

Texas Highway Patrol

Contributing Factor Guide

Quick Links (select to jump to desired section):

[General Information on Contributing Factors](#)
[List All Relevant Factors](#)
[Factors on Multiple Units](#)
[Factors Present but Not Contributing May Have Contributed](#)
[Contributing Factors and the TRC](#)
[Bicycles and Other Non-Pedestrian Sidewalk Users involved in Crosswalk Crashes](#)

Contributing Factors

[1 = Animal on Road - Domestic](#)
[2 = Animal on Road - Wild](#)
[3 = Backed without Safety](#)
[4 = Changed Lane when Unsafe](#)
[14 = Disabled in Traffic Lane](#)
[15 = Disregard Stop and Go Signal](#)
[16 = Disregard Stop Sign or Light](#)
[17 = Disregard Turn Marks at Intersection](#)
[18 = Disregard Warning Sign at Construction](#)
[19 = Distraction in Vehicle](#)
[20 = Driver Inattention](#)
[21 = Drove Without Headlights](#)
[22 = Failed to Control Speed](#)
[23 = Failed to Drive in Single Lane](#)
[24 = Failed to Give Half of Roadway](#)
[25 = Failed to Heed Warning Sign or Traffic Control Device](#)
[26 = Failed to Pass to Left Safely](#)
[27 = Failed to Pass to Right Safely](#)
[28 = Failed to Signal or Gave Wrong Signal](#)
[29 = Failed to Stop at Proper Place](#)
[30 = Failed to Stop for School Bus](#)
[31 = Failed to Stop for Train](#)
[32 = Failed to Yield ROW – Emergency Vehicle](#)
[33 = Failed to Yield ROW – Open Intersection](#)
[34 = Failed to Yield ROW – Private Drive](#)
[35 = Failed to Yield ROW – Stop Sign](#)
[36 = Failed to Yield ROW – To Pedestrian](#)
[37 = Failed to Yield ROW – Turning Left](#)
[38 = Failed to Yield ROW – Turn on Red](#)
[39 = Failed to Yield ROW – Yield Sign](#)
[40 = Fatigued or Asleep](#)
[41 = Faulty Evasive Action](#)
[42 = Fire in Vehicle](#)
[43 = Fleeing or Evading Police](#)
[44 = Followed Too Closely](#)
[45 = Had Been Drinking](#)
[46 = Handicapped Driver \(Explain in Narrative\)](#)
[47 = Ill \(Explain in Narrative\)](#)
[48 = Impaired Visibility \(Explain in Narrative\)](#)

This document accompanies an 8 hour *Contributing Factors* class. To inquire about having a *Contributing Factors* course instructed in your area, contact Sgt. Scott Hewitt, scott.hewitt@dps.texas.gov

[Check for Upcoming Courses](#)

[49 = Improper Start from a Stopped, Standing, or Parked Position](#)
[50 = Load Not Secured](#)
[51 = Opened Door Into Traffic Lane](#)
[52 = Oversized Vehicle or Load](#)
[53 = Overtake and Pass Insufficient Clearance](#)
[54 = Parked and Failed to Set Brakes](#)
[55 = Parked in Traffic Lane](#)
[56 = Parked without Lights](#)
[57 = Passed in No Passing Lane](#)
[58 = Passed on Shoulder](#)
[59 = Pedestrian FTYROW to Vehicle](#)
[60 = Unsafe Speed](#)
[61 = Speeding – \(Over Limit\)](#)
[62 = Taking Medication \(Explain in Narrative\)](#)
[63 = Turned Improperly – Cut Corner on Left](#)
[64 = Turned Improperly – Wide Right](#)
[65 = Turned Improperly – Wrong Lane](#)
[66 = Turned when Unsafe](#)
[67 = Intoxicated – Alcohol](#)
[68 = Intoxicated – Drug](#)
[69 = Wrong Side – Approach or Intersection](#)
[70 = Wrong Side – Not Passing](#)
[71 = Wrong Way – One Way Road](#)
[73 = Road Rage](#)
[74 = Cell/Mobile Device Use - Talking](#)
[75 = Cell/Mobile Device Use - Texting](#)
[76 = Cell/Mobile Device Use - Other](#)
[77 = Cell/Mobile Device Use - Unknown](#)
[78 = Failed to Slow or Move Over for Vehicles Displaying Emergency Lights](#)
[79 = Drove on Improved Shoulder](#)
[98 = Other \(Explain in Narrative\)](#)

Vehicle Defects

[5 = Defective or No Headlamps](#)
[6 = Defective or No Stop Lamps](#)
[7 = Defective or No Tail Lamps](#)
[8 = Defective or No Turn Signal Lamps](#)
[9 = Defective or No Trailer Brakes](#)
[10 = Defective or No Vehicle Brakes](#)
[11 = Defective Steering Mechanism](#)
[12 = Defective or Slick Tires](#)
[13 = Defective Trailer Hitch](#)
[98 = Other \(Explain in Narrative\)](#)

Important: Every crash is different and must be evaluated based upon its specific circumstances. The diagrams and examples in this guidance are meant to illustrate concepts, not to provide inflexible or mandatory policies regarding when and how to use the factors discussed. Contributing factors should be based on the investigator’s opinion as to why the crash occurred. Investigators should be guided by the CR-100, CR-102, and the Texas Transportation Code when forming these opinions.

The information contained in this document is the property of the Texas Department of Public Safety and may not be modified in any way for distribution or publication without the express prior written consent of the Department.

Outside Agencies

This resource is designed for field personnel of the Texas Department of Public Safety. The interpretations and guidance herein may evolve due to updates in TXDOT resource documents, the Transportation Code, or shifts in Department perspective. While peace officers from outside agencies are welcome to use this document as an informational resource, they must investigate crashes and testify based on their own knowledge and understanding of the law and associated resources. The Texas DPS will not testify or comment at outside agency trials, depositions, or other matters regarding the internal interpretations contained in this document.

General Information on Contributing Factors

CR-100, Section 4.6:

4.6 – FACTORS AND CONDITIONS

This section of the report is designed for the investigating officer to determine which factor(s) or condition(s) contributed to the crash for each unit. The officer may not have enough evidence to file a traffic charge, but does have enough data to render an opinion as to the contributing factors of the crash.

The investigator should classify by priority, for each unit, the contributing factors that contribute the most to the crash:

FACTOR 1 – List the factor that primarily contributed to the crash.

FACTOR 2 – List the factor that was a secondary contributor in the crash.

FACTOR 3 – List the factor that was an additional contributor in the crash.

Factors do not assign “blame” or “fault” in a crash. They simply describe why the crash occurred in as much detail as possible.

Prior to assigning a contributing factor, the answer to both of the following questions should be “Yes”:

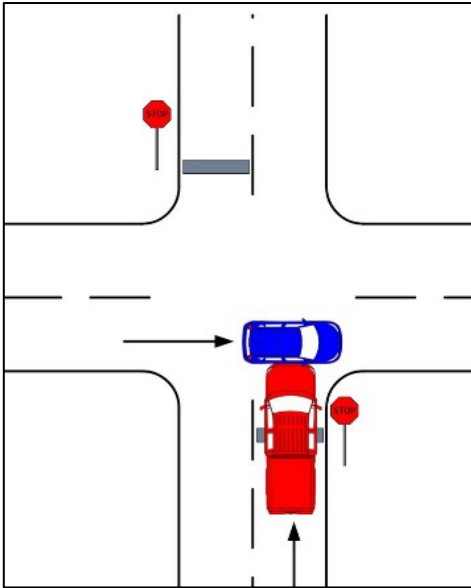
1. Was the factor present?
2. Did the factor contribute to the occurrence of the crash?

For more information, see the following sections: [List All Relevant Factors](#), [Factors Present but Not Contributing](#) and [Factors May Have Contributed](#).

List All Relevant Factors

Investigating officers should list all relevant contributing factors. The crash report represents the official record of the crash. If all relevant contributing factors are not listed, the crash has not been thoroughly reported, even if the investigation itself was thorough.

Example:



The driver of the red pickup is intoxicated and disregards the stop sign, striking the blue vehicle.

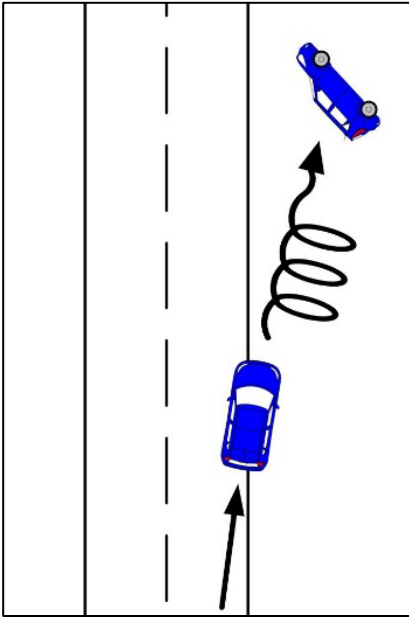
16 – Disregard Stop Sign or Light does not fully explain the crash.

67 – Intoxicated - Alcohol does not fully explain the crash.

Both factors should be listed because both played a role in why the crash occurred.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	16	67

Often, one factor causes a second factor and the second factor causes a crash.



The driver of this vehicle states he fell asleep and ran off the road.

23 – Failed to Drive in a Single Lane – tells why the vehicle crashed.

40 – Fatigued/Asleep – tells why the driver failed to drive in a single lane.

These two factors work together to fully describe the circumstances of the crash. The driver would not have crashed if he stayed in his lane. He would not have departed his lane if he was not fatigued. Both factors are contributing factors.

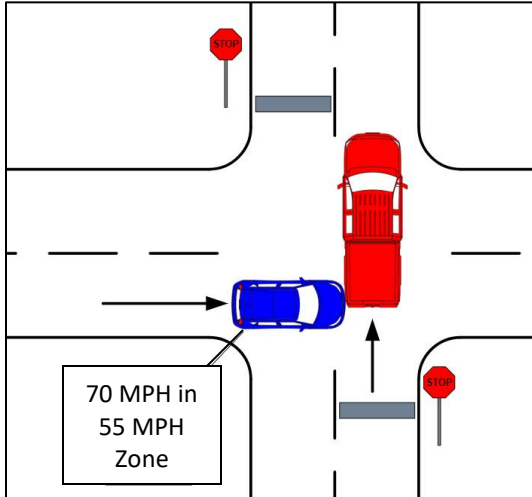
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	23	40

Note: This guidance is not intended to encourage redundant factors – i.e. a vehicle that **Fails to Yield ROW - Turning Left** has also technically **Turned When Unsafe**, but showing both these factors would be redundant because they are describing the same action. Select the most descriptive fit. Additional factors should only be added if they describe separate circumstances or actions that contributed to the occurrence of the crash.

