

Approved:



Department of Transportation

Effective: November 14, 2012

Office: Safety Office

Topic No.: 225-060-001-c

RELEASE OF CRASH DATA

PURPOSE:

This procedure establishes the process for responding to public records requests and subpoenas for crash data.

AUTHORITY:

Section 409 of Title 23, United States Code (U.S.C.)
Sections 20.23(4)(a) and 334.048(3), Florida Statutes (F.S.)

SCOPE:

This procedure applies to all FDOT employees and to public records requests and subpoenas for crash data.

DEFINITIONS:

Crash Data - Data compiled or collected for the purpose of highway safety improvement projects that might qualify for federal safety improvement funding and may include, but is not limited to:

- A. FDOT electronic files containing data derived from crash reports and supporting documents. These files may reside in mainframe or server computer systems.
- B. Computer printouts derived from FDOT electronic files. These printouts may contain information about individual crashes, including location, date, time, severity, and collision type; or they may contain summary totals for crashes occurring within a specific jurisdiction, such as a city or county.
- C. **Florida Traffic Crash Reports**, prepared by Florida law enforcement and maintained by the Florida Department of Highway Safety and Motor Vehicles (DHSMV).

1. PROCEDURE

1.1 When a public records request for crash data is received, the following actions must be taken:

1.1.1 When a member of the media requests crash data, the request should be referred to the Public Information Officer for direct response or for coordination of the response.

1.1.2 When any other person or entity requests crash data, the request should be sent to the District Safety Engineer for direct response or for coordination of the response, or to the Traffic Safety Engineer in the Safety Office, as appropriate.

1.1.3 When a **Florida Traffic Crash Report (Report)** in the custody of FDOT is requested, the FDOT employee responding to the request must advise the requestor that a **Report** cannot be provided until sixty (60) days after the date the Report is filed with DHSMV. Requestors should be referred to DHSMV for further information regarding those **Reports**.

1.1.4 When crash data is provided in response to a public records request, responsive documents should contain the following statement: "Pursuant to **Title 23 U.S.C. Section 409**, the information provided to you is not subject to discovery and it is not admissible into evidence". Accompanying correspondence should be substantially in the form as **Appendix A, Sample Letter**.

1.2 When a subpoena seeking crash data is received, the employee receiving the subpoena should immediately contact the Office of General Counsel.

2. TRAINING

None required.

3. FORMS

None required.

Appendix A
Sample Letter

[Date]

[Addressee]

Re: Public Records Request [insert date of request]

Dear [insert name of addressee]

The State of Florida, Department of Transportation is in receipt of your [insert date] public records request. The records requested contain reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential crash sites, hazardous roadway conditions, or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing federal-aid highway funds. The records provided are protected under ***Title 23 U.S.C. Section 409*** and ***Pierce County, Washington v. Guillen, 537 U.S. 129 (2003)***, are not subject to discovery, and are not admissible into evidence.

Please contact the undersigned if you have any questions or would like to discuss this matter.

Sincerely,

District Safety Engineer