

DataQs State Implementation Plan



Kentucky

**For Compliance with Federal Motor Carrier Safety Administration (FMCSA) Revised
Motor Carrier Safety Assistance Program (MCSAP) Grant Requirements**

Date: September 2026

Purpose

In April 2026, FMCSA announced updated requirements for State participation in the DataQs system as a condition of receiving MCSAP grant funding. To comply with those requirements, each State must submit a DataQs State Implementation Plan. The following pages contain the key elements of the plan approved by FMCSA for Kentucky.

DataQs State Implementation Plan

State: Kentucky

MCSAP Lead Agency: Kentucky State Police

Initial Review Process

Roles and Responsibilities

- Persons responsible for managing DataQs for the organization
 - **Responsible Party:**
DataQs Program Coordinator (Sergeant)
 - **Supervisor(s):**
Lieutenant, Captain
 - **Backups:**
Lieutenant, Captain
 - **Interactions:**
The team listed above includes the Program Coordinator (Sergeant) for the DataQs Program, the MCSAP Coordinator (Lieutenant), and the Commander of the CVE Program Support Branch (Captain). Between them, this team has regular contact with multiple agencies and offices inside and outside of the Kentucky State Police, its subrecipients, and FMCSA. Where assistance is required, this team has a significant number of contacts and resources that can be leveraged in support of the data quality mission.
- Person(s) responsible for decision-making for the Initial Review process
 - **Responsible Party:**
Analyst I
 - **Supervisor(s):**
Sergeant, Lieutenant, Captain
 - **Backups:**
Other Analyst I, Analyst II, or Analyst III
 - **Interactions:**
All analysts have the ability to contact anyone inside or outside of KSP in pursuit of information during the review process. This includes, but is not limited to: the original inspector, their supervisors, witnesses, subject matter experts, employees of other agencies, industry representatives or experts, and members of the public.

- Person(s) consulted for additional information or evidence
 - **Responsible Party:**
Anyone with relevant information will be contacted, this typically includes the original inspector or their supervisor, but additional information and expertise is sought whenever needed. The MCSAP Coordinator, subject matter experts, and NAS-certified instructors are among the routine contacts available to analysts. Analysts are allowed and encouraged to contact anyone they need to contact during the course of the review, inside or outside of KSP.
 - **Supervisor(s):**
See IV A above.
 - **Backups:**
See IV A above.
 - **Interactions:**
See IV A above.

Process Description

- Receipt of RDR
 - **Responsible Party:**
Analyst I
 - **Process:**
Request Type Specialization: KSP does not have separate pathways for different types of RDRs (i.e. data error, inspection request, crash assignment, etc.). Instead, each analyst is trained to handle each type of RDR according to the timelines prescribed by FMCSA. KSP does handle RDR appeals by assigning a higher level of Analyst, depending on the level of review. Generally, the Reconsideration Review will be handled by an Analyst II, and the Final Review will be handled by an Analyst III.

RDR Review Stage I – Initial Review – Intake Phase:

An Analyst I will self-assign RDRs at the Initial Review Phase, subject to these general guidelines:

Unless an RDR is prioritized for review, RDRs shall be opened, assigned, and processed in the order in which they are received.

Analysts shall maintain a register of RDRs they have processed and their current status, in the form and manner specified by the Program Coordinator.

Once an Analyst opens an RDR, it shall be considered assigned to that Analyst and they maintain sole responsibility for its completion unless it is reassigned by the Program Coordinator.

Under circumstances where an Analyst I is unavailable, or where a conflict of interest may exist, an Analyst II or Analyst III may act as an Analyst I when approved by the Program Coordinator.

The Analyst assigned to process the Initial Review must not be the Inspector or Investigator who completed the inspection or report that is the subject of the RDR.

An RDR must be opened within 7 days of its submission by the requestor.

The Initial Review Response, containing a decision on the RDR, must be submitted to the requestor within 21 days of the RDR's submission date.

- Review of RDR

- **Responsible Party:**

- Analyst I

- **Process:**

- RDR Review Stage I – Initial Review – Review Phase:

- The Analyst assigned to review the RDR shall conduct the review in a fair, independent, and impartial manner. The Analyst shall seek documentation and other information from the original inspector, the Requestor, or others when necessary to render a decision.

- The Analyst is required to make a reasonable effort to obtain all relevant inculpatory and exculpatory evidence related to the RDR.

- An Analyst may directly communicate with any person germane to the RDR. This may include: the original inspector, their supervisors, witnesses, subject matter experts, employees of other agencies, industry representatives or experts, and members of the public.

