



**U.S. Department of Transportation**

## **Privacy Impact Assessment**

**Federal Motor Carrier Safety Administration**

**FMCSA**

### **Crash Causal Factors Program: Knowledge of Systems and Processes**

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## Executive Summary

Section 23006 of the Infrastructure Investment and Jobs Act (IIJA), titled “Study of Commercial Motor Vehicle Crash Causation,” requires the Secretary of Transportation to conduct “a comprehensive study to determine the causes of, and contributing factors to, crashes that involve a commercial motor vehicle.” To meet the requirements of section 23006 of the IIJA, the Federal Motor Carrier Safety Administration (FMCSA) is establishing a Crash Causal Factors Program. Through this program, FMCSA will execute a multi-phased study of crash causal factors, with Phase 1 focused on fatal crashes involving Class 7/8 large trucks. This Phase 1 effort is referred to as the Large Truck Crash Causal Factors Study. Future phases of the study will focus on different Commercial Motor Vehicle (CMV) populations (such as medium-duty trucks) or crash severities (e.g., serious injury crashes).

To inform planning and design of the study, FMCSA is conducting an information collection (IC) titled “Crash Causal Factors Program: Knowledge of Systems and Processes.” This IC will collect data from Federal, State, and local highway and motor carrier safety programs. It will focus on identifying and documenting States’ and local jurisdictions’ ability to participate in the study; agreements that the States or jurisdictions will require to participate in the study; existing crash data collection processes, systems, tools, training, and quality control processes; and CMV enforcement funding mechanisms and sources. Information collected will inform various elements of the study plan, including the sample design, data collection plans, participation agreements, resourcing plans, and development of the study database.

This Privacy Impact Assessment (PIA) is necessary to provide information regarding the Crash Causal Factors Program study and its collection and use of Personally Identifiable Information (PII).

## What is a Privacy Impact Assessment?

*The Privacy Act of 1974 articulates concepts for how the federal government should treat individuals and their information and imposes duties upon federal agencies regarding the collection, use, dissemination, and maintenance of personally identifiable information (PII). The E-Government Act of 2002, Section 208, establishes the requirement for agencies to conduct privacy impact assessments (PIAs) for electronic information systems and collections. The assessment is a practical method for evaluating privacy in information systems and collections, and documented assurance that privacy issues have been identified and adequately addressed. The PIA is an analysis of how information is handled to—i) ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy; ii) determine the risks and effects of collecting, maintaining and*



*disseminating information in identifiable form in an electronic information system; and iii) examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.<sup>1</sup>*

*Conducting a PIA ensures compliance with laws and regulations governing privacy and demonstrates the DOT's commitment to protect the privacy of any personal information we collect, store, retrieve, use and share. It is a comprehensive analysis of how the DOT's electronic information systems and collections handle personally identifiable information (PII). The goals accomplished in completing a PIA include:*

- *Making informed policy and system design or procurement decisions. These decisions must be based on an understanding of privacy risk, and of options available for mitigating that risk;*
- *Accountability for privacy issues;*
- *Analyzing both technical and legal compliance with applicable privacy law and regulations, as well as accepted privacy policy; and*
- *Providing documentation on the flow of personal information and information requirements within DOT systems.*

*Upon reviewing the PIA, you should have a broad understanding of the risks and potential effects associated with the Department activities, processes, and systems described and approaches taken to mitigate any potential privacy risks.*

## **Introduction & System Overview**

On December 27, 2020, the Consolidated Appropriations Act, 2021 (Pub. L. 116-260), was signed into law, appropriating \$30 million to FMCSA to “carry out [a] study of the cause[s] of large truck crashes.” On November 14, 2021, the President signed into law the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58), which contains requirements for a larger study under section 23006, “Study of Commercial Motor Vehicle Crash Causation.” The requirements under section 23006 define the scope of the study to include all CMVs as defined in 49 U.S.C. 31132.

Section 23006(b)(1) of the IIJA requires the Secretary to “carry out a comprehensive study to determine the causes of, and contributing factors to, crashes that involve a commercial motor vehicle.” Section 23006(b)(2) further requires the Secretary to:

- A. Identify data requirements, data collection procedures, reports, and any other measures that can be used to improve the ability of States and the Secretary to evaluate future crashes involving commercial motor vehicles;
- B. Monitor crash trends and identify causes and contributing factors; and

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<sup>1</sup>Office of Management and Budget's (OMB) definition of the PIA taken from guidance on implementing the privacy provisions of the E-Government Act of 2002 (see OMB memo of M-03-22 dated September 26, 2003).