Factors on Multiple Units

At times, a crash is not caused entirely by one unit or one person. If multiple units played a role in why the crash occurred, the contributing factors should reflect this shared responsibility.

Example:



The red pickup **Failed to Yield the ROW – Stop Sign**, however the investigation reveals the blue vehicle was traveling 70 MPH in a 55 MPH zone. Time and distance analysis shows the crash would not have occurred if the blue vehicle was traveling the speed limit when the red pickup left the stop sign. The driver of the pickup still had an obligation to yield (per the definition of right-of-way, [TRC 541.401](#)), however the blue vehicle’s speed also contributed.

35 – FYROW – Stop Sign on the pickup does not fully explain the crash because the blue vehicle’s speed contributed.

61 – Speeding over Limit on the blue vehicle does not fully explain the crash because the red pickup’s failure to yield ROW contributed.

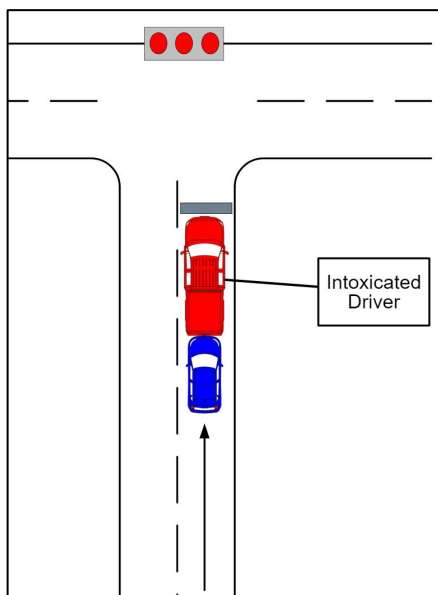
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	35	
2	61		

The actions of both drivers contributed to the occurrence of the crash. **Note:** If time and distance analysis shows the crash would have occurred even if Unit 2 was not speeding, factor 61 should not be used.

Factors Present but Not Contributing

Only factors that contributed to the crash should be listed as contributing factors, even if the investigator is sure the factors were present.

Example:



The driver of the red pickup is intoxicated and stationary at a red light. The driver of the blue vehicle fails to control speed and strikes the pickup from behind.

Although the driver of the pickup can be arrested for DWI, and blood/alcohol test results should be indicated on the crash report, the contributing factor of **67 – Intoxicated – Alcohol** should not appear on the crash report because the driver’s intoxication did not play a role in why the crash occurred.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	22	
2	67		

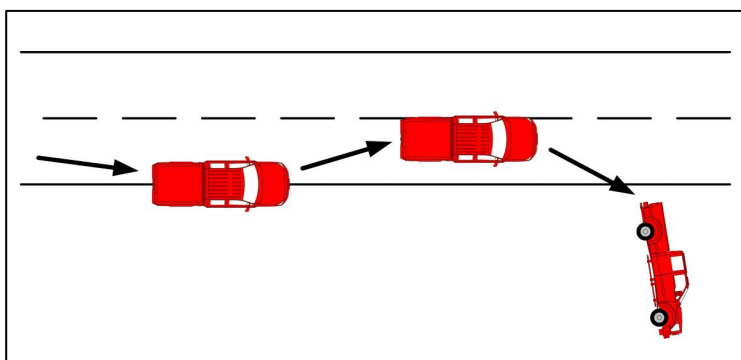
May Have Contributed

It is a common misconception that the “May Have Contributed” field should be used when the investigator suspects a factor but is unsure whether or not it was present. This is incorrect.

The CR-100 states: *It is sometimes difficult to form an opinion as to whether a factor or condition did or did not contribute to a crash. This section is to record the fact that **the condition was present**, but the investigator is unable to determine whether the factor/condition contributed.* (CR-100, Section 4.6.1.3)

A factor should be placed in “May Have Contributed” when the investigator establishes that the factor was present but is unsure whether or not it actually caused or contributed to the occurrence of the crash.

Example:



This vehicle fails to drive in a single lane and crashes. The driver does not want to let the investigator examine his cell phone. The investigator suspects the driver ran off the road because he was texting, but has no proof.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				
	Unit #	Contributing			May Have Contrib.
	1	23			75

75 – Cell/Mobile Device Use - Texting should not be placed in the “May Have Contributed” field just because the officer suspects the driver was texting.

Further Investigation - the investigator subsequently gets a court order for the driver’s cell phone records and determines the driver was sending and receiving text messages near the time of the crash. Now the investigator has evidence that the driver was driving while texting – i.e. this condition was present. The investigator is still not sure that the texting is the reason the driver ran off the road, but he knows the driver was texting. Now the factor of **75 – Cell/Mobile Device Use** should appear in the “May Have Contributed” field.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				
	Unit #	Contributing			May Have Contrib.
	1	23			75

If the investigator establish enough credible evidence to believe that the cell phone use was the reason the driver drove off the roadway, this factor can be placed in the “Contributing” field rather than “May Have Contributed”.

Contributing Factors and the Transportation Code

Not every contributing factor is a violation of the Texas Transportation Code, however many contributing factors mirror common arrest titles and moving violations. Care must be taken in determining whether or not a charge should be filed, even if a TRC reference appears with the contributing factor in the CR-100.

Applicability

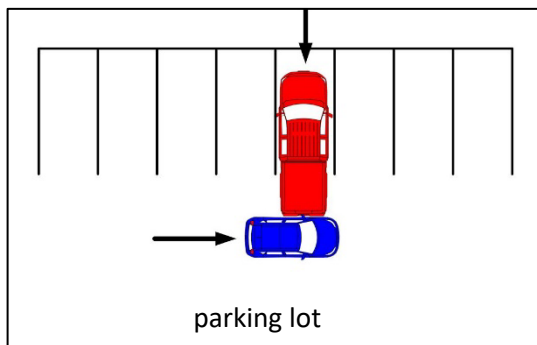
Chapter 550 of the Texas Transportation Code permits the investigation of crashes in many places where most of the TRC does not apply.

In fact, [550.041](#) allows peace officers to investigate crashes anywhere except privately owned residential parking areas (i.e. residential driveways) and privately owned parking lots where a fee is charged for parking or storing a vehicle.

This means peace officer may investigate crashes that occur on private property, in privately owned business parking lots, private roads and driveways, and virtually anywhere open to the public.

Most moving violations in the Transportation Code, by contrast, must occur on a highway (i.e. publicly maintained road) for officers to take enforcement action. This applicability is described in [542.001](#).

Example:



This crash occurred in a parking lot.

Can the crash be investigated? Yes ([550.041](#), [550.001](#))

Can the contributing factor of **3 – Backed Without Safety** be used? Yes, if the investigator believes this is why the crash occurred.

Can the driver of the red pickup be issued a ticket for Backed Without Safety? No, that section of the TRC only applies on a highway ([542.001](#)).

What if the driver of the pickup is unlicensed? A Texas driver's license is only required when a motor vehicle is being operated on a highway ([521.021](#)). The driver cannot be cited for No Driver's License in a parking lot.

What if the driver of the pickup is intoxicated? DWI offenses come from the Penal Code and are subject to their own applicability. As long as the parking lot is open to the public (i.e. a public place), the driver can be charged with DWI ([PC 49.04](#)).

If a crash occurs on a public highway, when should investigators write a citation for contributing factors that represent a violation of the Transportation Code?

Chapter 6, Texas Highway Patrol Manual - 09.02 Policy. *Members who investigate crashes will file a charge(s) when, in the member's best judgment, a sufficient amount of competent, admissible evidence is available to support a conviction. The member's decision to file charge(s) should not be based on irrelevant factors such as intent, damages suffered, or frivolous excuses. The appropriate judgment of when to file a charge(s) should be developed and guided by the completion of a proper and thorough investigation of the crash consistent with Department training.*

There may be times an investigator believes a contributing factor was present, but because of extenuating or unusual circumstances they do not feel a conviction is likely given the evidence. Contributing factors are based

on the educated opinion of the investigator. Charges filed must be based on probable cause. Probable cause is a more stringent burden of proof.

For more information on the TRC violations described in this manual, consult the **THP Field Enforcement Guide** available in the [Traffic Enforcement Guidance](#) section the THP SharePoint portal.

What if an investigator shows two different contributing factors that are both a violation of the Transportation Code? Should the investigator issue a citation for both factors?

Example: The driver of Unit 1 is texting and driving and he fails to control his speed, striking another vehicle. Should the investigator issue a citation for both offenses? If the investigator has clear evidence of both violations, both citations may be issued. Remember, however, that the THP policy requiring the filing of charges is based on whether or not competent evidence is available to support a conviction. Investigators should consult with local prosecutors and courts regarding filing of multiple TRC related charges stemming from an operator's actions during a crash to ensure support for prosecution and conviction.

In situations where multiple factors could be applied to a driver's single action, the most specific factor should be used and only one citation should be issued. For example, a driver who **Fails to Yield ROW – Turning Left** also technically **Turned when Unsafe**. Showing both factors and/or issuing a citation for both offenses would be redundant. Select the most appropriate factor and charge. In this circumstance, only **Failed to Yield ROW – Turning Left** should be used.

Similarly, if a driver loses control of a vehicle due to a specific factor, additional contributing factors should generally not be added for events that take place after the driver loses control. For example, a driver loses control of his vehicle while traveling at an unsafe speed in a curve. The vehicle runs off the roadway and crashes. A second factor of Failed to Drive in Single Lane should not be utilized, as this occurred after the driver lost control due to unsafe speed.

Offenses that can apply in a parking lot or other public place

Although most of the offenses found in the TRC must be committed on a highway in order for an officer to file charges, there are a few exceptions.

Due to language within the statute or the chapter in which the statute is found, **the following offenses can be filed even if a crash occurs in a parking lot, on a publicly accessible private road, or in any public place:**

- **Reckless Driving** – [TRC 545.401](#)
- **Fail to Stop and Render Aid - Felony** – [TRC 550.021](#)
- **Fail to Stop and Render Aid – Misdemeanor/Fail to Stop and Give Information** – [TRC 550.022](#)
- **Duty Upon Striking Unattended Vehicle** – [TRC 550.024](#)
- **Fail to Comply With Requirements Striking Structure/Fixture/Landscaping** – [TRC 550.025](#)
- **Fail to Maintain Financial Responsibility** – [TRC 601.191](#)

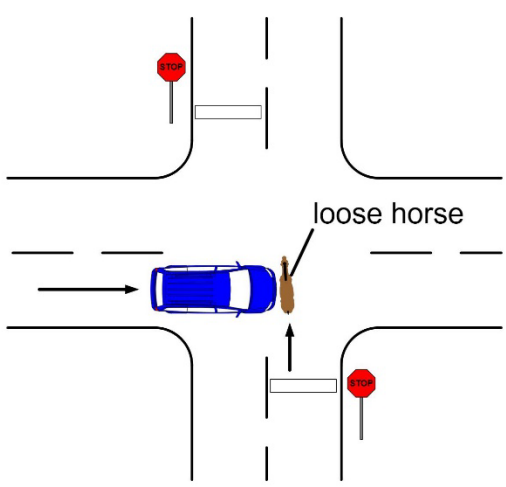
Additionally, offenses in the Penal Code commonly used in crash investigation such as DWI, Intoxication Assault, Intoxication Manslaughter, Assault, Deadly Conduct, etc. can be committed in places other than the highway.