- The Analyst is required to seek additional guidance or expertise, when necessary, especially when considering unusually complex or technical RDRs concerning subject matters outside of their own knowledge or experience. The Analyst may seek technical expertise, guidance, or clarification from any relevant source, including FMCSA, PHMSA, and specialists within industry.

- In the event additional information is requested from the original inspector, the inspector shall respond and provide the requested information within 3 working days.

- Burden of Proof & Minimum Standards for RDR Review:

- The burden of proof for all requests within the DataQs Program (Initial RDRs,

Reconsideration Requests, and Final Review Requests) rests entirely with the Requestor.

RDRs to remove or modify information will be rejected unless accompanied by a factual or legal justification, along with necessary supporting evidence, explaining why the information was incorrect or incomplete.

If an initial RDR or appeal is submitted without minimal factual or legal justification, it is considered fundamentally unsubstantiated and it may be closed without further review at the discretion of the assigned Analyst, provided the Analyst has first requested additional information to support the deficient RDR.

If adequate information is not received by the 14 day response deadline, the RDR may be closed.

If adequate information is received, the RDR shall be processed accordingly. Additional Information Request: If additional information is required from the Requestor, the Analyst shall request only information necessary to review the RDR. Care shall be taken to avoid requests for information which are unnecessarily voluminous or otherwise immaterial to the processing of the RDR. The determination concerning whether the information requested is relevant rests solely with the Analyst and, ultimately, the Program Coordinator.

A Requestor's contention that information requested is not relevant to the review may be presented, with an accompanying explanation, during an appeal if the RDR was closed because insufficient information was provided. An Analyst may presume that a requested document or business record does not exist if the Requestor fails to provide it when requested, particularly when the RDR includes an inspection violation related to missing documents. The Requestor must respond to the request for additional information within 14 days or the RDR may be closed. The time spent waiting for a response does not count against KSP's response timeframe.

If an RDR is closed for a lack of response, and a response is later received, the RDR shall be reopened at the current level of review and processed accordingly.

If a decision was rendered on the merits of an RDR, but the requested information is later provided, the RDR shall be reopened at the current level of review. The requested information shall be reviewed and the decision shall be updated based upon the receipt of the requested information. If the outcome remains unchanged, the new response should acknowledge the

receipt of the requested information and describe its impact, or lack thereof, on the decision.

- Outcome of RDR

- **Responsible Party:**

Analyst I

- **Process:**

RDR Review Stage I – Initial Review – Response Phase: Once the Analyst is satisfied that record of relevant evidence is complete, the Analyst shall render a decision on the outcome of the RDR. If the Requestor met their burden of proof, demonstrating a data error exists, the Analyst shall correct the error as outlined in the Data Correction section below. The Analyst shall issue a response in the DataQs system in accordance with the guidelines below:

Data Corrections: When a data error is discovered or when a RDR Requestor meets their burden of proof demonstrating an error exists, Analysts shall correct the error prior to the issuance of the RDR Response. Data corrections shall be made in accordance with the guidelines below:

Adjudicated citations: The data shall be corrected to match the outcome of the citation, either by removing or amending violations on the associated inspection report.

Erroneous violations: A violation may be updated, amended, or removed to resolve the data error. The removal of a violation is the preferred outcome to resolve an error. However, with appropriate justification, the Analyst has discretion in deciding the most appropriate solution, subject to these guidelines:

Updating a violation: A violation may be updated to remove an error when the record of evidence indicates the violation still exists, but a portion of it was cited in error.

Example 1: If a violation is cited as an out of service (OOS) condition, but an RDR demonstrates that the violation should not have been cited as an OOS condition, the violation may be updated to remove the OOS condition while retaining the original violation.

Example 2: If a violation description or unit designation is found to contain errors, it may be updated to remove the errors while retaining the valid parts of the violation.

Amending a violation: A violation may be amended or substituted with another appropriate violation when the record of evidence indicates that the violation cited would be better described under another regulatory section.

The amended or substituted violation shall not result in a new OOS condition, though an existing OOS condition may be amended. If an amended violation would normally constitute a new OOS condition, it shall not be flagged as OOS condition, but the circumstances and required repairs shall be fully documented in the RDR and in the inspection's notes.

The amended or substituted violation shall not result in the introduction of more than one new violation. Instead, additional violations which may exist shall be documented in the inspection's notes.

Removing a violation: A violation may be removed when the record of evidence indicates that the violation was cited in error.

Violations included on a state citation: Violations included as part of a state citation to court shall not be edited or amended until the court proceeding has concluded. The outcome of the court case shall control the outcome of the RDR as contemplated in the DataQs Analyst Guide.

