

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

The Texas Transportation Commission (commission) finds it necessary to propose new §25.975, §25.976, and §25.977 relating to crash records information system to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the new §25.975, §25.976, §25.977 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

Carlos A. Lopez, P.E.
Director, Traffic Operations Division

Recommended by:

Armedo Sanj
Executive Director
111407 JUN 26 08

Minute Number Date Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes new
3 §25.975, §25.976, and §25.977 relating to the collection,
4 analysis, and reporting of crash records.

5

6 EXPLANATION OF PROPOSED NEW SECTIONS

7 Senate Bill 766, 80th Legislature, Regular Session, 2007,
8 transferred the collection and analysis of accident records from
9 the Department of Public Safety to the Texas Department of
10 Transportation effective October 1, 2007. The Department of
11 Public Safety had rules contained in 37 TAC §§3.7-3.9 concerning
12 crash investigations which, under Senate Bill 766, became rules
13 of the department on October 1, 2007. The department is
14 adopting these new rules to regulate the collection of crash
15 information.

16

17 New §25.975, Crash Record Statistical Analysis, provides
18 reference to the external manuals the department uses to
19 classify motor vehicle crashes and notes that these manuals will
20 be available on the department's web site.

21

22 The Manual on Classification of Motor Vehicle Traffic Accidents
23 was developed under the direction of the American Association of
24 Transportation Safety Information Professionals of the National
25 Safety Council. The manual is published by the National Safety

1 Council and adopted by the American Standards Institute. The
2 use of this manual ensures that Texas conforms to national
3 standards when classifying the severity and damage of motor
4 vehicle crashes.

5
6 The Model Minimum Uniform Crash Criteria (MMUCC) has been
7 developed jointly by the Governor's Highway Safety Association,
8 the National Highway Traffic Safety Administration, the Federal
9 Motor Carrier Safety Administration, and the Federal Highway
10 Administration. The MMUCC provides a uniform data set for
11 states to use when describing motor vehicle crashes. Use of the
12 MMUCC ensures that Texas conforms to national standards and that
13 the crash data produced by Texas can be used to create a uniform
14 overall picture of national traffic safety conditions.

15
16 New §25.975(b) provides that only a death caused by a motor
17 vehicle crash that occurs within 30 days of the crash will be
18 counted as a motor vehicle fatality. This period conforms to
19 national standards used by the National Highway Traffic Safety
20 Administration of the United States Department of
21 Transportation. It also provides clear guidance to law
22 enforcement agencies as to when a death should be considered as
23 related to a motor vehicle crash.

24
25 New §25.975(c) establishes the last business day of June of each

1 year for the date that crash reports must to be submitted to the
2 department to be included in the previous year's crash records
3 statistical analysis. This provision provides law enforcement
4 officers with approximately 180 days to submit any reports from
5 the previous calendar year before the department closes the data
6 base. The department must close and finalize the statistical
7 data base in order to complete the annual motor vehicle crash
8 report required under state law.

9

10 New §25.976, Reporting by Involved Drivers, details the
11 requirements for drivers who are reporting crashes as required
12 under Transportation Code, §550.061. The new section sets out
13 the circumstances under which the statute requires a driver to
14 report a crash that is not investigated by a law enforcement
15 officer and provides that the report must be on a form
16 prescribed by the department. The form is available on the
17 department website at www.txdot.gov.

18

19 New §25.977, Reporting by Investigating Officers, details the
20 responsibilities of a law enforcement officer when reporting a
21 motor vehicle crash to the department. The section lists the
22 circumstances under which an officer is required to submit a
23 crash report on a form prescribed by the department. These
24 criteria are established under Transportation Code, §550.062(a).

25

1 New §25.977(b) outlines the categories of information that will
2 be included in the officer crash report form as produced by the
3 department. These categories include information about the
4 crash; information about all vehicles involved in the crash;
5 information about each person involved in the crash; and other
6 factors required for the department to comply with any state or
7 federal reporting requirements. Section 25.977(c) indicates the
8 form is available on the department website at www.txdot.gov.

9
10 Information about the crash will include information such as
11 date, location, time of day, weather conditions, whether the
12 crash occurred in a construction work zone, an officer's
13 narrative of what actually happened, and any factors that may
14 have contributed to the crash. Information about vehicles will
15 include information such as the type of vehicle, license plate
16 numbers, whether the vehicle was covered by liability insurance,
17 whether the vehicle was towed from the crash site, and the
18 rating of damage to the vehicle. Information about persons
19 involved in the crash will include information such as name of
20 each driver and passenger involved in the crash, driver's
21 license numbers, license status, whether an alcohol specimen was
22 taken from the driver, if any charges against a driver were
23 filed, and whether the occupants of a vehicle were using safety
24 belts.

25

1 These criteria comply with the categories contained in the
2 Fatality Analysis Reporting System of the National Highway
3 Traffic Safety Administration of the United States Department of
4 Transportation. Use of these categories ensures that crash data
5 collected by the state conforms to uniform national standards
6 and that overall crash data produced by Texas can be effectively
7 used in national crash data analysis. Collection of uniform
8 data by all states can assist in the improvement of national
9 traffic safety.