1 - Animal on Road – Domestic

CR-100: When a vehicle receives damage as a result of striking a domestic animal, such as a cow, dog, or chicken or when a domestic animal's presence on the road contributes to the crash.

- “Domestic Animal” is not specifically defined in the CR-100, however the common definition would include dogs, cats, and livestock.
- If the domestic animal has an owner, the animal and owner information should be placed in the “Damaged Property Other than Vehicles” section.
- This factor can be used even if the animal is not struck by a vehicle. If a vehicle swerves to avoid a domestic animal and crashes, this factor can apply. In this circumstance, factor **41 – Faulty Evasive Action** may also be applicable depending on the situation.
- A loose domestic animal is **not** assigned a unit number on a crash report.
- A ridden or herded domestic animal is assigned a unit number on a crash report. A ridden animal has the rights and duties applicable to the operator of a vehicle (TRC [542.003](#)).

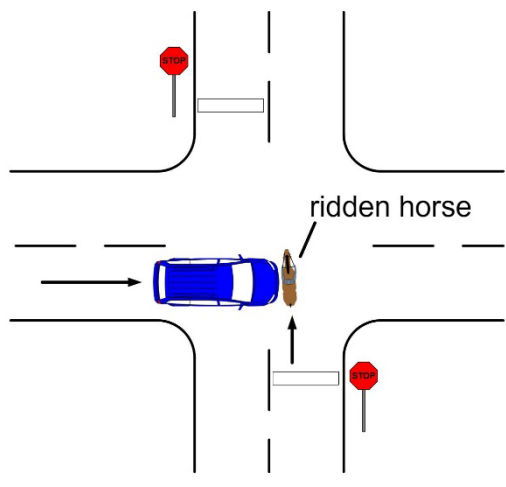
Examples/Discussion:



Motor Vehicle vs. Unriden Domestic Animal

This is a one unit crash. The correct contributing factor is **1 – Animal on Road – Domestic**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	1	

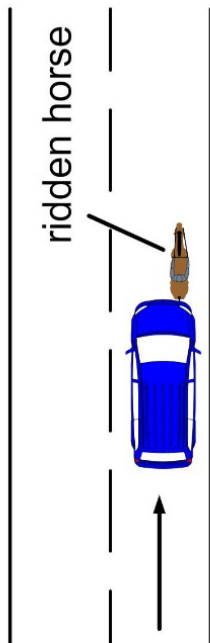


Motor Vehicle vs. Ridden Domestic Animal

This is a two unit crash. Unit 1 is the motor vehicle, Unit 2 is the ridden animal.

The correct contributing factor is **35 – Failed to Yield ROW – Stop Sign** for the ridden animal. The animal is permitted to be ridden on the roadway, however the rider must obey applicable traffic laws.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	35	



Motor Vehicle vs. Ridden Domestic Animal

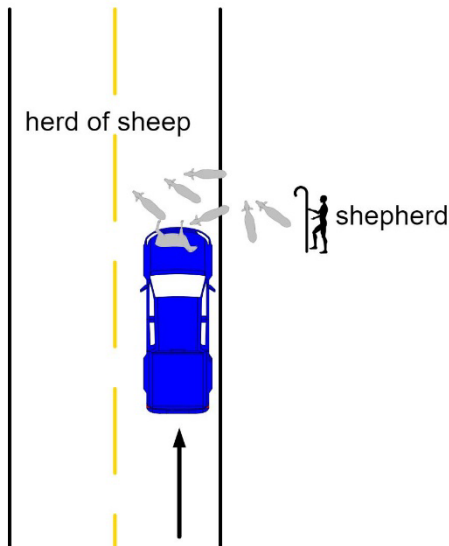
This is a two unit crash. Unit 1 is the motor vehicle, Unit 2 is the ridden animal.

Although Unit 2 is a domestic animal, when it is being ridden it is considered a traffic unit. It is legal to ride a horse on a roadway as long as the rider obeys applicable traffic laws ([542.003](#)).

Because the horse and rider are on the highway in compliance with the law, the operator of the motor vehicle must control their speed to avoid a collision. The correct contributing factor is **22 – Failed to Control Speed**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	22	

Although the horse and rider are on the highway in compliance with the law, in unusual circumstances such as riding on a roadway at night with no lighting or other reflective equipment, it may not be reasonable to expect a motor vehicle to see and avoid the horse and rider. A contributing factor of **98 – Other** would be more appropriate.



Motor vehicle vs. Herded Domestic Animals

This is a two unit crash. Unit 1 is the motor vehicle, Unit 2 is the herd of sheep. The herd is only considered a traffic unit because they are being herded at the time of the crash.

Although herded animals are considered a traffic unit, they are not afforded the rights and duties of other vehicles using the highway (this differentiates them from ridden animals). The correct contributing factor here would be **1 – Animal on Road – Domestic**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	1	

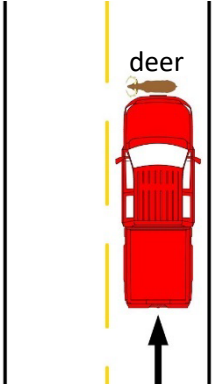
If the investigator believes the truck should have seen and avoided the herded animals but failed to do so, a factor such as **20 – Driver Inattention** or **41 – Faulty Evasive Action** may be appropriate for Unit 1 depending on what the investigator can articulate.

2 - Animal on Road - Wild

CR-100: When a vehicle receives damage as a result of striking a wild animal, such as a deer, coyote, turkey, buzzard or when a wild animal’s presence on the road contributes to the crash.

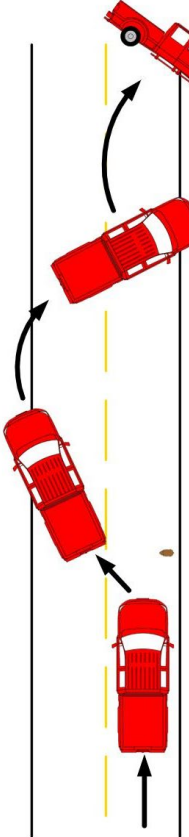
- A wild animal is **not** assigned a unit number on a crash report and it is not placed in the “Damaged Property Other than Vehicles” section.
- This factor can be used even if the animal is not struck by a vehicle. If a vehicle swerves to avoid a wild animal and crashes, this factor can apply. In this circumstance, factor **41 – Faulty Evasive Action** may also be applicable depending on the situation.

Examples/Discussion:



The red pickup strikes a deer in the roadway. This is a one unit crash (the deer is not assigned a unit number). The contributing factor is **2 – Animal on Road - Wild**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	2	



The driver of the red pickup sees a rabbit in the roadway and attempts to swerve around it. He overcorrects back to the right, enters a side skid, and overturns the pickup.

The crash was caused by the wild animal on the roadway and the driver’s faulty evasive action as he attempted to avoid it.

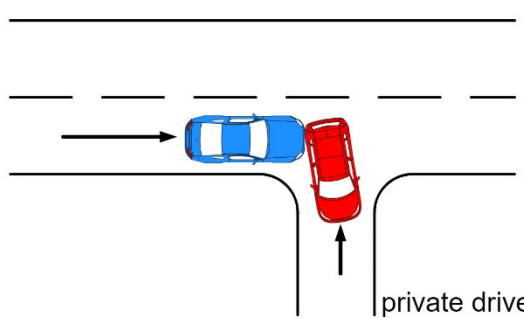
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	2	41

3 - Backed Without Safety

CR-100: *When a driver makes an unsafe backing movement and the action contributes to the crash.*

- This factor is most commonly used in parking lot crashes, however anytime a vehicle is backing up it should do so safely and without interfering with other traffic.

Example/Discussion:



The diagram shows a top-down view of a road intersection. A blue car is moving from left to right in the main road. A red car is backing out of a 'private drive' that branches off from the bottom of the main road. The red car's path crosses the path of the blue car. A dashed line indicates the lane boundaries. An arrow points to the right in front of the blue car, and another arrow points upwards towards the red car from the private drive.

Backed Without Safety or FYROW – Private Drive?

The red vehicle backs out of a private drive into the path of the blue vehicle. Is this Backed Without Safety or FYROW – Private Drive?

The elements of both factors are present, therefore either one could apply. Because they both describe the same movement or action, the investigator should choose the factor they feel is most relevant. Neither factor would be incorrect, but both should not be used.

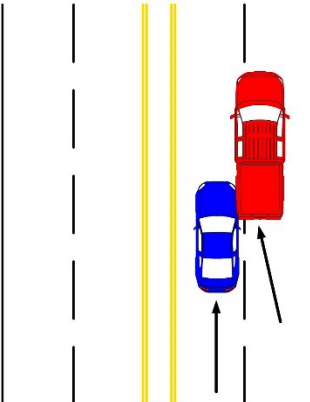
TRC Reference [545.415](#) – if the crash occurred on a public highway ([541.302](#)), the charge of **Back So As To Interfere Or Without Safety** may be appropriate. If the crash occurred in a parking lot or on a private road or driveway, this charge should not be filed (see [542.001](#)).

4 - Changed Lane when Unsafe

CR-100: When a vehicle on a multi-lane roadway intentionally moves outside the lane of travel when the movement cannot be made safely.

- This factor can easily be confused with [23 – Failed to Drive in Single Lane](#). The difference lies primarily in the intent. This factor is associated with an intentional lane change or lane departure, whereas [Failed to Drive in Single Lane](#) is associated with an unintentional departure from the lane.
- The roadway must be a multi-lane roadway, meaning there must be at least two marked lanes. This factor cannot apply on an unmarked roadway or a roadway with just one marked lane such as a single lane ramp or flyover.

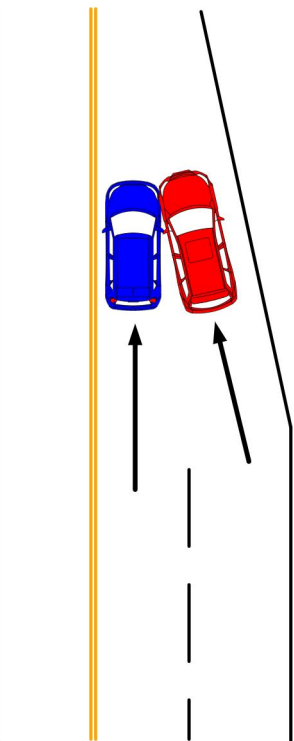
Example/Discussion:



Changed Lane when Unsafe or Failed to Drive in Single Lane?