Exception: If a court case results in a conviction or guilty plea (as defined by the DataQs Analyst Guide) relating to an alleged error, the Analyst shall presume that the error is valid as cited. To overcome this presumption, the alleged error must be manifestly obvious and demonstrably certain, with no reasonable explanation to support its validity. Such an error may only be corrected if:

Approval is received from the DataQs program coordinator, and

The inspector who issued the citation, and their supervisor or commander, is notified of the error, presented with the record of evidence, informed a citation was issued, informed of the outcome of the court case, informed that correcting it may require the inspector to consult with the appropriate county or Commonwealth's Attorney who handled the court case, and is provided with an opportunity to respond prior to the conclusion of the RDR.

A mere assertion that a driver plead guilty out of convenience, to avoid a court appearance, or because they didn't understand that paying a fine represents a guilty plea in court, shall not be accepted as overriding a conviction or guilty plea. The RDR Requestor must submit sufficient evidence to prove that the error is manifestly obvious and demonstrably certain, eliminating any reasonable explanation for why the violation was cited.

Unchallenged errors: An Analyst may fix an error discovered while investigating an RDR, which was not part of the RDR being investigated, provided:

The error is fully investigated as though it was part of an RDR

The Requestor is advised of any change in the same manner as if they had

challenged the error

In all respects, the error is handled as though it was part of an RDR

Special Circumstances: An Analyst may deviate from the guidelines above, provided:

Approval is received from the Program Coordinator

The rationale is fully explained in the RDR response

The solution is reasonable, necessary, and appropriate to correct the data error

The solution does not place a new and undue burden on the affected motor carrier or driver

Erroneous information (non-violation): RDRs concerning errors may be corrected provided the Requestor meets their burden of proof, subject to guidelines listed below and in the DataQs Analyst Guide:

Wrong carrier (crash assignments and inspections): Unless fraud is alleged, the carrier must demonstrate, with documentary evidence (i.e. a lease agreement, contract, sale receipt, termination notice) that they were not operating the vehicle identified on the crash or inspection report. If fraud is alleged, and the carrier has no documentary proof, a sworn affidavit which includes a perjury clause, or police report from an agency with jurisdiction, may be accepted as proof of fraud if properly executed and relevant to the RDR.

Means of correction: The preferred solution is to move the crash or inspection onto the correctly identified motor carrier. If the correct motor carrier cannot be identified, it may be moved onto the CMV driver if no alternative option exists. In this case, the situation shall be fully documented in the inspection notes, including a statement that the true motor carrier is not known.

Wrong driver (crash assignment and inspections): If the identity of the driver identified is challenged, the Requestor must provide documentary evidence that the driver was incorrectly identified. The Analyst shall contact the inspector or investigator who wrote the underlying report and weigh the means they used to identify the driver against the evidence the driver was identified incorrectly.

Means of correction: Crash and inspection reports must be corrected by the investigator or inspector who completed the original report. If the investigator or inspector maintains the correct driver was listed, even after being presented with the evidence submitted with the RDR, the data shall not be changed. An Analyst may refer the matter to the appropriate level of

supervision if they believe the investigator or inspector is in error.

Unknown drivers: Where most inspection reports cannot be submitted without driver information, if the true driver is unidentified and at the direction of the Program Coordinator, the inspection may need to be amended to a Level V or Level VII inspection, placeholder entries may be needed, or the inspection may need to be deleted as a last resort and only after all attempts to identify the driver have been exhausted.

Miscellaneous information: Other information challenged on an inspection or crash report may be updated, provided the Requestor has met their burden of proof and that the change is properly documented in the inspection or crash report's notes.

Any changes made to an inspection or crash report shall be briefly documented in the inspection or crash notes for that inspection or crash. The documentation shall include the Analyst's name, agency, date, the RDR number, and a summary of any changes made.

RDR Outcomes and Guidance:

RDRs may result in the following outcomes when closed:

Closed—No Data Correction Made: The request has been closed and the data will not be corrected.

Guidance: Detailed information is required when closing an RDR in this status as specified in the RDR Responses section below.

Closed—Data Correction Made: The request has been closed and the data will be corrected.

Guidance: Detailed information is required when closing an RDR in this status as specified in the RDR Responses section below.

Closed—Citation Results Entered: The request has been closed and the violation will be appended to reflect the outcome of the citation.

Guidance: Detailed information is required when closing an RDR in this status as specified in the RDR Responses section below.

Closed—Report Not Sent: The request has been closed, but the requested inspection report was not sent.

Guidance: RDRs closed in this status shall contain the reason why the report was not sent along with appeal information.

Closed—Report Sent: The request has been closed and the agency sent the report. The agency may have faxed or uploaded the report to DataQs or it may have sent the report directly via email or postal mail.

Guidance: RDRs closed in this status do not require additional information included in the response, beyond the provision of the report.

Closed—No Requestor Response: The request was closed because the requestor did not respond.