10

11 New §25.977(d) notes that incomplete or inaccurate crash
12 reports, with the exception of location information, will be
13 returned to the originating law enforcement agency for
14 correction. This provision is added to ensure that the
15 department's crash records data base is as complete and accurate
16 as possible. Existing §25.972(b) allows the department to make
17 minor corrections to a submitted crash report with inaccurate
18 location information.

19

20 New §25.977(e) provides that an officer investigating a crash
21 involving a commercial motor vehicle must also complete the
22 commercial motor vehicle supplemental report on a form
23 prescribed by the department. This ensures that the department
24 has complete and accurate information about motor vehicle
25 crashes involving commercial vehicles and is able to comply with

1 all federal requirements concerning commercial motor vehicle
2 crash data.

3

4 FISCAL NOTE

5 James Bass, Chief Financial Officer, has determined that for
6 each of the first five-years the new sections are in effect
7 there will be minimal fiscal implications to state or local
8 government as a result of enforcing or administering the new
9 section. There are no anticipated economic costs for persons
10 required to comply with the section as proposed.

11

12 Carlos A. Lopez, P.E., Director, Traffic Operations Division,
13 has certified that there will be no significant impact on local
14 economies or overall employment as a result of enforcing or
15 administering the sections.

16

17 PUBLIC BENEFIT AND COST

18 Mr. Lopez also has determined that for each year of the first
19 five years the new sections are in effect the public benefit
20 anticipated as a result of enforcing the sections will be more
21 accurate and complete crash data for the State of Texas. There
22 are no anticipated economic costs for persons required to comply
23 with the sections as proposed. There will be no significant
24 adverse economic effect on small businesses.

25

1 SUBMITTAL OF COMMENTS

2 Written comments on the proposed new §25.975, §25.976, and
3 §25.977 may be submitted to Carlos A. Lopez, P.E., Director,
4 Traffic Operations Division, 125 East 11th Street, Austin, Texas
5 78701-2483. The deadline for receipt of comments will be 5:00
6 p.m. on August 11, 2008.

7

8 STATUTORY AUTHORITY

9 The new sections are proposed under Transportation Code,
10 §201.101, which authorizes the Texas Transportation Commission
11 to promulgate rules for the conduct of the work of the
12 department, and more specifically Transportation Code, §550.064,
13 and Transportation Code, §601.004 which authorize the department
14 to prescribe the form of motor vehicle crash reports.

15

16 CROSS REFERENCE TO STATUTE

17 Transportation Code, Chapter 550, and Transportation Code,
18 §601.004.

1 SUBCHAPTER O. CRASH RECORDS INFORMATION SYSTEM

2 §25.975. Crash Record Statistical Analysis.

3 (a) The department will classify motor vehicle crashes by
4 the standards established in the following manuals available
5 through the department web site at www.txdot.gov:

6 (1) the Manual on Classification of Motor Vehicle and
7 Traffic Accidents as adopted by the American Standards
8 Institute, Inc.; and

9 (2) the Minimum Model Uniform Crash Criteria (MMUCC)
10 Guideline.

11 (b) For department reporting purposes, only a death caused
12 by the crash that occurs within 30 days after the motor vehicle
13 crash will be counted as a motor vehicle traffic crash fatality.

14 (c) A crash report must be submitted by the last business
15 day of June of the year following the year in which the crash
16 occurs, so that it may be entered into the crash record data
17 base and included in the final year end statistical analysis for
18 the year in which the crash occurred.

19

20 §25.976. Reporting by Involved Drivers.

21 (a) A driver involved in a motor vehicle crash that is not
22 investigated by law enforcement is required to submit a driver's
23 crash report within 10 days of the date of the crash on a form

1 prescribed by the department if the crash resulted in:

2 (1) injury to or the death of a person; or

3 (2) \$1000 or more of property damage to the property of
4 any one person.

5 (b) The form is available through the department website at
6 www.txdot.gov.

7

8 §25.977. Reporting by Investigating Officers.

9 (a) A law enforcement officer who investigates a motor
10 vehicle crash shall submit a crash record report within 10 days
11 of the accident on a form prescribed by the department if the
12 crash resulted in:

13 (1) injury to or death of a person;

14 (2) \$1000 or more of property damage to the property of
15 any one person.

16 (b) The crash record report form must include:

17 (1) information about the crash;

18 (2) information about all vehicles involved in the crash;

19 (3) information about each person involved in the crash;

20 and

21 (4) other factors necessary for the department to comply
22 with state and federal reporting requirements.

23 (c) The form is available through the department's website

1 at www.txdot.gov.

2 (d) Incomplete or inaccurate crash reports, with the
3 exception of location information as described in §25.974(b) of
4 this subchapter, will be returned to the originating law
5 enforcement agency for correction.

6 (e) An officer investigating a crash involving a commercial
7 motor vehicle also shall submit a commercial motor vehicle
8 enforcement supplemental report on a form prescribed by the
9 department.