The best contributing factor to use will depend on the driver's intent. If the driver of the red pickup intended to make a lane change, **4 – Changed Lane when Unsafe** would be the most descriptive factor.

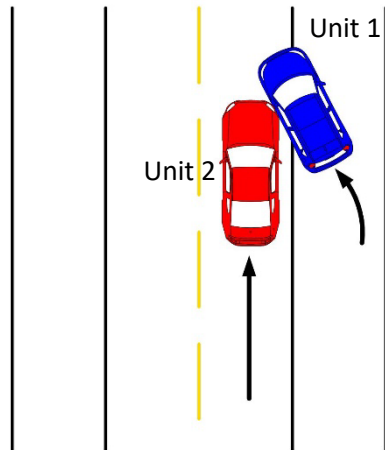
If the driver of the red pickup unintentionally crossed the lane line and struck the blue car, **23 – Failed to Drive in Single Lane** is the most descriptive factor.



Does factor **4 – Changed Lanes When Unsafe** apply in a crash where two lanes merge into one?

In this circumstance, the SUV moved left and struck the passenger car as the lanes merged, however it did not cross lane lines. The best contributing factor for this circumstance is **66 – Turned When Unsafe**. Although the SUV was not actually turning, it was moving left on the roadway when this movement could not be made safely, and this qualifies for the factor of [Turned When Unsafe](#).

If the SUV moved left prior to the merge point where the roadway still had two clearly marked lane lines, the correct factor would be **4 – Changed Lanes When Unsafe**.



The blue car is attempting to move into the main lane from the improved shoulder and is struck by Unit 2.

Do not use factor **4 – Changed Lane When Unsafe**. The improved shoulder is not considered a lane on a laned roadway.

The best factor here is **66 – Turned When Unsafe**. Although Unit 1 is not “turning” in the traditional sense, Factor 66 is used when a vehicle “turns right or left or moves from a direct course when the turn or movement could not be made safely”. Unit 1 is deviating from a direct course and moving left on the roadway when this movement cannot be made safely. For more details, see [Factor 66](#).

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	66		
2			

If Unit 1 is stopped on the shoulder and immediately pulls into the path of Unit 2 upon starting from this parked position, factor [49 – Improper Start from a Stopped, Standing, or Parked Position](#) would be appropriate.

TRC Reference 545.060 – a vehicle that makes an unsafe lane change on a multi-laned highway can be charged with **Change Lanes When Unsafe**.

14 - Disabled in Traffic Lane

CR-100: When the traffic unit is actually disabled in a traffic lane on the main traveled portion of the highway and this contributes to the crash.

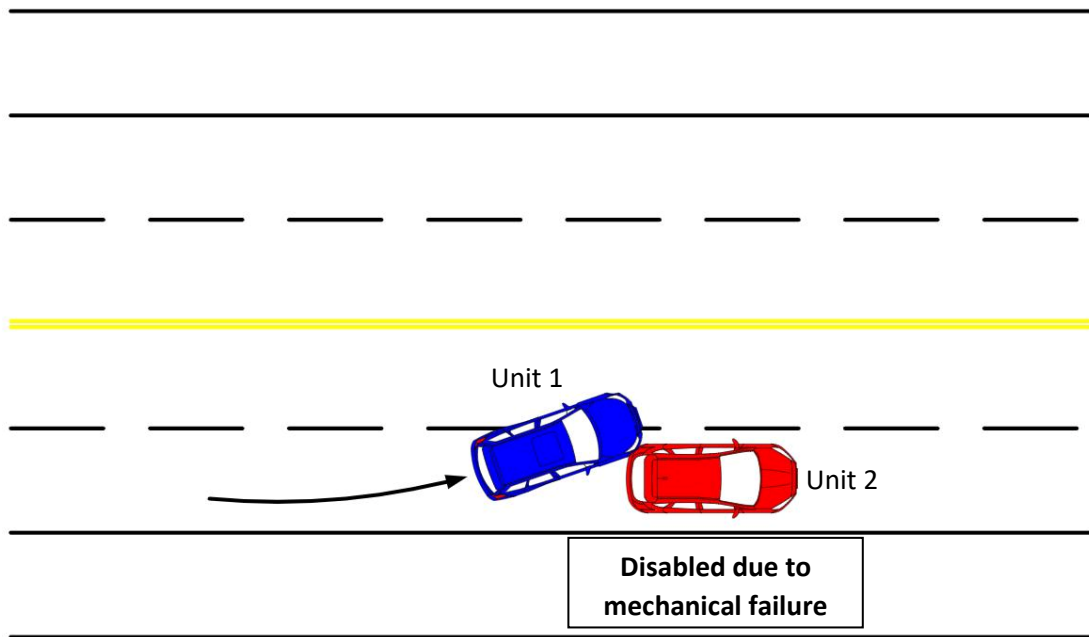
- This factor only applies to disabled vehicles in the roadway, not to be confused with factor [55 – Parked in Traffic Lane](#) – when a vehicle is illegally parked (a disabled vehicle is not considered to be illegally parked, per [545.301 \(b\)\(1\)](#)).
- This factor is often used in secondary crashes where a previously crashed vehicle is struck, however the disabled vehicle could also be disabled due to mechanical failure.
- If the disabled vehicle is disabled due to a previous crash, is this one crash or two separate crashes?
 - If the disabled vehicle has just crashed and events have not stabilized before it is struck by another vehicle, the entire event is considered one crash. If the initial crash event has stabilized (vehicle comes to rest and there is otherwise a “lull in the action”), this is two separate crashes. For more detail, see *CR-102 Section 2.3 – Crash After Stabilized Situations*.

Example/Discussion:

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	14	

Can **22 – Failed to Control Speed** apply to the blue vehicle in this circumstance?

Maybe. As discussed above, a disabled vehicle is not considered to be illegally stopped, standing, or parked per 545.301(b)(1). When visibility is good and other traffic has the reasonable ability to see and avoid the disabled vehicle, traffic is expected to control speed and avoid striking the disabled vehicle. If visibility is poor due to darkness, roadway topography, weather, or traffic conditions, it is not reasonable to expect other vehicles to see and avoid a disabled vehicle on the roadway and Failed to Control Speed, Driver Inattention, etc. should not be used.



Is this factor 14 – Disabled in Traffic Lane or factor 55 – Parked in Traffic Lane?

Unit 2 is disabled due to a mechanical failure, however the investigator should attempt to determine whether or not the driver of Unit 2 could have pulled onto the improved shoulder or not.

If Unit 2 experienced a mechanical failure that was so significant the driver could not pull onto the improved shoulder, Unit 2 should have a factor of **14 – Disabled in Traffic Lane**. See previous example for a discussion on whether or not Unit 1 should have a factor in this circumstance.

If Unit 2 experienced a less significant mechanical failure (i.e. a flat tire, a rough running engine, etc.) and the driver made the decision to stop in the traffic lane rather than pull onto the improved shoulder, the factor of **55 – Parked in Traffic Lane** is more appropriate. It was practicable to stop or park on the improved shoulder and the driver chose not to do so. In this circumstance, Unit 1 should not have a factor of Failed to Control Speed. Depending on visibility, terrain, speeds, and traffic conditions, Unit 1 could have a factor of **Driver Inattention** or **Faulty Evasive Action**, but this would have to be evaluated on a case by case basis.

15 - Disregard Stop and Go Signal

CR-100: *When a vehicle fails to stop or comply with a traffic light exhibiting alternating red, yellow, or green lights for controlling traffic and the action contributes to the crash.*

- The traffic light described in this section is a standard red/yellow/green traffic signal.
- Do not confuse with factor 16 – Disregard Stop Sign or Light. Factor 16 deals with a stop sign or a flashing red light (treated like a stop sign). A vehicle that causes a crash after disregarding a steady red light should show factor **15 – Disregard Stop and Go Signal**.
- If a vehicle causes a crash by failing to yield ROW after stopping while attempting to make a turn on a red signal, see factor [38 – Failed to Yield ROW – Turn on Red](#).



A Stop and Go Signal as described by this section. Also referred to as a traffic control signal in the TRC.

TRC Reference [544.007](#) – this section of the TRC describes obligations and right-of-way established by traffic control signals. Charges under this section will usually be appropriate when this factor is used on a crash report.