Guidance: RDRs in this status must be reopened and reviewed if a response is later received.

In addition to the guidance provided in this plan, analysts shall follow all FMCSA DataQs guidelines when closing an RDR.

RDR Responses:

Templates: The Program Coordinator shall develop and maintain professional response templates to be used by Analysts when responding to RDRs. Templates shall be created and utilized for the following scenarios:

Requests for additional information

Each closure type specified in the RDR Outcomes and Guidance section above. Each of these closure templates shall include:

Provision for designating the current review stage

Instructions on how to initiate an appeal

Appropriate contact information for filing an appeal in the DataQs system

A link to the State's approved DataQs State Implementation Plan

Any other routine scenario as determined by the Program Coordinator

Where appropriate, and with the approval of the Program Coordinator, a response may be issued as a business letter instead of using an established template. This business letter shall contain the information required to be in each response as specified in the Response Content section below.

Response Content:

Unless approved by the Program Coordinator, all Analyst responses to Requestors shall use the appropriate template designated for that purpose.

Templates shall be customized and personalized to fit the RDR.

Analysts shall avoid the excessive use of boilerplate language in their response, ensuring the response is free from non-applicable or generic text.

Analysts shall avoid copy/pasting large sections of legal text in their response. Instead, the response should carefully explain the legal text, its applicability, and how it relates to the response. Short excerpts of legal text are permissible when required to properly frame the response.

Responses should be professional, organized, and use plain language wherever possible. When technical or legal terms are used, they should be explained if the meaning is not readily apparent.

Responses should address each fact raised by the Requestor and care should be taken to ensure a comprehensive response. If the Requestor

makes statements that are neither factual nor relevant, the Analyst has discretion on whether or how to address these in their response. Responses shall be of sufficient length to fully address the RDR and shall not appear terse or perfunctory.

Responses and analyses shall be restricted to the facts material to the RDR. An Analyst shall not provide an opinion or conclusion unless supported by material facts.

RDRs with a status of ‘Closed – No Data Correction Made’, ‘Closed—Data Correction Made’ or ‘Closed—Citation Results Entered’ shall include the following information:

Link to the State’s approved DataQs State Implementation Plan;

Decision-maker’s name and title;

List of evidence reviewed;

Decision;

Specific reason(s) for decision; and

Next steps for the submitter, including how to appeal the decision (via the Reconsideration Review) if prior to Final Review decision.

RDRs closed for procedural reasons, such as no response or insufficient information, do not require detailed response information beyond what is necessary to inform the Requestor of the reason for the closure, if not automatically provided by the DataQs system.

Following the issuance of the response:

The RDR shall be closed and corrective action shall be verified as complete.

Any changes made to an inspection report shall be briefly documented in the inspection notes for that inspection. The documentation shall include the Analyst’s name, date, the RDR number, and a summary of any changes made.

- Closure of RDR

- **Responsible Party:**

- Analyst I

- **Process:**

- See II C 2 above

- Timeliness:

Timeliness and Deadlines: RDRs shall be handled according to the timeliness standards prescribed by FMCSA.

Timelines Applicable to Analysts:

RDR opening and initial review: 7 days from RDR submission by Requestor

Initial RDR response: 21 days from RDR submission by Requestor

Reconsideration Review Decision: 21 days from Reconsideration Review request submission

Final Review: 45 days from Final Review request submission

When an Analyst requests additional information from a Requestor, the Requestor has up to 14 days to respond. The time spent waiting for a response does not count against KSP's response timeframe.

Timelines Applicable to Requestors:

Time to request a Reconsideration Review or Final Review: 30 days from the last decision by KSP

Time to submit additional information requested by KSP: Up to 14 days from date of request

This time does not count against KSP's response timeframe.

If an RDR is closed for a lack of response, and a response is later received, the RDR shall be reopened at the current level of review and processed accordingly, even when a decision on the merits of the RDR was previously issued.

Timelines Related to Inspection and Crash RDRs:

Where the RDR relates to an inspection, the RDR must be submitted within 3 years of the date of the inspection.

Where the RDR relates to a crash, the RDR must be submitted within 5 years of the date of the crash.

Expected Outcomes for RDR Closures:

KSP details each closure type and provides guidance for each one in Part II C 2 above. To summarize, for closures where data corrections are not made, detailed information is required as specified by FMCSA. Additionally, KSP requires this detailed information for two additional closure types since those may also result in an appealable RDR decision.

Communication:

Communication: All communications between an Analyst and a Requestor should be made in the DataQs system whenever possible. Unless requested by the Analyst, only documentation and communication submitted in the DataQs System shall be considered when deciding the outcome of an RDR.

All communications should be professional, courteous, and in full compliance with KSP Policy.