C. Develop effective safety improvement policies and programs.

Congress anticipated that FMCSA would need to consult with the States and a variety of other experts when planning and executing the study, as noted in section 23006(d), which reads: “In designing and carrying out the study, the Secretary may consult with individuals or entities with expertise on—

1. Crash causation and prevention;
2. Commercial motor vehicles, commercial drivers, and motor carriers, including passenger carriers;
3. Highways and noncommercial motor vehicles and drivers;
4. Federal and State highway and motor carrier safety programs;
5. Research methods and statistical analysis; and
6. Other relevant topics, as determined by the Secretary.”

This IC will collect data from Federal, State, and local highway and motor carrier safety programs. It will focus on identifying and documenting States’ and local jurisdictions’ ability to participate in the study; agreements that the States or jurisdictions will require to participate in the study; existing crash data collection processes, systems, tools, training, and quality control processes; and CMV enforcement funding mechanisms and sources. Information collected will inform various elements of the study plan, including the sample design, data collection plans, participation agreements, resourcing plans, and development of the study database.

### **1.0 Information Collected in the Crash Casualty Factors Program**

FMCSA is collecting minimal business contact information for State and local Government employees or contractors who can answer questions about State and local jurisdiction CMV crash data collection processes, resources, policies, etc. The Agency will be distributing surveys to identified contacts. After the survey is complete, the Agency may follow up with some survey respondents via phone or email, if clarification or further discussion is needed. Below is a list of the PII elements FMCSA will be collecting:

- Name (first and last)
- Job Title
- Organization name
- Email Address
- Phone Number

The Crash Casual Factors Program will collect and store personally identifiable information (PII) as part of this information collection.



## Fair Information Practice Principles (FIPPs) Analysis

*The DOT PIA template is based on the fair information practice principles (FIPPs). The FIPPs, rooted in the tenets of the Privacy Act, are mirrored in the laws of many U.S. states, as well as many foreign nations and international organizations. The FIPPs provide a framework that will support DOT efforts to appropriately identify and mitigate privacy risk. The FIPPs-based analysis conducted by DOT is predicated on the privacy control families articulated in the Federal Enterprise Architecture Security and Privacy Profile (FEA-SPP) v3<sup>2</sup>, sponsored by the National Institute of Standards and Technology (NIST), the Office of Management and Budget (OMB), and the Federal Chief Information Officers Council and the Privacy Controls articulated in Appendix J of the NIST Special Publication 800-53 Security and Privacy Controls for Federal Information Systems and Organizations<sup>3</sup>.*

## Transparency

*Sections 522a(e)(3) and (e)(4) of the Privacy Act and Section 208 of the E-Government Act require public notice of an organization's information practices and the privacy impact of government programs and activities. Accordingly, DOT is open and transparent about policies, procedures, and technologies that directly affect individuals and/or their personally identifiable information (PII). Additionally, the Department should not maintain any system of records the existence of which is not known to the public.*

FMCSA clearly discloses its policies and practices concerning all PII collected, maintained, used, and disseminated by the Agency. FMCSA provides notice to individuals in several different ways—for example, notices of proposed rulemaking, final rules, notices of proposed information collections, the privacy policy on the FMCSA website, system of record notices, and privacy impact assessments (PIAs).

In addition to this PIA, FMCSA has published a 60-day Federal Register notice announcing this proposed information collection. The Agency will be publishing a 30-day Federal Register notice announcing its intent to submit the information collection request to the Office of Management and Budget (OMB) for review and approval. Once transmitted to OMB, all the documents associated with the information collection request (including the survey questions that will be distributed) will be publicly available on OMB's Office of Information and Regulatory Affairs website (<https://www.reginfo.gov/public/>). The publication of this PIA demonstrates FMCSA's commitment to provide transparency and may be found on the DOT website at <http://www.dot.gov/privacy>.

<sup>2</sup> <http://www.cio.gov/documents/FEA-Security-Privacy-Profile-v3-09-30-2010.pdf>

<sup>3</sup> [http://csrc.nist.gov/publications/drafts/800-53-Appendix-J/IPDraft\\_800-53-privacy-appendix-J.pdf](http://csrc.nist.gov/publications/drafts/800-53-Appendix-J/IPDraft_800-53-privacy-appendix-J.pdf)



## Individual Participation and Redress

*DOT provides a reasonable opportunity and capability for individuals to make informed decisions about the collection, use, and disclosure of their PII. As required by the Privacy Act, individuals should be active participants in the decision-making process regarding the collection and use of their PII and they are provided reasonable access to their PII and the opportunity to have their PII corrected, amended, or deleted, as appropriate.*