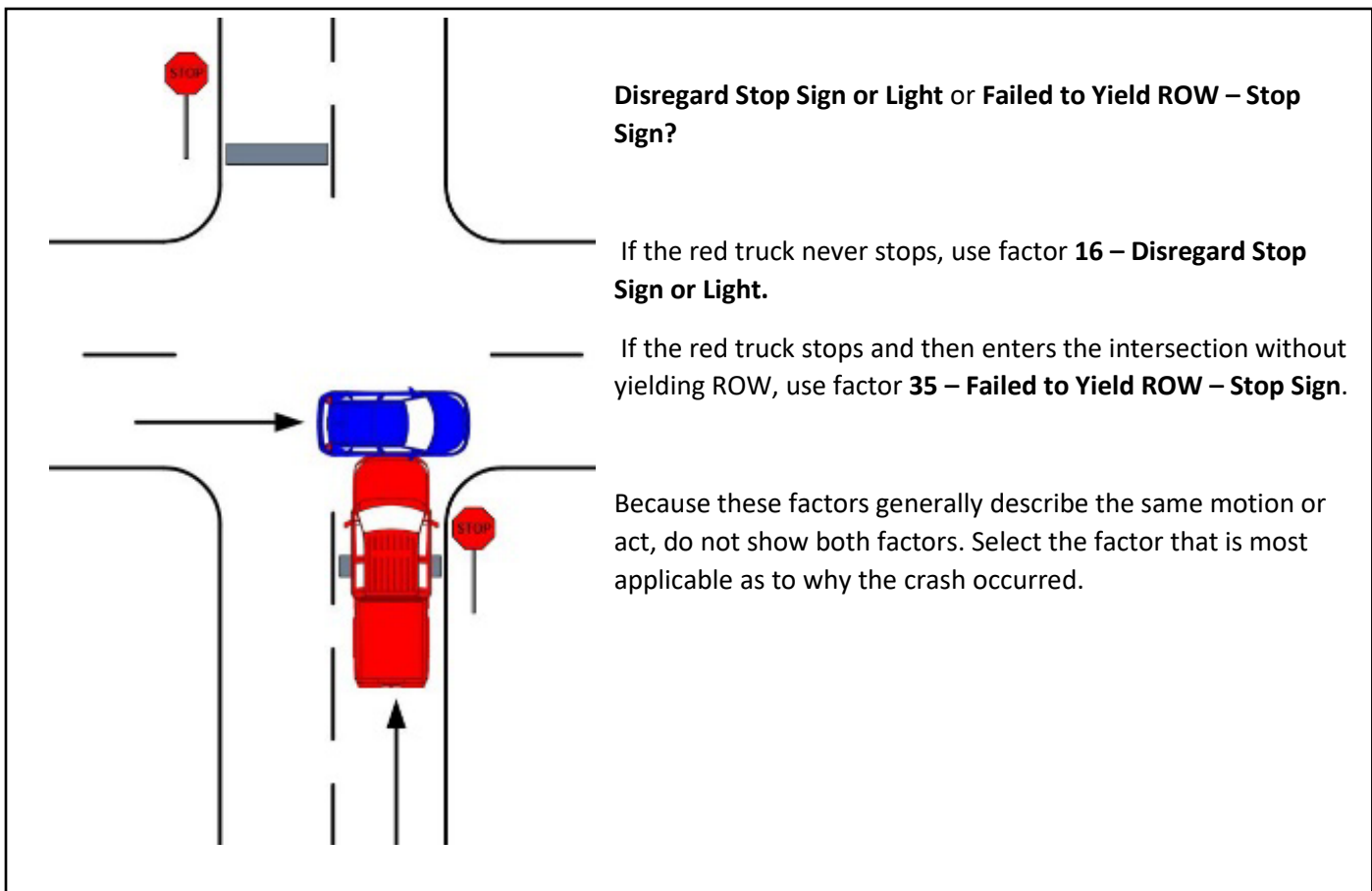
16 - Disregard Stop Sign or Light

CR-100: When a driver fails to stop for a stop sign or a flashing red light used in lieu of or in conjunction with a stop sign and the action contributes to the crash. If a vehicle stops, then fails to yield right-of-way, refer to factor 35.

- This factor applies when an intersection is controlled by a stop sign, a flashing red light, or both.
- If a vehicle disregards a steady red traffic light, use factor **15 – Disregard Stop and Go Signal**.



Example/Discussion:



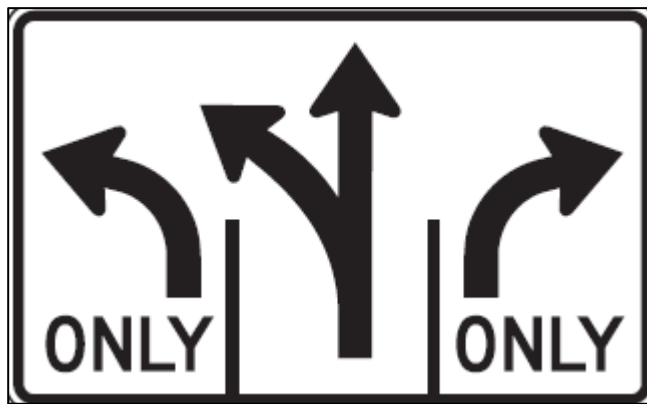
TRC Reference [544.008](#) – Disregard Flashing Red Signal

TRC Reference [545.151](#) – Disregard Stop Sign

17 - Disregard Turn Marks at Intersection

CR-100: When a vehicle fails to follow the directed course as required by official traffic control devices within or adjacent to an intersection and the action contributes to the crash.

- “Turn Marks” are official traffic control devices (signs or markings) that prescribe a specific course of movement when a vehicle is turning at or traveling through an intersection (see examples below).



Examples/Discussion:

The blue pickup is making a legal left turn based on the turn marks at this intersection. The red car disregards the turns marks at the intersection and attempts to travel straight through intersection rather than turning left. Factor **17 – Disregard Turn marks at Intersection** applies.

36 Contributing Factors			
FACTORS & CONDITIONS	Unit #	Contributing	
	1	17	

Both vehicles are initially legally turning left, however during the turn the red car disregards the turn marks, swings wide, and strikes the blue pickup. The contributing factor is **17 – Disregard Turn Marks at Intersection.**

FACTORS & CONDITIONS	36 Contributing Factors			
	Unit #	Contributing		
	1	17		

What about factor 4 – **Changed Lane when Unsafe**? There are not marked lanes in the intersection and the turn marks do not constitute lane markings. They are intended simply to prescribe a specific course of movement through the intersection. Disregard Turn Marks is the more appropriate factor.

TRC Reference [545.101\(e\)](#) – It is an offense to turn in a manner or direction that does not comply with the turn marks at an intersection. The arrest title is **Disregard Turn Marks at Intersection.**

18 - Disregard Warning Sign at Construction

CR-100: When a driver encountering a construction zone disregards warning signs and the action contributes to the crash.

- Use this factor when a warning sign advises traffic of a particular hazard or requires traffic to do a specific thing in a construction zone and a driver disregards the sign’s directive, causing a crash.
- **Warning sign** is defined in TRC [472.022](#): a signal, marking, or device placed on a barricade or on a road, street, or highway during construction, repair, or dangerous conditions by the department, a political subdivision of this state, or a contractor or subcontractor to warn or regulate motor vehicular traffic. The term includes a flagger deployed on a road, street, or highway by the department, a political subdivision of this state, or a contractor or subcontractor to direct traffic around or on the road, street, or highway during construction, repair, or dangerous conditions.
- There are many different types of warning signs in construction areas. Before using this factor, make sure you can articulate what the warning sign required and how the vehicle disregarded the directive and caused a crash. The [Texas Manual on Uniform Traffic Control Devices](#) describes dozens of warning signs for construction (a few examples are below).

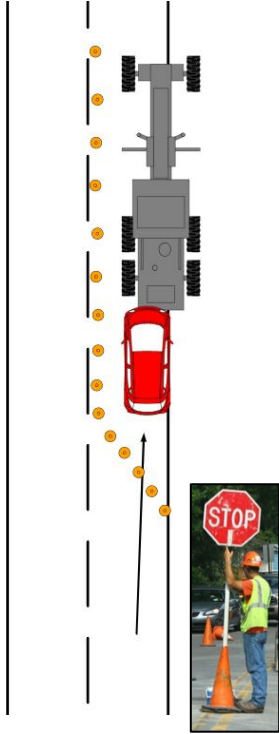


- For warning signs that are not at a construction area, see factor [25 – Failed to Heed Warning Sign or Traffic Control Device](#).

Examples/Discussion:

In this example, the red vehicle disregards the “Lane Ends Merge Left” warning sign and strikes a piece of road construction equipment.

36 Contributing Factors			
FACTORS & CONDITIONS	<i>Unit #</i>	<i>Contributing</i>	
	1	18	



In this example, the red vehicle disregards the flagger and his stop paddle. A flagger meets the definition of a “warning sign” in [TRC 472.022](#), therefore factor 18 applies.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	18	

Could this also be **16 – Disregard Stop Sign or Light**? A flagger in a construction zone is specifically defined as a “warning sign” in the TRC. The sign held by a flagger is referred to as a Stop/Slow Paddle in the Texas Manual on Uniform Traffic Control devices and it is used in conjunction with the flagger’s authority as a defined “warning sign” in [472.022](#). The Stop/Slow paddle is defined separately from a stop sign and does not carry the same required action (drivers must stop and wait until signaled to go by the flagger). As such, it should not be treated like an stop sign for enforcement purposes. Enforcement should fall under the **Disregard Warning Signs/Barricades** arrest title.

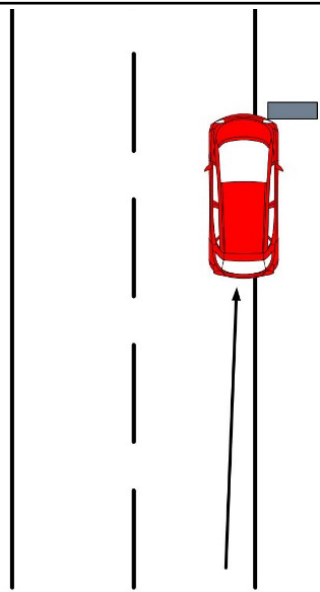
TRC Reference [472.022](#) – it is an offense to disregard warning signs. The arrest title is **Disregard Warning Signs/Barricades**.

19 - Distraction in Vehicle (Explain in Narrative)

CR-100: *When the driver's actions or the actions of others in his/her vehicle are such that a lack of observance and/or vehicle control occurs to the extent it contributes to the crash. Example: Driver swats at a bee; a dog gets under the driver's feet.*

- This factor should be used when there is something specific in the vehicle that distracts the driver.
- The officer should articulate the nature of the distraction in the narrative.
- If the type of distraction is covered by a more specific contributing factor such as [Cell/Mobile Device Use](#), utilize the more specific contributing factor.
- This factor is generally used in conjunction with another factor. A vehicle does not typically crash just because a driver is distracted. A vehicle crashes because a driver is distracted and fails to control their speed or fails to drive in a single lane, etc. The distraction typically leads to another factor which then causes a crash, although there are some exceptions (see examples in the Driver Inattention section).

Example/Discussion:



The driver states he works at a zoo and has been training a juvenile monkey. The monkey becomes agitated when the driver refuses to share a piece of candy. The monkey leaps on the driver and bites his ear. While distracted by the monkey, the driver leaves the roadway to the right and strikes a mailbox.

The contributing factors in the crash are **23 – Failed to Drive in Single Lane** and **19 – Distraction in Vehicle**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	23	19	

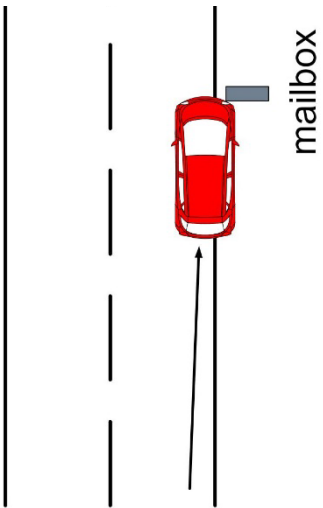
Both factors should be used because both factors contributed to the crash. If either of these factors did not occur, the crash would not have occurred.

20 - Driver Inattention (Explain in Narrative)

CR-100: When a driver's lack of attention to the roadway, highway, or traffic occurs and contributes to the crash. Examples include when the driver is eating, putting on makeup, and adjusting radio.

- Although many crashes are caused by inattentive drivers, the officer should be able to articulate the nature of the inattention. Simply suspecting a driver was inattentive without articulable circumstances is not grounds for showing this factor.
- The officer should articulate the nature of the inattention in the narrative.
- If the type of inattention is covered by a more specific contributing factor such as [Cell/Mobile Device Use](#), utilize the most specific contributing factor.
- This factor is generally used in conjunction with another factor. A vehicle does not typically crash just because a driver is inattentive. A vehicle crashes because a driver is inattentive and fails to control their speed or fails to drive in a single lane, etc. The inattention leads to another factor which then causes a crash. There are some exceptions to this concept (illustrated in second example below).