As stated in the guidelines for processing an RDR (RDR Responses under Part 2, 2, II, C, 2 of this plan), RDR responses shall utilize templates designed for that purpose.

Analysts shall clearly communicate follow-up timelines to Requestors, when not already included on a template, so the Requestor is fully aware of when they can expect an action

or response. When a long wait time may be required, such as when waiting for a court case to resolve, this should be clearly communicated to the Requestor along with any follow-up actions the Requestor may need to take to resolve the RDR (i.e. submitting documentation after a court case is resolved).

An Analyst may communicate with a Requestor outside of the DataQs system only when necessary and when a reasonable alternative does not exist.

All communications between an Analyst and Requestor shall be preserved in the same manner as RDR evidence.

All communications between an Analyst and others, material to an RDR investigation, shall be preserved in the same manner as RDR evidence.

In the event the Analyst has a phone conversation with a Requestor or another person as a part of the review of an RDR, the Analyst shall document:

The date and time of the call

The RDR number(s) related to the call

A summary of the conversation, including any significant information affecting the DataQs process. This documentation does not need to be comprehensive, but it should contain sufficient information to render it useful during a potential RDR appeal.

This documentation shall be preserved in the same manner as RDR evidence.

Where appropriate, an Analyst may utilize a KSP Post's phone system to record a conversation with a Requestor.

If this option is utilized, the Analyst must document the existence of the recording, the date and time, and the post where it was recorded.

This documentation shall be preserved in the same manner as RDR evidence. If a copy of the recording is obtained, it shall likewise be preserved.

If the RDR is appealed, the Analyst may be required to produce a copy of the recording by the Analyst II or III handling the RDR appeal.

An Analyst shall document repeated unauthorized attempts by a Requestor to communicate outside of the DataQs System. This documentation shall be preserved in the same manner as RDR evidence.

Next Steps:

This is covered in detail under RDR Responses under Part 2, 2, II, C, 2 of this plan. To summarize: KSP requires the provision of appeal information, including contact information, with each RDR response. This information will be included in each response template so it will be standardized across all responses.

Reconsideration Review Process

Roles and Responsibilities

- Person(s) responsible for decision-making for the Reconsideration Review process
 - **Responsible Party:**
Analyst II
 - **Supervisor(s):**
Lieutenant, Captain
 - **Backups:**
Other Analyst II, or Analyst III
 - **Interactions:**
All analysts have the ability to contact anyone inside or outside of KSP in pursuit of information during the review process. This includes, but is not limited to: the original inspector, their supervisors, witnesses, subject matter experts, employees of other agencies, industry representatives or experts, and members of the public.
- Person(s) consulted for additional information or evidence
 - **Responsible Party:**
Anyone with relevant information will be contacted, this typically includes the original inspector or their supervisor, but additional information and expertise is sought whenever needed. The MCSAP Coordinator, subject matter experts, and NAS-certified instructors are among the routine contacts available to analysts. Analysts are allowed and encouraged to contact anyone they need to contact during the course of the review, inside or outside of KSP.
 - **Supervisor(s):**
See III A above.
 - **Backups:**
See III A above.
 - **Interactions:**
See III A above.
- Person(s) convening a panel or committee
 - **Responsible Party:**
KSP does not currently plan on convening a formal panel or committee. However, Analysts and the Program Coordinator have the ability to freely confer with anyone who may be able to help resolve an RDR. When an Analyst confers with another person, and that person provides material

support to the DataQs process, this contact is documented and recorded as part of the RDR process to ensure full transparency.

- **Supervisor(s):**
N/A
- **Backups:**
N/A
- **Interactions:**
N/A
- **Panel members' titles and associations:**
N/A

Escalation Procedures:

RDRs are escalated whenever a Requestor requests an appeal of a decision at a prior level of review. Every appeal request will be reviewed and examined by an Analyst II to establish if it meets the FMCSA-established minimum requirements for appeal as adopted by KSP:

A Requestor's appeal must be more than mere disagreement with the prior decision. The Requestor must challenge the factual or legal basis of the prior decision and explain why they believe the previous decision was incorrect. If this substantive justification is not provided, the appeal may be summarily closed provided the Analyst first requested additional information from the Requestor.

If the minimum requirements are not met, the appeal may not be rejected unless the analyst has first attempted to obtain additional information from the Requestor. If the appeal contains the minimum necessary information, it is processed following the same general procedure afforded at the Initial Review stage, but with additional guidelines established for the Reconsideration Review stage. The analyst conducting the Reconsideration Review is separate and independent from the Analyst conducting the Initial Review. If new information is discovered which was not part of the original analysis, the RDR is returned to the Initial Review stage for reconsideration.

