massachusetts, whereas 7% of these vehicles were assigned this category in Arkansas. The report also documented variability among states in speeding-related categories on police crash report forms and concluded that the lack of consistent reporting hinders effective implementation of data-driven speed enforcement programs. As a result, the NTSB recommended that NHTSA do the following:

> Work with the Governors Highway Safety Association, the International Association of Chiefs of Police, and the National Sheriff's Association to develop and implement a program to increase the adoption of speeding-related *Model Minimum Uniform Crash Criteria Guideline* data elements and improve consistency in law enforcement reporting of speeding-related crashes (H-17-21).[13]

In response to this recommendation, NHTSA stated that a study of and revision to the *MMUCC* was underway and that it would continue to work with the GHSA, the International Association of Chiefs of Police, and the National Sheriffs' Association on speeding-related projects to help improve consistency in crash reporting.[14]

One key component of national data standardization addressed in Safety Recommendation H-17-21 is the wide adoption of the *MMUCC* by states, which have typically been slow to implement *MMUCC* data guidance. Although planned revisions to the sixth edition of the *MMUCC* include updates to speeding-related data elements and guidance, these changes do not address the intent of Safety Recommendation H-17-21, which is to increase adoption of speeding-related *MMUCC* elements among states to improve law enforcement reporting of speeding-related crashes in the *MMUCC* and consistency in police crash databases.[15]

NHTSA agreed with Safety Recommendation H-17-21 in its identification of states' slow adoption of the *MMUCC* as a problem. To address this, NHTSA issued a notice and request for comments titled "Evaluation of the *Model Minimum Uniform Crash Criteria* Program," published at 87 *Federal Register* 18065 on March 29, 2022, which announced NHTSA's intent to conduct a study on the ease of use of the *MMUCC* by state law enforcement. In this notice, NHTSA states that the study will

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[13] (a) Safety Recommendation H-17-21 is classified Open—Acceptable Response. (b) The NTSB issued accompanying recommendations to the GHSA (H-17-34, classified Open—Acceptable Response), the International Association of Chiefs of Police (H-17-35, classified Open—Await Response), and the National Sheriff's Association (H-17-36, classified Open—Acceptable Response) to work with NHTSA to improve consistency in law enforcement reporting of speeding-related crashes.

[14] See the Safety Recommendation H-17-21 correspondence history. See also the *National Transportation Safety Board Evaluation of The US Department of Transportation 2021 Report to Congress on the Regulatory Status of the Safety Issue Areas on the National Transportation Safety Board's Most Wanted List*, May 2022 (Washington, DC: National Transportation Safety Board, 2022).

[15] Proposed changes include updates to speeding-related attributes (*MMUCC* elements D5 and V24) and updated guidance (*MMUCC* rules WR.017 and ER.053). Changes also include revisions to the highway safety rationale highlighting the data elements' "importan[ce] for evaluating the effectiveness of countermeasures that prevent or reduce the frequency and severity of crashes."

consist of surveys distributed to law enforcement officers to examine the feasibility of using *MMUCC* guidelines to record crash data and collect feedback for areas of improvement. Given NHTSA's reference to the study in its response to Safety Recommendation H-17-21, results from said study should include an evaluation of the adoption of speeding-related data elements among the states.[16] NHTSA also stated that the study results would be published in the sixth edition of the *MMUCC*. However, due to delays, the draft sixth edition of the *MMUCC* does not include the study findings; still, the NTSB looks forward to their publication.

Summary

The *MMUCC* has the potential to improve the ability of transportation safety professionals to use crash data to create and implement effective traffic safety countermeasures. The NTSB supports proposed revisions to the *MMUCC* concerning e-scooters and e-bikes; however, we are concerned about the removal of the subfields test status and type of test from the drug test element without replacing them with a field that notes whether a test was requested. Additionally, the NTSB remains concerned about the low adoption rate of the *MMUCC* among states, which was a key component of our recommendation that NHTSA create a program to improve the adoption of speeding-related *MMUCC* data elements. NHTSA's plans to include in the *MMUCC* the results of a study evaluating how well the *MMUCC* is implemented in police crash reports would have provided helpful insights for its implementation, but the study has been delayed and the study results will not be included in the sixth edition of the *MMUCC*. Consequently, the NTSB encourages NHTSA to publicize the results when the study is complete and to apply those results toward efforts to increase the *MMUCC*'s adoption.

Thank you for the opportunity to provide comments.

Sincerely,

Jennifer Homendy
Chair

[16] See page 20 in the *National Transportation Safety Board Evaluation of The US Department of Transportation 2021 Report to Congress on the Regulatory Status of the Safety Issue Areas on the National Transportation Safety Board's Most Wanted List*.