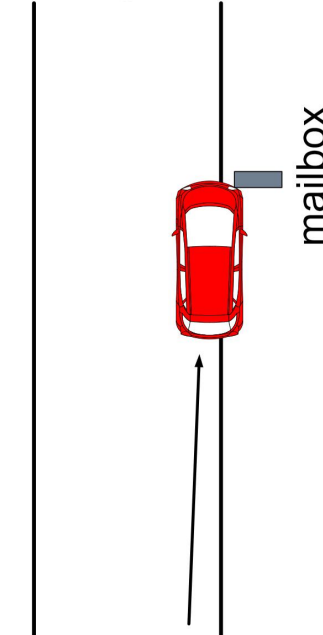
Examples/Discussion:



The driver states he was looking out his window at some nearby livestock when he accidentally ran off the road and struck a mailbox.

The crash occurred because the driver was inattentive and he failed to drive in a single lane.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	23	20	



The driver states he was looking out his window at some nearby livestock when he accidentally ran off the road and struck a mailbox.

In this circumstance, factor **23 – Failed to Drive in Single Lane** cannot be used because the roadway has no marked lanes. Instead, consider **20 – Driver Inattention** and **98 – Other**. 98 – Other should then be explained in the narrative (vehicle drove off the roadway).

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	20	98	
2			

21 - Drove Without Headlights

CR-100: *When lighting conditions or time of day dictates use of headlights for safe operation to perceive actual hazards and a lack of compliance contributes to the crash.*

- Either the driver of the vehicle without headlights did not see something they needed to see or someone else did not see the vehicle because of the lack of headlights.
- Per [TRC 547.302](#), a vehicle's required lights must be activated under either of the following two conditions:
 - (1) at nighttime (½ hour after sunset to ½ hour before sunrise – defined in [541.401\(5\)](#)); or
 - (2) when light is insufficient or atmospheric conditions are unfavorable so that a person or vehicle on the highway is not clearly discernible at a distance of 1,000 feet ahead.

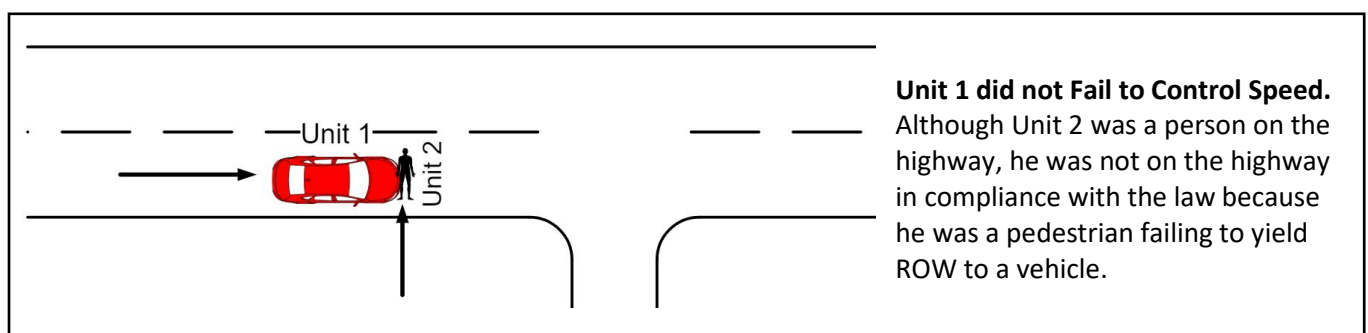
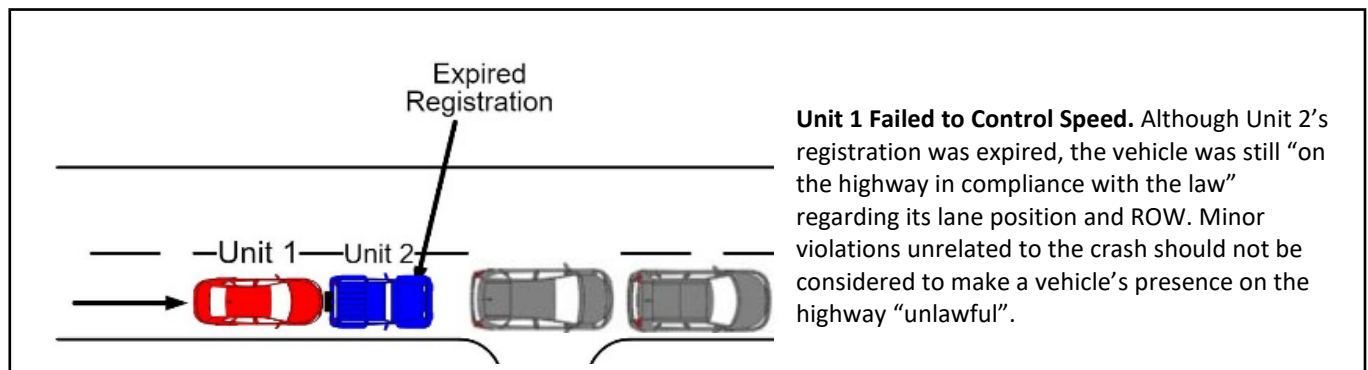
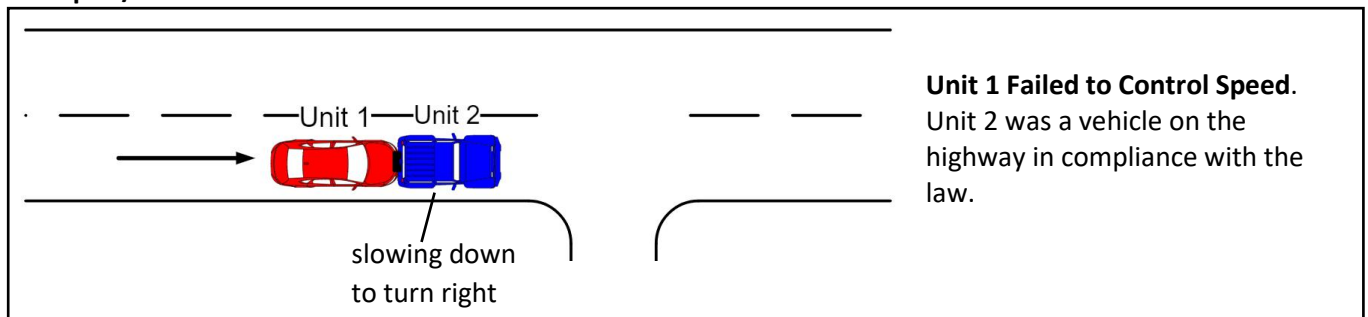
TRC Reference [547.302](#) – it is a violation to drive without lights at nighttime or when atmospheric conditions limit visibility to less than 1000'. The arrest title is **Drove Without Lights When Required**.

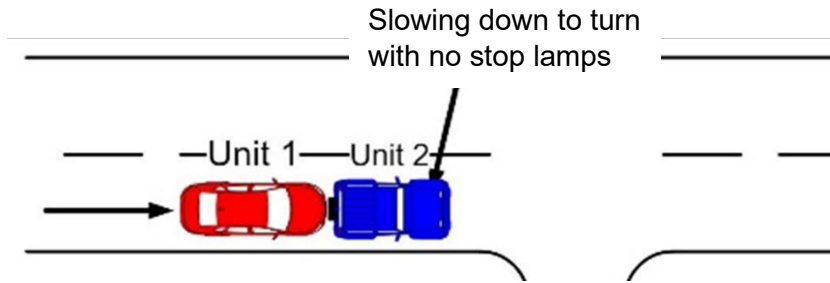
22 - Failed to Control Speed

CR-100: *When an operator fails to control the speed of a vehicle as necessary to avoid colliding with another person or vehicle that is on or entering the highway in compliance with law and the duty of each person to use due care.*

- The crash must occur on a **highway** for this factor to apply (cannot apply in parking lots or on private roads). Highway is defined in [541.302](#).
- This factor cannot be used in a one unit crash. The motor vehicle must strike another vehicle or a person on or entering the highway in compliance with the law.
- This factor cannot be used in conjunction with factor [60 – Unsafe Speed](#) or [61 – Speeding Over Limit](#) on the same vehicle. The investigator should select the factor that is most applicable to the circumstances of the crash.
- The vehicle or person struck **must be on the highway in compliance with the law**, meaning their location or vehicle position was lawful and they were abiding by proper right-of-way. A vehicle with a law violation unrelated to vehicle position or right-of-way (an expired registration, for example) can still be considered to be “on the highway in compliance with the law” for the purposes of this factor as long as its position is correct and it is abiding by normal rules of right-of-way.

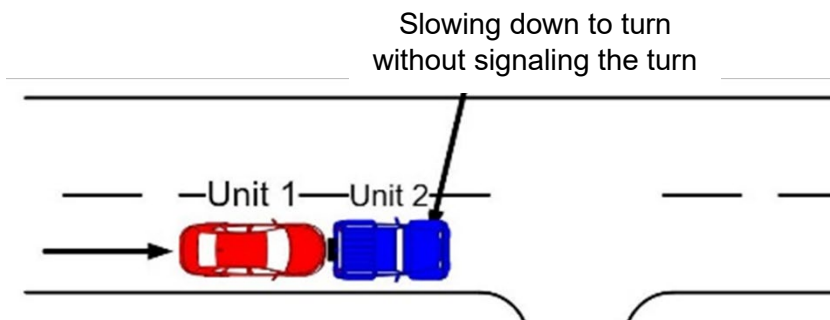
Examples/Discussion:





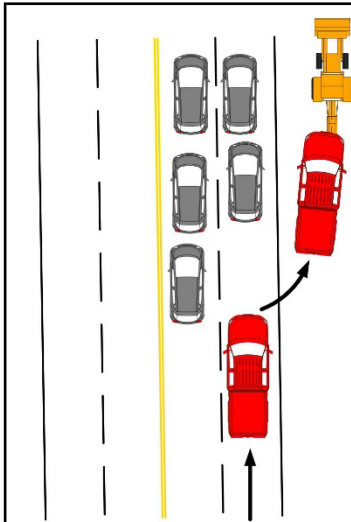
Failed to Control Speed would not be a good fit because Unit 2’s slowing was not signaled to Unit 1. This had a significant impact on Unit 1’s ability to respond appropriately. Considerations should be made for traffic, vehicle speeds, visibility, and timing when determining whether or not Unit 1 should have been able to respond and avoid Unit 2. The contributing factor here would be the defective stop lamps on Unit 2.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investigator's Opinion)					
	Unit #	Contributing			May Have Contrib.		Contributing			May Have Contrib.	
	2						6				



Although Unit 2 is failing to signal the turn, the brake lamps are still signaling to Unit 1 that the vehicle is slowing down for some reason. A case can still be made for **22 – Failed to Control Speed** on Unit 1. Factor **28 – Failed to Signal** could also be applied to Unit 2. Traffic and roadway conditions, speed limit, and following distance should all be considered when deciding whether this factor should be a contributing factor or a “may have contributed” factor for Unit 2.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					
	Unit #	Contributing			May Have Contrib.	
	1	22				
2					28	