Process Description

- Review of RDR
 - **Responsible Party:**
Analyst II
 - **Process:**
RDR Review Stage II – Reconsideration Review – Intake Phase:

After the appeal has been validated, the process followed for a Reconsideration Review is the same as for the Initial Review – Intake Phase described in Part 2, 2, II, A, 2 of this plan with the following differences: An Analyst II shall be assigned in place of an Analyst I. Under circumstances where an Analyst II is unavailable, or where a conflict of interest may exist, an Analyst III may act as an Analyst II when approved by the Program Coordinator.

The Analyst assigned to process the Reconsideration Review must not be the Inspector or Investigator who completed the inspection or report that is the subject of the RDR, nor may it be their immediate supervisor. The Analyst who completed the Initial Review may not complete the Reconsideration Review.

The process must be completed within 21 days of the appeal being received. An RDR may be paused while an additional information phase is completed when additional information is requested from the RDR requestor (up to 14 days).

- Outcome of RDR

- **Responsible Party:**

- Analyst II

- **Process:**

- RDR Review Stage II – Reconsideration Review – Review Phase:

The process followed for a Reconsideration Review is the same as for the Initial Review – Review Phase described in Part 2, 2, II, B, 2 of this plan with the following differences:

The Analyst shall impartially review the entire record and request such additional information as is necessary to render a decision. If the original record appears to be complete, the Analyst is not required to request additional information.

If the Requestor provides the information requested by the Analyst, the review remains at the current review stage and may be decided by the current Analyst.

In the event new and relevant information is discovered by the Analyst, or if the Requestor provides unsolicited new information relevant to the RDR, and this information was not part of the original record considered during the Initial Review, the RDR shall be returned to the Initial Review stage for further processing and the issuance of an updated decision and response.

- Closure of RDR

- **Responsible Party:**

Analyst II

- **Process:**

RDR Review Stage II – Reconsideration Review – Response Phase:

The process followed for a Reconsideration Review is the same as for the Initial Review – Review Phase described in Part 2, 2, II, C, 2 of this plan.

- **Timeliness:**

Timeliness and Deadlines: RDRs shall be handled according to the timeliness standards prescribed by FMCSA.

Timelines Applicable to Analysts:

RDR opening and initial review: 7 days from RDR submission by Requestor

Initial RDR response: 21 days from RDR submission by Requestor

Reconsideration Review Decision: 21 days from Reconsideration Review request submission

Final Review: 45 days from Final Review request submission

When an Analyst requests additional information from a Requestor, the Requestor has up to 14 days to respond. The time spent waiting for a response does not count against KSP's response timeframe.

Timelines Applicable to Requestors:

Time to request a Reconsideration Review or Final Review: 30 days from the last decision by KSP

Time to submit additional information requested by KSP: Up to 14 days from date of request

This time does not count against KSP's response timeframe.

If an RDR is closed for a lack of response, and a response is later received, the RDR shall be reopened at the current level of review and processed accordingly, even when a decision on the merits of the RDR was previously issued.

Timelines Related to Inspection and Crash RDRs:

Where the RDR relates to an inspection, the RDR must be submitted within 3 years of the date of the inspection.

Where the RDR relates to a crash, the RDR must be submitted within 5 years of the date of the crash.

Expected Outcomes for RDR Closures:

KSP details each closure type and provides guidance for each one in Part 2, 2, II, C, 2 above. To summarize, for closures where data corrections are not made, detailed information is

required as specified by FMCSA. Additionally, KSP requires this detailed information for two additional closure types since those may also result in an appealable RDR decision.

Communication:

Communication: All communications between an Analyst and a Requestor should be made in the DataQs system whenever possible. Unless requested by the Analyst, only documentation and communication submitted in the DataQs System shall be considered when deciding the outcome of an RDR.

All communications should be professional, courteous, and in full compliance with KSP Policy.

As stated in the guidelines for processing an RDR (RDR Responses under Part 2, 2, II, C, 2 of this plan), RDR responses shall utilize templates designed for that purpose.

Analysts shall clearly communicate follow-up timelines to Requestors, when not already included on a template, so the Requestor is fully aware of when they can expect an action or response. When a long wait time may be required, such as when waiting for a court case to resolve, this should be clearly communicated to the Requestor along with any follow-up actions the Requestor may need to take to resolve the RDR (i.e. submitting documentation after a court case is resolved).

An Analyst may communicate with a Requestor outside of the DataQs system only when necessary and when a reasonable alternative does not exist.

All communications between an Analyst and Requestor shall be preserved in the same manner as RDR evidence.

All communications between an Analyst and others, material to an RDR investigation, shall be preserved in the same manner as RDR evidence.