FMCSA will be maintaining contact information (first and last name, title, organization name, business email address, and business phone number) for State and local Government employees or contractors who can answer questions about State and local jurisdiction CMV crash data collection processes and resources (as described above). FMCSA will maintain this information in a password-protected Excel file saved on a DOT SharePoint site, accessible only to Federal and contracted Crash Causal Factors Program support staff who have DOT credentials and access to the DOT network. This is not a system of record; it will only be used for survey distribution and—in some cases—survey follow-up purposes. However, if State or local Government employees or contractors wish to review, update, or remove their contact information, they may contact the Crash Causal Factors Program support team at [CCFP@dot.gov](mailto:CCFP@dot.gov) and request revisions.

## Purpose Specification

*DOT should (i) identify the legal bases that authorize a particular PII collection, activity, or technology that impacts privacy; and (ii) specify the purpose(s) for which it collects, uses, maintains, or disseminates PII. The PII contained in PTB is utilized for transit subsidy usage reconciliation, reporting for the agency, monitoring, and tracking participant usage.*

Section 23006(b)(1) of the IIJA requires the Secretary to “carry out a comprehensive study to determine the causes of, and contributing factors to, crashes that involve a commercial motor vehicle.” Section 23006(b)(2) further requires the Secretary to:

- A. Identify data requirements, data collection procedures, reports, and any other measures that can be used to improve the ability of States and the Secretary to evaluate future crashes involving commercial motor vehicles;
- B. Monitor crash trends and identify causes and contributing factors; and
- C. Develop effective safety improvement policies and programs.

Congress anticipated that FMCSA would need to consult with the States and a variety of other experts when planning and executing the study, as noted in section 23006(d), which reads: “In designing and carrying out the study, the Secretary may consult with individuals or entities with expertise on—





1. Crash causation and prevention;
2. Commercial motor vehicles, commercial drivers, and motor carriers, including passenger carriers;
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### Data Minimization & Retention

*DOT should collect, use, and retain only PII that is relevant and necessary for the specified purpose for which it was originally collected.*

FMCSA is collecting business information for State and local Government representatives who can answer questions about State and local jurisdiction CMV crash data collection processes, resources, policies, etc. The Agency will be distributing surveys to identified contacts. Below is a list of the PII elements FMCSA will be collecting:

- **Name (first and last):** First and last names will allow FMCSA to determine who at each agency should receive each survey. In some instances, the same individual will receive multiple surveys (e.g., one survey focused on CMV crash data quality review processes and one survey focused on CMV crash data storage). Where possible, FMCSA will consolidate and reduce the number of emails/surveys sent to respondents.
- **Job Title:** FMCSA needs to understand what labor category/job classification is responsible for various CMV crash data collection processes, policies, data sharing agreements, etc. This will aid in communication with States and local jurisdictions as FMCSA narrows the sampling frame, identifies study participants, and begins developing data sharing agreements, etc. Additionally, for future burden estimation purposes, FMCSA needs to know labor categories of respondents.



- **Organization:** Different agencies in different States manage crash data collection, crash data quality reviews, CMV enforcement resources, etc. FMCSA needs to understand what organizations are responsible for each component, to inform study agreements, data collection processes, resource plans, etc.
- **Email Address:** FMCSA must collect email addresses for key points of contact. The Agency will be distributing the surveys via email.
- **Phone Number:** FMCSA is collecting phone numbers for key points of contact, to enable follow-on conversations regarding submitted responses, if needed.

The record schedule for the Crash Causal Factors Program is currently being developed and will be submitted for approval by NARA. All records maintained in the system will be treated as permanent records until the schedule is approved by NARA.

### Use Limitation

*DOT shall limit the scope of its PII use to ensure that the Department does not use PII in any manner that is not specified in notices, incompatible with the specified purposes for which the information was collected, or for any purpose not otherwise permitted by law.*

The PII obtained for this information collection will be used only for survey distribution purposes (i.e., to determine who should receive surveys related to State and local jurisdiction CMV crash data collection processes, resources, policies, etc.) and—in some cases—survey follow-up discussions. No PII will be utilized in the reporting of data or results and PII will not be shared with anyone outside of FMCSA and the Crash Causal Factors Program support team.