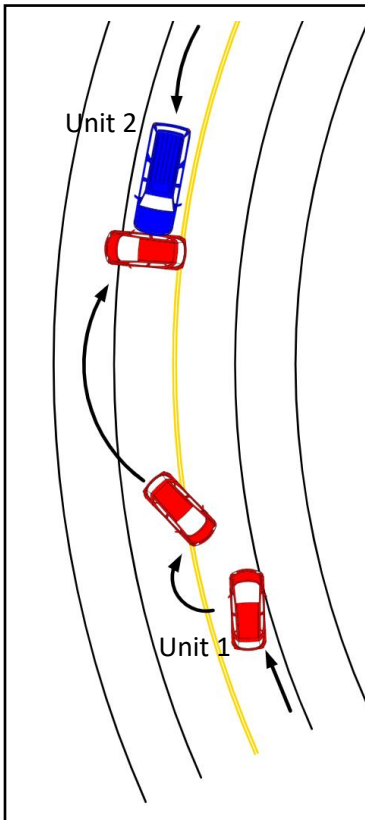


The driver of the red pickup does not see stopped traffic ahead until it's too late to avoid a crash. The driver swerves off the roadway and strikes a parked backhoe. The backhoe is a vehicle that is on the highway in compliance with the law. The contributing factor is **22 – Failed to Control Speed**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	22		

Definition of highway – [541.302](#)

Definition of special mobile equipment – [541.201](#) (a backhoe is considered special mobile equipment - a type of vehicle).



The red car is traveling too fast for a wet roadway in a curve and spins out. It crosses the centerline and strikes an oncoming vehicle.

Is the most accurate factor **22 – Failed to Control Speed**, or **60 – Unsafe Speed**?

Although the red car did strike another vehicle that was on the highway in compliance with the law, the primary reason the crash occurred is because the red car was driving too fast for the roadway conditions. The most accurate contributing factor is **60 – Unsafe Speed**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	60		

“Unsafe speed” can still apply even if another vehicle or person is struck during the crash. **The contributing factors are not meant to describe what happened during the crash. They are meant to describe why the crash occurred.**

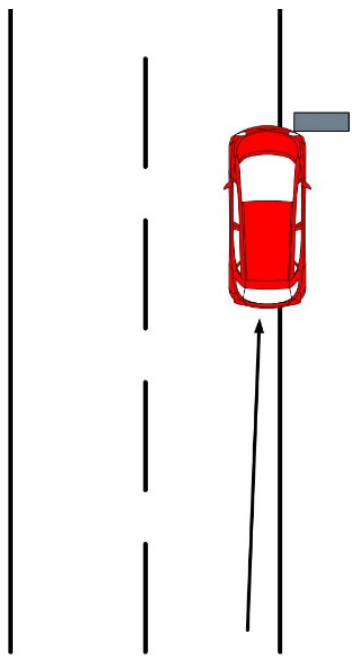
TRC Reference [545.351](#) – this section of the TRC contains the offenses of **Failed to Control Speed** and **Unsafe Speed**.

23 - Failed to Drive in Single Lane

CR-100: When a driver on a multi-lane roadway failed to keep his vehicle entirely within his lane of travel and the action contributes to the crash.

- This factor can easily be confused with factor [4 – Changed Lane when Unsafe](#). The difference lies primarily in the intent. This factor is associated with an unintentional departure from the lane, whereas Changed Lane when Unsafe is associated with an intentional lane change or lane departure.
- The roadway **must** be a multi-lane roadway, meaning **there must be at least two marked lanes**. This factor cannot apply on an unmarked roadway or a roadway with just one marked lane such as a single lane ramp or flyover.
- There is often a secondary factor when Failed to Drive in Single Lane is utilized. The secondary factor should tell why the vehicle failed to drive in a single lane. Investigators cannot always identify the secondary factor, however they should try.

Examples/Discussion:



This vehicle is traveling on a roadway with **at least two marked lanes**. The vehicle departs its lane and strikes a mailbox.

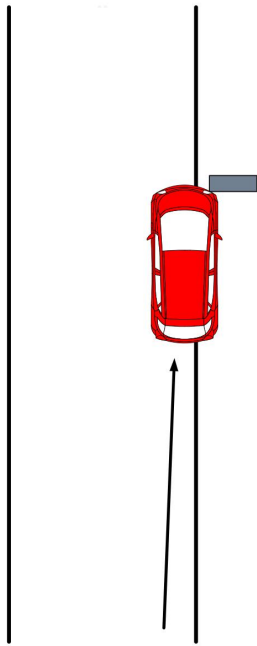
The crash occurred because the driver failed to drive in a single lane.

36 Contributing Factors			
FACTORS & CONDITIONS	Unit #	Contributing	
	1	23	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

The next question is, why did the vehicle fail to drive in its lane?

19 – Distraction in Vehicle
 20 – Driver Inattention
 40 – Fatigued or Asleep
 41 – Faulty Evasive Action
 47 – Ill
 67 – Intoxicated – Alcohol
 68 – Intoxicated – Drugs
 74, 75, 76, 77 – Cell/Mobile Device Use

There are many reasons the vehicle may have left its lane. The investigator may never be able to determine the secondary factor, but an effort should be made.



mailbox

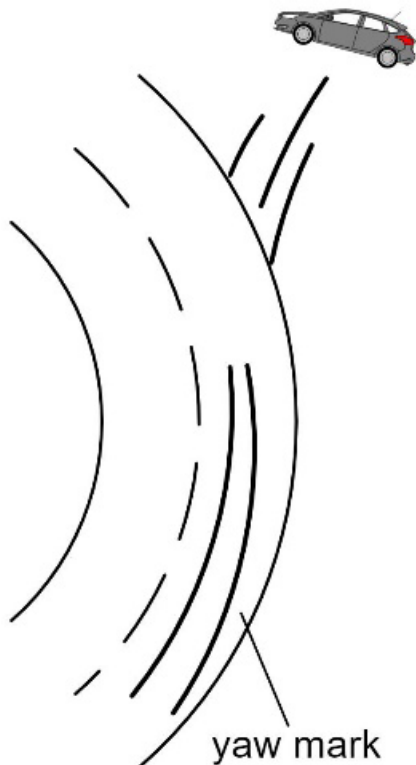
Because this vehicle is traveling on a roadway that is not divided into marked lanes, the factor **23 – Failed to Drive in Single Lane** cannot be used. The investigator must determine why the vehicle ran off the roadway.

If the driver was distracted in the vehicle, the contributing factor is **19 – Distraction in Vehicle** and **98 – Other** (drove off the roadway).

If the driver was inattentive, the contributing factor is **20 – Driver Inattention** and **98 – Other** (drove off the roadway).

If the driver was texting, the factor is **75 – Cell/Mobile Device Use – Texting** and **98 – Other** (drove off the roadway). Etc.

If the investigator is unable to determine why the vehicle left the roadway, the factor **98 – Other** should be used alone and the narrative should explain that the vehicle left the roadway for unknown reasons.



Failed to Drive in Single Lane or Unsafe Speed?

Although this vehicle did technically fail to stay in its lane, the yaw mark and subsequent side skid are evidence that the vehicle was traveling too fast to maintain control in the curve. The vehicle’s unsafe speed is a more specific factor. The lane departure took place after the vehicle lost control. The best factor for a situation with evidence like this is **60 – Unsafe Speed**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	60	

What about showing both 23 and 60? Although both factors were technically present, the purpose of the contributing factors is to describe why the crash occurred. Here, the crash occurred because of the vehicle’s unsafe speed. The lane departure took place after the crash was already occurring. In this situation, use only factor 60.

TRC Reference [545.060](#) – a vehicle that fails to drive in a single lane on a multi-laned highway can be charged with **Fail to Drive in Single Lane**.

24 - Failed to Give Half of Roadway

CR-100: When a driver is meeting an oncoming vehicle on a roadway wide enough for one lane of traffic in each direction and the driver fails to give the oncoming vehicle fully one-half (1/2) of the roadway and the action contributes to the crash.

- When meeting another vehicle, operators must yield ½ of the roadway to traffic moving in the opposite direction. This factor is most commonly used on unlaned roadways.
- In these investigations, it is extremely important to determine the correct area of impact, as well as each vehicle’s position on the roadway leading up to the crash.

Example:

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	24	

Both vehicles failed to give half of the roadway.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	24	
	2	24	

There is no evidence of where the collision occurred and drivers are giving conflicting accounts of the crash. Explain in the narrative.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	98	
	2	98	

TRC Reference [545.052](#) – the arrest title for this offense is **Fail To Give One-Half Of Roadway Meeting Oncoming Vehicle.**

25 - Failed to Heed Warning Sign or Official Traffic Control Device

CR-100: When failure to use proper caution in obedience to an official traffic control device or a warning sign contributes to the crash.

- Dozens of warnings signs and traffic control devices are described in the Texas Transportation Code and the [Texas Manual on Uniform Traffic Control Devices](#).
- **Warning sign** is defined in TRC [472.022](#): a signal, marking, or device placed on a barricade or on a road, street, or highway during construction, repair, or dangerous conditions by the department, a political subdivision of this state, or a contractor or subcontractor to warn or regulate motor vehicular traffic. The term includes a flagger deployed on a road, street, or highway by the department, a political subdivision of this state, or a contractor or subcontractor to direct traffic around or on the road, street, or highway during construction, repair, or dangerous conditions.
- **Official Traffic Control Device** is defined in TRC [541.304](#): a sign, signal, marking, or device that is: (A) consistent with this subtitle; (B) placed or erected by a public body or officer having jurisdiction; and (C) used to regulate, warn, or guide traffic.

Examples of Warnings Signs from the Texas Manual on Uniform Traffic Control Devices:



Examples/Discussion:

The speed limit for this roadway is 60 MPH and the vehicle was traveling 60 MPH at the time of the crash.

A warning sign prior to the curve advised a safe speed of 25 MPH. The driver failed to exercise proper caution in light of the advisory warning sign. Factor 25 – Failed to Heed Warning Sign or Traffic Control Device applies.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	25	60

Factor 60 – Unsafe Speed could also be used and a citation for Unsafe Speed would be appropriate.

The blue pickup is attempting to turn right from a stop sign. The red car is attempting to make a U-turn where an official traffic control device prohibits U-turns.

The crash occurs because the red car is disregarding an official traffic control device, therefore factor **25 – Failed to Heed Warning Sign or Traffic Control Device** applies.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	25		

Factor **66 – Turned When Unsafe** would also be an appropriate alternative option.

TRC Reference 472.022 – the arrest title for disregarding a warning sign is **Disregard Warning Signs/Barricades**.