In the event the Analyst has a phone conversation with a Requestor or another person as a part of the review of an RDR, the Analyst shall document:

The date and time of the call

The RDR number(s) related to the call

A summary of the conversation, including any significant information affecting the DataQs process. This documentation does not need to be comprehensive, but it should contain sufficient information to render it useful during a potential RDR appeal.

This documentation shall be preserved in the same manner as RDR evidence.

Where appropriate, an Analyst may utilize a KSP Post's phone system to record a conversation with a Requestor.

If this option is utilized, the Analyst must document the existence of the recording, the date and time, and the post where it was recorded.

This documentation shall be preserved in the same manner as RDR evidence. If a copy of the recording is obtained, it shall likewise be preserved.

If the RDR is appealed, the Analyst may be required to produce a copy of the recording by the Analyst II or III handling the RDR appeal.

An Analyst shall document repeated unauthorized attempts by a Requestor to communicate outside of the DataQs System. This documentation shall be preserved in the same manner as RDR evidence.

Next Steps:

This is covered in detail under RDR Responses under Part 2, 2, II, C, 2 of this plan. To summarize: KSP requires the provision of appeal information, including contact information, with each RDR response. This information will be included in each response template so it will be standardized across all responses.

Final Review Process

Roles and Responsibilities

- Person(s) responsible for decision-making for the Final Review process
 - **Responsible Party:**
Analyst III
 - **Supervisor(s):**
Captain, Major
 - **Backups:**
Other Analyst III
 - **Interactions:**
All analysts have the ability to contact anyone inside or outside of KSP in pursuit of information during the review process. This includes, but is not limited to: the original inspector, their supervisors, witnesses, subject matter experts, employees of other agencies, industry representatives or experts, and members of the public.
- Person(s) consulted for additional information or evidence
 - **Responsible Party:**
Anyone with relevant information will be contacted, this typically includes the original inspector or their supervisor, but additional information and expertise is sought whenever needed. The MCSAP Coordinator, subject matter experts, and NAS-certified instructors are among the routine contacts available to analysts. Analysts are allowed and encouraged to contact anyone they need to contact during the course of the review, inside or outside of KSP.

- **Supervisor(s):**
See III A above.
- **Backups:**
See III A above.
- **Interactions:**
See III A above.
- Person(s) convening a panel or committee
 - **Responsible Party:**
KSP does not currently plan on convening a formal panel or committee. However, Analysts and the Program Coordinator have the ability to freely confer with anyone who may be able to help resolve an RDR. When an Analyst confers with another person, and that person provides material support to the DataQs process, this contact is documented and recorded as part of the RDR process to ensure full transparency.
 - **Supervisor(s):**
N/A
 - **Backups:**
N/A
 - **Interactions:**
N/A
 - **Panel members' titles and associations:**
N/A

Escalation Procedures:

RDRs are escalated whenever a Requestor requests an appeal of a decision at a prior level of review. Every appeal request will be reviewed and examined by an Analyst III to establish if it meets the FMCSA-established minimum requirements for appeal as adopted by KSP:

A Requestor's appeal must be more than mere disagreement with the prior decision. The Requestor must challenge the factual or legal basis of the prior decision and explain why they believe the previous decision was incorrect. If this substantive justification is not provided, the appeal may be summarily closed provided the Analyst first requested additional information from the Requestor.

If the minimum requirements are not met, the appeal may not be rejected unless the analyst has first attempted to obtain additional information from the Requestor. If the appeal contains the minimum necessary information, it is processed following the same general procedure afforded at the Initial Review stage, but with additional guidelines

established for the Reconsideration Review stage. The analyst conducting the Reconsideration Review is separate and independent from the Analyst conducting the Initial Review. If new information is discovered which was not part of the original analysis, the RDR is returned to the Initial Review stage for reconsideration.

Process Description

- Review of RDR

- **Responsible Party:**

- Analyst III

- **Process:**

- RDR Review Stage III – Final Review – Intake Phase:

After the appeal has been validated, the process followed for a Final Review is the same as for the Reconsideration Review – Intake Phase described in Part 3, 3, II, A, 2 of this plan with the following differences:

An Analyst III shall be assigned in place of an Analyst II.

The Analyst assigned to process the Final Review must not be the Inspector or Investigator who completed the inspection or report that is the subject of the RDR, nor may it be their immediate supervisor. The Analysts who completed the Initial and Reconsideration Reviews may not complete the Final Review.

The process must be completed within 45 days of the appeal being received. An RDR may be paused while an additional information phase is completed when additional information is requested from the RDR requestor (up to 14 days).

Once a decision is issued at the Final Review stage, the RDR will be considered fully concluded and no further appeals will be accepted under the DataQs Program.