### Data Quality and Integrity

*In accordance with Section 552a(e)(2) of the Privacy Act of 1974, DOT should ensure that any PII collected and maintained by the organization is accurate, relevant, timely, and complete for the purpose for which it is to be used, as specified in the Department's public notice(s).*

FMCSA Division Administrators will be reaching out to State and local jurisdiction partners to identify points of contact for this information collection. Division Administrators will provide contact information for these points of contact using a secure web-based survey tool and password-protected Excel spreadsheets (to be saved in a secure, restricted-access SharePoint location on the DOT network). FMCSA will work closely with the Division Administrators to obtain information within a defined time period (estimated at 4 weeks). Because FMCSA staff will be obtaining and submitting this information, FMCSA will be able to influence and control timeliness of the data collection. FMCSA will also be able to identify and address errors in collected contact information (e.g., incorrect email address or





typos) in a timely fashion. If respondents request revisions to their contact information, FMCSA will be able to apply revisions immediately, as FMCSA Crash Causal Factors Program staff will have immediate access to the secured data stored on the DOT network.

## Security

*DOT shall implement administrative, technical, and physical measures to protect PII collected or maintained by the Department against loss, unauthorized access, or disclosure, as required by the Privacy Act, and to ensure that organizational planning and responses to privacy incidents comply with OMB policies and guidance.*

PII is protected by reasonable security safeguards against loss or unauthorized access, destruction, usage, modification, or disclosure. FMCSA has a comprehensive security program that contains management, operational, and technical safeguards that are appropriate for the protection of PII. These safeguards are designed to achieve the following objectives:

- Ensure the security, integrity, and confidentiality of PII.
- Protect against any reasonably anticipated threats or hazards to the security or integrity of PII.
- Protect against unauthorized access to or use of PII.

FMCSA and its support team (comprising Federal and contract staff from the USDOT Volpe National Transportation Systems Center) will employ the following procedures to ensure security of data collected for this information collection:

- Employing internal access controls to ensure that the only people who see the collected information are those with a need to do so to conduct the Crash Causal Factors Program.
- Training relevant personnel on privacy and security measures.
- Performing regular backups of the information collected to insure against loss of data.
- Using technical controls to secure the information collected, including but not limited to:
  - Secure Socket Layer (SSL)
  - Encryption
  - Firewalls
  - User ID and password protections
- Periodically testing security procedures to ensure personnel and technical compliance.



- Employing external access safeguards to identify and prevent unauthorized attempts of outsiders to hack into, or cause harm to, the information collected.

FMCSA will store collected State and local jurisdiction employees' or contractors' contact information in a password-protected Excel file on a DOT SharePoint site accessible only to DOT employees and contractors who (1) are part of the Crash Causal Factors Program support team, and (2) have DOT credentials and network access. FMCSA will distribute surveys to identified points of contact using a secure survey platform (e.g., Qualtrics). Survey responses will then be exported to .csv or .xls format and analyzed for study planning purposes. No PII will be utilized in the reporting of data or results and PII will not be shared with anyone outside of FMCSA and the Crash Causal Factors Program support team.

### Accountability and Auditing

*DOT shall implement effective governance controls, monitoring controls, risk management, and assessment controls to demonstrate that the Department is complying with all applicable privacy protection requirements and minimizing the privacy risk to individuals.*

As noted above, FMCSA is only collecting professional contact information for State and local Government employees or contractors to determine who in each State should receive surveys for this information collection. Survey respondents will not be asked to provide any personal information; rather, they will be asked to provide general information about State and local CMV crash data collection processes, resources, policies, data sharing requirements, etc., to inform study planning. As a result, there is minimal privacy risk to individuals. However, to ensure individuals' contact information is protected, FMCSA will limit access to those directly supporting the Crash Causal Factors Program. Additionally, the Agency will keep respondents' contact information password-protected, in a restricted SharePoint location on the DOT network.

The privacy protocols outlined in this PIA rely on actions taken by the Crash Causal Factors Program support team. These include storing contact information for survey respondents in password-protected Excel files and saving the files in a secure, restricted-access SharePoint site on the DOT network. Other security controls will be ensured through the features of the survey tools used to collect and store data, which may include encrypting or password protecting data as it is transmitted, as well as ensuring individual data files are encrypted and password protected as appropriate.

Additionally, FMCSA follows the Fair Information Principles as best practices for the protection of information collected for the Crash Causal Factors Program. In addition to



these best practices, policies and procedures are consistently applied, especially as they relate to protection, retention, and destruction of records. Federal and contract employees are given clear guidance in their duties as they relate to collecting, using, processing, and securing data. The FMCSA Security Officer and FMCSA Privacy Officer conduct regular periodic security and privacy compliance reviews of their contractors, consistent with the requirements of OMB Circular A-130, Managing Information as a Strategic Resource.

### **Responsible Official**

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### **Approval and Signature**

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