

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

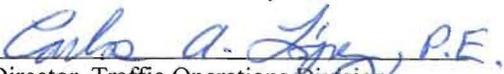
The Texas Transportation Commission (commission) finds it necessary to propose amendments to §25.977, Reporting by Investigating Officers, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

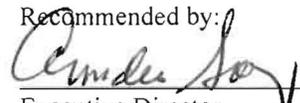
IT IS THEREFORE ORDERED by the commission that the amendments to §25.977 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

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:

  
Director, Traffic Operations Division

Recommended by:

  
Executive Director

**111813 MAY 28 09**

Minute Number      Date Passed

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.

5

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 accident on a  
10 form prescribed by the department if the crash resulted in  
11 injury to or death of a person or \$1,000 or more of property  
12 damage. The form used for the report is referred to as the  
13 Texas Peace Officer's Crash Report, or more commonly as the  
14 CR-3.

15

16 Under the revisions to §25.977, Reporting by Investigating  
17 Officers, the Texas Transportation Commission (commission)  
18 adopts Form CR-3 by reference. The revisions remove the  
19 reference to the supplemental commercial motor vehicle report.  
20 The information needed for a commercial motor vehicle accident  
21 report is now included on Form CR-3 and therefore, a separate,  
22 supplemental report is unnecessary.

23

24 The department became the office of record for state crash data  
25 in October of 2007 when this function was transferred to the

1 department from the Texas Department of Public Safety in  
2 accordance with Transportation Code, Chapter 550. The  
3 Department of Public Safety had adopted rule 37 TAC §3.9  
4 regarding crash reporting, which adopted Form CR-3 by reference.  
5 This rule, along with the other rules regarding the state crash  
6 data program, was transferred to the department in October 2007  
7 when the crash records function became part of the department.  
8 The Department of Public Safety is currently in the process of  
9 repealing 37 TAC §3.9.

10

11 Amendments to §25.977(c) return the rule to the earlier format  
12 of 37 TAC §3.9 by adopting the CR-3 form by reference. This  
13 change adheres to the previous rule adopted by the Texas  
14 Department of Public Safety and requires the department to  
15 propose and adopt changes to the form through the administrative  
16 rulemaking process.

17

18 Form CR-3 provides for the collection of specific information  
19 about a motor vehicle crash, information about the vehicles  
20 involved in the crash, and information about the people who were  
21 involved in the crash. The form includes various items such as,  
22 the date of the crash; location of the crash; type of highway  
23 where the crash occurred; whether the crash occurred on public  
24 or private property; driver and passenger names; injury  
25 severity; factors that contributed to the crash; commercial

1 vehicle information such as, vehicle type, configuration, and  
2 carrier name; driver's license information; vehicle information,  
3 including the model, make, year, and vehicle identification  
4 number; citation information; emergency response information;  
5 and information about safety belt usage. The information  
6 collected is necessary to utilize the report for its intended  
7 purpose of meeting state and federal reporting requirements and  
8 identifying safety issues.

9

10 In 2007, the department and the Texas Department of Public  
11 Safety received a request from the Texas Department of Insurance  
12 and the Texas insurance industry to remove driver's telephone  
13 numbers from Form CR-3 because insurance fraud was being  
14 perpetrated on crash victims who were being contacted at the  
15 telephone numbers listed on the form. The Department of Public  
16 Safety consulted with various law enforcement agencies  
17 concerning the removal of the driver's telephone number from  
18 Form CR-3. Since neither the department nor law enforcement  
19 agencies were able to identify a business need for a driver's  
20 telephone number or any other telephone number, the form, as  
21 proposed for adoption, does not include driver's telephone  
22 numbers as neither the department nor law enforcement agencies  
23 have a business need for this information.

24

25 Amendments to §25.977(e) strike the requirement of a

1 supplemental commercial motor vehicle report. Form CR-3 now  
2 includes the necessary commercial motor vehicle information;  
3 therefore, there is no need for a supplemental form. This  
4 change will benefit law enforcement by eliminating the  
5 completion of a second form.

6  
7 The form may be completed by a law enforcement agency in one of  
8 three ways: printing out the form and completing it manually;  
9 completing the electronic version of the form on a computer; or  
10 entering and submitting the data via a web based data entry  
11 system. The information requested and submitted by a law  
12 enforcement officer remains the same regardless of the method  
13 used to complete the form.

14  
15 The Form CR-3 proposed for adoption is available on the  
16 department web site at the following location: [www.txdot.gov](http://www.txdot.gov)

17  
18 FISCAL NOTE

19 James Bass, Chief Financial Officer, has determined that for  
20 each of the first five years the amendments as proposed are in  
21 effect, there will be no fiscal implications for state or local  
22 governments as a result of enforcing or administering the  
23 amendments.

24  
25 Carlos Lopez, P.E., Director, Traffic Operations Division, has

1 certified that there will be no significant impact on local  
2 economies or overall employment as a result of enforcing or  
3 administering the amendments.

4

5 PUBLIC BENEFIT AND COST

6 Mr. Lopez has also determined that for each year of the first  
7 five years the sections are in effect, the public benefit  
8 anticipated as a result of enforcing or administering the  
9 amendments will be more efficient reporting of crash data to the  
10 state and more accurate crash data. There are no anticipated  
11 economic costs for persons required to comply with the sections  
12 as proposed. There will be no adverse economic effect on small  
13 businesses.

14

15 SUBMITTAL OF COMMENTS

16 Written comments on the proposed amendments to §25.977, as well  
17 as proposed revisions to the CR-3 form, may be submitted to  
18 Carlos Lopez, P.E., Director, Traffic Operations Division, Texas  
19 Department of Transportation, 125 East 11th Street, Austin,  
20 Texas 78701-2483. The deadline for receipt of comments is 5:00  
21 p.m. on July 13, 2009.

22

23 STATUTORY AUTHORITY

24 The amendments are proposed under Transportation Code, §201.101,  
25 which provides the commission with the authority to establish

1 rules for the conduct of the work of the department, and more  
2 specifically Transportation Code, §550.064, which authorizes the  
3 department to prescribe the form of motor vehicle crash reports.

4

5 CROSS REFERENCE TO STATUTE

6 Transportation Code, Chapter 550.

1 SUBCHAPTER O. CRASH RECORDS INFORMATION SYSTEM

2 §25.977. Reporting by Investigating Officers.

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

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

8 (2) \$1000 or more of property damage to the property of  
9 any one person.

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

11 (1) information about the crash;

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

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

14 and

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

17 (c) The department has developed Form CR-3, Texas Peace  
18 Officer's Crash Report, to satisfy the requirements of  
19 subsection (b) of this section. The commission adopts Form CR-3  
20 by reference. The form is available through the department's  
21 website at [www.txdot.gov](http://www.txdot.gov).

22 (d) Incomplete or inaccurate crash reports, with the  
23 exception of location information as described in §25.974(b) of

1 this subchapter, will be returned to the originating law  
2 enforcement agency for correction.

3 ~~[(e) An officer investigating a crash involving a  
4 commercial motor vehicle also shall submit a commercial motor  
5 vehicle enforcement supplemental report on a form prescribed by  
6 the department.]~~