- Outcome of RDR

- **Responsible Party:**

- Analyst III

- **Process:**

- RDR Review Stage III – Final Review – Review Phase:

The process followed for a Final Review is the same as for the Reconsideration Review – Review Phase described in Part 3, 3, II, B, 2 of this plan.

- Closure of RDR

- **Responsible Party:**

Analyst III

- **Process:**

RDR Review Stage III – Final Review – Response Phase:

The process followed for a Final Review is the same as for the Reconsideration Review – Response Phase described in Part 3, 3, II, C, 2 of this plan with the following differences:

Once a decision is issued at the Final Review stage, the RDR will be considered fully concluded and no further appeals will be accepted under the DataQs Program.

- **Timeliness:**

Timeliness and Deadlines: RDRs shall be handled according to the timeliness standards prescribed by FMCSA.

Timelines Applicable to Analysts:

RDR opening and initial review: 7 days from RDR submission by Requestor

Initial RDR response: 21 days from RDR submission by Requestor

Reconsideration Review Decision: 21 days from Reconsideration Review request submission

Final Review: 45 days from Final Review request submission

When an Analyst requests additional information from a Requestor, the Requestor has up to 14 days to respond. The time spent waiting for a response does not count against KSP's response timeframe.

Timelines Applicable to Requestors:

Time to request a Reconsideration Review or Final Review: 30 days from the last decision by KSP

Time to submit additional information requested by KSP: Up to 14 days from date of request

This time does not count against KSP's response timeframe.

If an RDR is closed for a lack of response, and a response is later received, the RDR shall be reopened at the current level of review and processed accordingly, even when a decision on the merits of the RDR was previously issued.

Timelines Related to Inspection and Crash RDRs:

Where the RDR relates to an inspection, the RDR must be submitted within 3 years of the date of the inspection.

Where the RDR relates to a crash, the RDR must be submitted within 5 years of the date of the crash.

Expected Outcomes for RDR Closures:

KSP details each closure type and provides guidance for each one in Part 2, 2, II, C, 2 above. To summarize, for closures where data corrections are not made, detailed information is required as specified by FMCSA. Additionally, KSP requires this detailed information for two additional closure types since those may also result in an appealable RDR decision.

Communication:

Communication: All communications between an Analyst and a Requestor should be made in the DataQs system whenever possible. Unless requested by the Analyst, only documentation and communication submitted in the DataQs System shall be considered when deciding the outcome of an RDR.

All communications should be professional, courteous, and in full compliance with KSP Policy.

As stated in the guidelines for processing an RDR (RDR Responses under Part 2, 2, II, C, 2 of this plan), RDR responses shall utilize templates designed for that purpose.

Analysts shall clearly communicate follow-up timelines to Requestors, when not already included on a template, so the Requestor is fully aware of when they can expect an action or response. When a long wait time may be required, such as when waiting for a court case to resolve, this should be clearly communicated to the Requestor along with any follow-up actions the Requestor may need to take to resolve the RDR (i.e. submitting documentation after a court case is resolved).

An Analyst may communicate with a Requestor outside of the DataQs system only when necessary and when a reasonable alternative does not exist.

All communications between an Analyst and Requestor shall be preserved in the same manner as RDR evidence.

All communications between an Analyst and others, material to an RDR investigation, shall be preserved in the same manner as RDR evidence.

In the event the Analyst has a phone conversation with a Requestor or another person as a part of the review of an RDR, the Analyst shall document:

The date and time of the call

The RDR number(s) related to the call

A summary of the conversation, including any significant information affecting the DataQs process. This documentation does not need to be comprehensive, but it should contain sufficient information to render it useful during a potential RDR appeal.

This documentation shall be preserved in the same manner as RDR evidence.

Where appropriate, an Analyst may utilize a KSP Post's phone system to record a conversation with a Requestor.

If this option is utilized, the Analyst must document the existence of the recording, the date and time, and the post where it was recorded.

This documentation shall be preserved in the same manner as RDR evidence. If a copy of the recording is obtained, it shall likewise be preserved.

If the RDR is appealed, the Analyst may be required to produce a copy of the recording by the Analyst II or III handling the RDR appeal.

An Analyst shall document repeated unauthorized attempts by a Requestor to communicate outside of the DataQs System. This documentation shall be preserved in the same manner as RDR evidence.

Next Steps:

This is covered in detail under RDR Responses under Part 2, 2, II, C, 2 of this plan. To summarize: KSP requires the provision of appeal information, including contact information, with each RDR response. This information will be included in each response template so it will be standardized across all responses.

Since no further appeals are accepted under the DataQs program, the Final Review Template will reflect this. Information will be provided on how to contact the CVE Program Support Branch (which is responsible for KSP's DataQs Program) with any questions following the final appeal.