

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 §25.973, Medical Examiner's Report, 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 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 §25.973 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:

Carl J. Fawcett, P.E.
Interim Director, Traffic Operations Division

Recommended by:

Amador
Executive Director

112043 NOV 19 09

Minute
Number

Date
Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes
3 amendments to §25.973, Medical Examiner's Report, concerning
4 reporting of a bridge collapse.

5

6 EXPLANATION OF PROPOSED AMENDMENTS

7 Senate Bill 1218, 81st Legislature, Regular Session, 2009,
8 amended Transportation Code, §550.081 relating to the reporting
9 of traffic fatalities by medical examiners. Senate Bill 1218
10 requires these reports to also contain information on fatalities
11 that occurred as the result of a bridge collapse.

12

13 To comply with Senate Bill 1218, amendments to §25.973 add new
14 language requiring a medical examiner, which by the definition
15 in 43 TAC §25.972 includes the justice of the peace if the
16 county does not have a medical examiner, to note in the report
17 if a fatality that occurred in their jurisdiction was the result
18 of a bridge collapse, and if so, the location of the bridge.

19

20 Amendments to §25.973 also correct the listed address of the
21 department web site where the reporting form is located.

22

23 FISCAL NOTE

24 James Bass, Chief Financial Officer, has determined that for
25 each of the first five years the amendments as proposed are in

1 effect, there will be no fiscal implications for state or local
2 governments as a result of enforcing or administering the
3 amendments.

4

5 Carol Rawson, Interim Director, Traffic Operations Division, has
6 certified that there will be no significant impact on local
7 economies or overall employment as a result of enforcing or
8 administering the amendments.

9

10 PUBLIC BENEFIT AND COST

11 Ms. Rawson has also determined that for each year of the first
12 five years the sections are in effect, the public benefit
13 anticipated as a result of enforcing or administering the
14 amendments will be the increased availability of statistical
15 information relating to fatalities that have occurred in Texas
16 due to bridge collapses. There are no anticipated economic
17 costs for persons required to comply with the sections as
18 proposed. There will be no adverse economic effect on small
19 businesses.

20

21 SUBMITTAL OF COMMENTS

22 Written comments on the proposed amendments to §25.973 may be
23 submitted to Carol Rawson, Interim Director, Traffic Operations
24 Division, Texas Department of Transportation, 125 East 11th
25 Street, Austin, Texas 78701-2483. The deadline for receipt of

1 comments is 5:00 p.m. on January 4, 2010.

2

3 STATUTORY AUTHORITY

4 The amendments are proposed under Transportation Code, §201.101,
5 which provides the Texas Transportation Commission with the
6 authority to establish rules for the conduct of the work of the
7 department, and more specifically, Transportation Code,
8 §550.081, which requires the department to prepare the form for
9 toxicology reporting.

10

11 CROSS REFERENCE TO STATUTE

12 Transportation Code, §550.081

1 SUBCHAPTER O. CRASH RECORDS INFORMATION SYSTEM

2 §25.973. Medical Examiner's Report.

3 (a) A medical examiner shall submit to the department on a
4 form prescribed by the department a report detailing the death
5 of a person resulting from a traffic accident within the medical
6 examiner's jurisdiction.

7 (b) The medical examiner's report must include:

8 (1) the name of the deceased;

9 (2) the date of the accident;

10 (3) the county in which the accident occurred;

11 (4) whether the deceased was a:

12 (A) vehicle operator;

13 (B) vehicle passenger: or

14 (C) pedestrian or other person who was not an occupant
15 in a vehicle; [~~and~~]

16 (5) if the fatality was the result of a bridge collapse
17 as defined in Transportation Code, §550.081(2);

18 (6) the location of the bridge if the fatality was the
19 result of a bridge collapse; and

20 (7) [~~+5~~] except as provided by subsection (c) of this
21 section, the results of any toxicological testing conducted on
22 the deceased and the name of the laboratory, medical examiner's
23 office, or other facility that conducted the testing.

1 (c) If a toxicological test is conducted and the results
2 are not available at the time the report to the department is
3 due, the medical examiner shall:

4 (1) note on the report: "toxicological test results
5 unavailable;" and

6 (2) as soon as practicable after the toxicological test
7 results become available, submit a supplemental report that
8 contains the results of the toxicological testing and the name
9 of the testing facility.

10 (d) The department will make the reporting form available
11 on the department's web site at www.txdot.gov (keyword
12 "toxicology reporting")
13 [<http://www.txdot.gov/forms/traffic.htm>].

14 (e) Not later than the 11th day of each month, the medical
15 examiner shall submit the reports covering the deaths resulting
16 from traffic accidents that occurred during the preceding three
17 months, including those occurring as a result of a bridge
18 collapse, except that the medical examiner is not required to
19 submit information that was previously submitted to the
20 department.

21 (f) The department will accept monthly and supplemental
22 medical examiner's reports via:

23 (1) United States Mail at the address located on the

1 report form;

2 (2) facsimile at the number contained on the report form;

3 or

4 (3) the department's Internet website, when such a

5 capability is available.