

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

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ALL Districts

The Texas Transportation Commission (commission) finds it necessary to adopt amendments to §25.952, Application, and §25.955, Sign Description, relating to the memorial sign program for victims of impaired driving to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the adopted 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 §25.952 and §25.955 are adopted and are authorized for filing with the Office of the Secretary of State.

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:

Candice Rawson PE.
Interim Director, Traffic Operations Division

Recommended by:

Armedo Sanj
Executive Director

112104 JAN 28 10

Minute Number Date Passed

Adoption Preamble

The Texas Department of Transportation (department) adopts amendments to §25.952, Application, and §25.955, Sign Description, concerning the Memorial Sign Program for Victims of Impaired Driving. The amendments to §25.952 and §25.955 are adopted without changes to the proposed text as published in the November 13, 2009 issue of the *Texas Register* (34 TexReg 8021) and will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

Senate Bill 521, 81st Legislature, Regular Session, 2009, amended Transportation Code, §201.909, relating to the sign design for the department's existing memorial sign program. The legislation allows the sign to include the name of more than one victim, as long as the total length of the names does not exceed one line of text. These amendments are adopted to conform to Transportation Code, §201.909, as amended by Senate Bill 521.

Amendments to §25.952 provide that an application may be submitted with the name of one or more victims. To provide for additional names on the sign the applicant is required to supply the names of each victim in the application. This will enable the department the opportunity to determine whether the names will fit on one line of text.

1 Amendments to §25.955 are made to comply with Transportation
2 Code, §201.909. The language limiting multiple names has been
3 deleted. The section now states that the memorial sign may
4 contain the name of more than one victim, as long as those names
5 do not exceed one line of text as required under Transportation
6 Code, §201.909(c-1). The changes also retain the option of
7 providing only the family name if required due to the one line
8 spacing limitations. The amendments allow the applicant the
9 additional opportunity to request that the family name be used
10 in place of the individual victim names.

11

12 COMMENTS

13 No comments on the proposed amendments were received.

14

15 STATUTORY AUTHORITY

16 The amendments are adopted under Transportation Code, §201.101,
17 which provides the Texas Transportation Commission (commission)
18 with the authority to establish rules for the conduct of the
19 work of the department, and more specifically, Transportation
20 Code, §201.909, which requires the commission by rule to
21 administer a memorial sign program to memorialize victims of
22 alcohol or controlled substance-related vehicle accidents.

23

24 CROSS REFERENCE TO STATUTE

25 Transportation Code, §201.909.

1 SUBCHAPTER N. MEMORIAL SIGN PROGRAM

2 FOR VICTIMS OF IMPAIRED DRIVING

3 §25.952. Application.

4 (a) A person may request the construction and installation
5 of a sign memorializing one or more victims [~~a victim~~] of an
6 alcohol or controlled substance-related vehicle crash by
7 following the procedures set out in this subchapter.

8 (b) The applicant must submit on a form provided by the
9 department an application that contains the following
10 information:

11 (1) the name of each victim for whom the sign is
12 requested [~~the victim~~];

13 (2) the location of the crash;

14 (3) the date of the crash;

15 (4) the name and contact information of the applicant;

16 and

17 (5) the name of one of the vehicle operators involved in
18 the crash.

19 (c) If the department notifies the applicant that a copy of
20 the officer's accident report required to be submitted to the
21 department by the reporting law enforcement agency under
22 Transportation Code, §550.062, is not on file with the
23 department, the applicant must submit a copy of that report.

1 (d) The applicant may provide to the department additional
2 government documents relating to the crash if necessary to
3 establish that a driver was impaired.

4

5 §25.955. Sign Description.

6 [~~(a) The department is unable to accommodate the name of~~
7 ~~more than one victim on a sign, except that, if more than one~~
8 ~~victim shares the same family name, a sign may display the~~
9 ~~family name of the victims.]~~

10 (a) [~~(b)~~] A sign will have a blue background with a white
11 legend and include the following elements:

12 (1) the phrase "Please Don't Drink and Drive";

13 (2) the phrase "In Memory of";

14 (3) one line of text denoting the name of the victim,

15 [~~or, if the family name of the~~ victims, or [~~is to be~~

16 ~~displayed,~~] the phrase "The (family name) Family"; and

17 (4) the date of the crash.

18 (b) The name of more than one victim may appear on a sign
19 only if the length of the victims' names does not exceed one
20 line of text. If the length of the names exceeds one line of
21 text, or if requested by the applicant, a sign may display the
22 family name of the victims.