

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes  
3 amendments to §25.977, concerning reporting of motor vehicle  
4 crashes by investigating officers.

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6 EXPLANATION OF PROPOSED AMENDMENTS

7 Law enforcement officers who investigate motor vehicle crashes  
8 are required by Transportation Code, §550.062 to submit a crash  
9 report to the department within 10 days of the crash on a form  
10 prescribed by the department if the crash resulted in injury to  
11 or death of a person or \$1,000 or more of property damage. The  
12 form used for the report is referred to as the Texas Peace  
13 Officer's Crash Report, or more commonly as the CR-3.

14

15 Under the proposed revisions to §25.977, Reporting by  
16 Investigating Officers, the Texas Transportation Commission  
17 (commission) proposes to adopt a second version of the Form CR-3  
18 by reference. The rule states that a law enforcement officer  
19 may use either the existing version of Form CR-3 or the revised  
20 version, the CR-3 Alternate to report motor vehicle crash  
21 information.

22

23 The department developed the current version of the CR-3 after  
24 extensive consultation with the law enforcement community  
25 through a crash records working group and after consultation

1 with the Texas Department of Public Safety. The current version  
2 of the CR-3 was also approved by both the working group and the  
3 Department of Public Safety. The department adopted the current  
4 version of crash reporting form in January of 2010.

5  
6 The department has received some complaints on the current form  
7 and requested that the Center for Transportation Safety at the  
8 Texas Transportation Institute (CTS-TTI) conduct two surveys of  
9 law enforcement agencies concerning implementation of the  
10 current form. The survey indicated that some of the law  
11 enforcement community found the current version of the Form CR-3  
12 to be both more confusing and time consuming than previous  
13 versions. These surveys indicate that some law enforcement  
14 officers and agencies believe that use of the current form has  
15 resulted in a significant increase in completion time, more  
16 inaccurate data collection, and an increased level of  
17 frustration on the part of the officers completing the form.  
18 However, many of the survey respondents wished to continue using  
19 the current version of the form.

20  
21 One of the primary issues identified by law enforcement agencies  
22 with the current Form CR-3 was that officers needed to refer to  
23 a separate code sheet to complete the form. The department  
24 sought to alleviate this problem by providing tools for the  
25 officer's use such as plastic clipboards printed with the

1 necessary codes. Based on the survey these actions have not  
2 been sufficient to eliminate all of the officer complaints.  
3  
4 CTS-TTI recommended that the department take a combined approach  
5 to resolve the issues by offering two versions of the CR-3 crash  
6 reporting form. Based on this recommendation the department  
7 proposes to adopt an additional CR-3 form, the CR-3 Alternate,  
8 containing the most commonly used data codes printed directly on  
9 the form. This form contains all the same data fields as the  
10 current CR-3 form. It does not require the gathering of any  
11 additional information. It also does not delete any data fields  
12 required on the current form. The difference between the two  
13 forms is that the CR-3 form is two pages long and requires the  
14 use of a code sheet and the CR-3 Alternate form is four pages  
15 and includes the codes on the form in the relevant places.  
16  
17 Section 25.977(d) provides that the commission is adopting Form  
18 CR-3 Alternate by reference. The adoption of this form will  
19 allow the department to offer two versions of the form to be  
20 used for gathering crash information. In addition the rule  
21 provides that a law enforcement officer or agency can use either  
22 form. This language is included to make it clear that the  
23 choice of form is up to the agency or law enforcement officer.  
24 Subsection (f) is also amended to indicate that both forms will  
25 be available through the department website address.

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2 FISCAL NOTE

3 James Bass, Chief Financial Officer, has determined that for  
4 each of the first five years the amendments as proposed are in  
5 effect, there will be no fiscal implications for state or local  
6 governments as a result of enforcing or administering the  
7 amendments.

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9 Carol Rawson, P.E., Director, Traffic Operations Division, has  
10 certified that there will be no significant impact on local  
11 economies or overall employment as a result of enforcing or  
12 administering the amendments.

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14 PUBLIC BENEFIT AND COST

15 Ms. Rawson has also determined that for each year of the first  
16 five years the sections are in effect, the public benefit  
17 anticipated as a result of enforcing or administering the  
18 amendments will be more efficient reporting of crash data to the  
19 state and more accurate crash data. There are no anticipated  
20 economic costs for persons required to comply with the sections  
21 as proposed. There will be no adverse economic effect on small  
22 businesses.

23

24 PUBLIC HEARING

25 Pursuant to the Administrative Procedure Act, Government Code,

1 Chapter 2001, the Texas Department of Transportation will  
2 conduct a public hearing to receive comments concerning the  
3 proposed rules. The public hearing will be held at 9:00 a.m. on  
4 Thursday, March 10, 2011, in the Ric Williamson Hearing Room,  
5 First Floor, Dewitt C. Greer State Highway Building, 125 East  
6 11th Street, Austin, Texas and will be conducted in accordance  
7 with the procedures specified in 43 TAC §1.5. Those desiring to  
8 make comments or presentations may register starting at 8:30  
9 a.m. Any interested persons may appear and offer comments,  
10 either orally or in writing; however, questioning of those  
11 making presentations will be reserved exclusively to the  
12 presiding officer as may be necessary to ensure a complete  
13 record. While any person with pertinent comments will be  
14 granted an opportunity to present them during the course of the  
15 hearing, the presiding officer reserves the right to restrict  
16 testimony in terms of time and repetitive content.  
17 Organizations, associations, or groups are encouraged to present  
18 their commonly held views and identical or similar comments  
19 through a representative member when possible. Comments on the  
20 proposed text should include appropriate citations to sections,  
21 subsections, paragraphs, etc. for proper reference. Any  
22 suggestions or requests for alternative language or other  
23 revisions to the proposed text should be submitted in written  
24 form. Presentations must remain pertinent to the issues being  
25 discussed. A person may not assign a portion of his or her time

1 to another speaker. Persons with disabilities who plan to  
2 attend this meeting and who may need auxiliary aids or services  
3 such as interpreters for persons who are deaf or hearing  
4 impaired, readers, large print or Braille, are requested to  
5 contact Government and Public Affairs Division, 125 East 11th  
6 Street, Austin, Texas 78701-2483, (512) 305-9137 at least two  
7 working days prior to the hearing so that appropriate services  
8 can be provided.

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#### 10 SUBMITTAL OF COMMENTS

11 Written comments on the proposed amendments to §25.977, as well  
12 as proposed revisions to the CR-3 Alternate form, may be  
13 submitted to Carol Rawson, P.E., Director, Traffic Operations  
14 Division, Texas Department of Transportation, 125 East 11th  
15 Street, Austin, Texas 78701-2483. The deadline for receipt of  
16 comments is 5:00 p.m. on March 14, 2011.

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#### 18 STATUTORY AUTHORITY

19 The amendments are proposed under Transportation Code, §201.101,  
20 which provides the commission with the authority to establish  
21 rules for the conduct of the work of the department, and more  
22 specifically Transportation Code, §550.064, which authorizes the  
23 department to prescribe the form of motor vehicle crash reports.

24

#### 25 CROSS REFERENCE TO STATUTE

- 1 Transportation Code, Chapter 550.