TRC Reference 544.004 – the arrest title for disregarding an official traffic control device is **Disregard Official Traffic Control Device**.

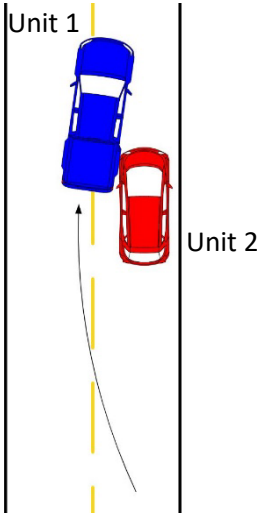
Note: Before taking enforcement action for either of these offenses, the officer should ensure the traffic control device or warning sign is regulatory in nature – i.e. it creates a specific obligation and requires compliance. A yellow and black advisory speed sign is a warning sign, however it does not actually regulate speed. The Texas Manual on Uniform Traffic Control devices states that the advisory speed on such signs is a “recommended” speed. A vehicle that crashes while traveling above the recommended speed can have a contributing factor of **25 – Failed to Heed Warning Sign or Traffic Control Device**, however a citation for disregarding the warning sign should not be issued. The driver failed to exercise appropriate caution, however they did not commit an act that meets the elements of “Disregard Warning Signs/Barricades” in [TRC 472.022](#). A citation for Unsafe Speed would likely be appropriate in this circumstance.

26 - Failed to Pass to Left Safely

CR-100: When a vehicle passing to the left infringes on the space of the overtaken vehicle and the action contributes to the crash.

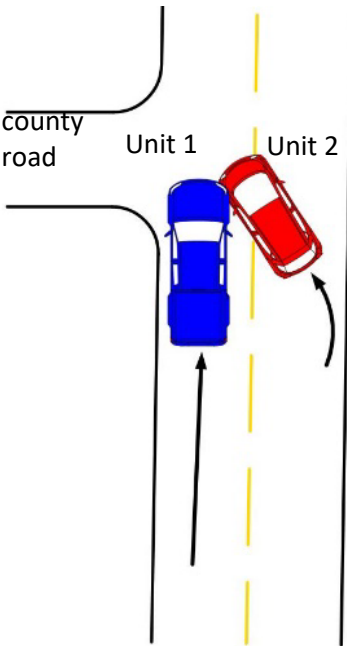
- Passing vehicles must pass to the left at a “safe distance” and may not move back to the right until safely clear of the passed vehicle.
- This factor is often confused with factor [53 – Overtake and Pass Insufficient Clearance](#). Factor 26 should be used when the passing vehicle does not pass at a safe distance from the passed vehicle. Factor 53 should be used when the passing vehicle interferes with oncoming traffic or the passed vehicle because it runs out of time/space due to oncoming traffic. For more detail, see [factor 53](#).

Examples/Discussion:



The blue pickup moves onto the left side of the roadway to pass, however the vehicle moves back to the right too soon and strikes the passed vehicle.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	26	



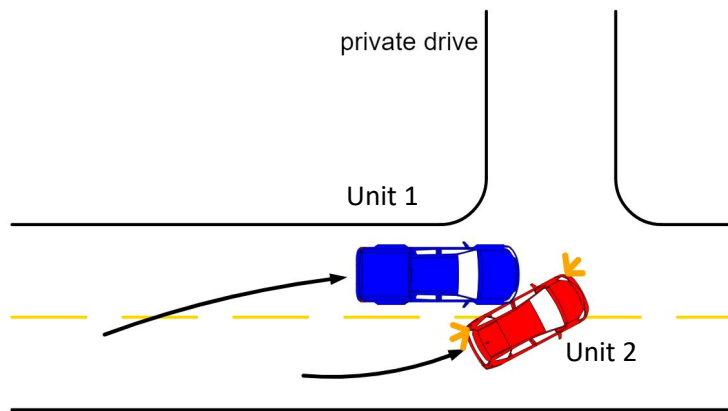
The blue truck is attempting a pass and the red car turns left. Is this **26 – Failed to Pass to the Left Safely** on the blue truck or **66 – Turned when Unsafe** on the red car?

It depends on the timing and the location.

If this crash occurs outside city limits, the blue truck can legally be on the left side of the roadway, even going through an intersection ([TRC 545.056](#)).

If the blue truck has moved onto the left side of the road and is in the process of making a legal pass before the red car initiates its turn, the red car makes an unsafe turn when it turns into the truck’s path (for more information, see [66 - Turned When Unsafe](#) in this document).

If the blue truck moves onto the left side of the roadway after the red car has already initiated its turn, the factor would be **26 – Failed to Pass to the Left Safely**. If the blue pickup was not attempting to pass but swerved onto the left side of the roadway at the last second in an evasive action because he was about to rear-end the red car, the most appropriate factor is **22 – Failed to Control Speed** on the blue truck (see diagram example in the [Turned When Unsafe](#) section).



As with the previous example, timing is extremely important in a crash like this.

In this scenario, the red vehicle has signaled an intent to turn left and is in the process of making this turn prior to the blue pickup's pass attempt. By attempting to pass a vehicle that is in the process of making a left turn, the blue pickup has **Failed to Pass to Left Safely**.

36 Contributing Factors			
FACTORS & CONDITIONS	Unit #	Contributing	
		1	26

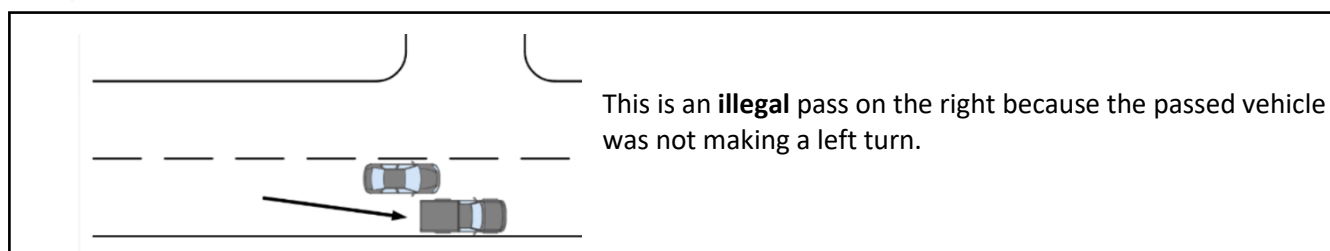
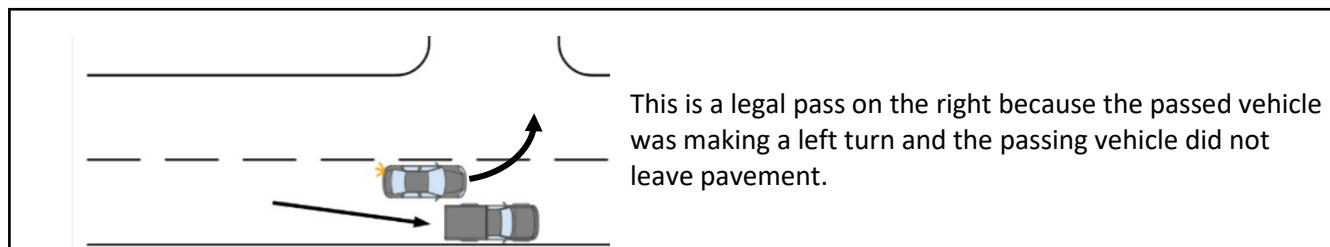
Note: If the investigator believes the blue truck initiated a pass prior to Unit 2 initiating a left turn, Unit 1 can be considered to be legally passing at a safe distance and a factor of [Turned When Unsafe](#) may be more appropriate on Unit 2. The investigator should utilize witness accounts, damage areas/direction of force, and any other available resources to determine the timing of the crash events.

TRC Reference [545.053](#) – Fail to Pass to the Left Safely and Cut in After Pass.

27 - Failed to Pass to Right Safely

CR-100: When a vehicle passing to the right infringes on the space of the overtaken vehicle and the action contributes to the crash.

- Aside from using an improved shoulder, there is only one time a vehicle can legally pass another vehicle on the right – the vehicle being passed must be making a left turn and the passing vehicle must have unobstructed pavement to the right of the passed vehicle on which to travel.



- Regardless of whether the pass was legal or illegal, if the passing vehicle infringes on the space of the overtaken vehicle and causes a crash, factor **27 – Failed to Pass to the Right Safely** applies.
- If the vehicle was illegally passing on the improved shoulder, see factor [58 – Passed on Shoulder](#).

Example/Discussion:

The TTST is making a legal right turn - it may swing wide to make the turn as long as it is turning “as closely as practicable” to the right edge of the roadway given the vehicle’s size. The passenger car is illegally passing on the right and it failed to pass to the right safely.

Note: If the TTST completely vacated the right lane and the passenger car was driving by on the right in its own lane, this would be an unsafe turn on the TTST. When working a crash like this, it is very important to establish whether or not the TTST vacated the right lane or not.

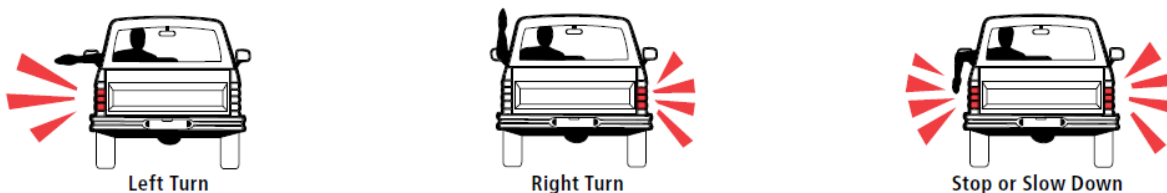
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	27	

TRC Reference [545.057](#) – Fail to Pass to the Right Safely

28 - Failed to Signal or Gave Wrong Signal

CR-100: When failure to give the appropriate signal or giving a wrong signal contributes to the crash.

- Drivers are required to signal stops, turns, and lane changes.
- Stops are usually automatically signaled when the brake lamps activate, however the signal can also be given by hand motion in many circumstances (depending on the size of the vehicle, see [TRC 545.106](#)).
- Turns and lane changes are usually signaled with a turn lamp, however this signal can also be given by hand motion in many circumstances (depending on the size of the vehicle, see [TRC 545.106](#)).



- Bicycles operating on highways do not have signal lamps, however bicycle riders are still required to signal their turns and stops. This signal will be given by hand.
- If stop lamps or turn signal lamps are defective, vehicle defect factor **6 – Defective or No Stop Lamps** or **8 – Defective or no Turn Signal Lamps** may also be appropriate.

Example/Discussion:

The blue pickup is traveling very slowly as the red car approaches. The blue pickup makes a left turn without signaling just as the red vehicle begins a passing attempt. The red vehicle did not know the blue truck was turning and by the time the truck started its turning movement, the red car was too close to avoid a crash.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	28	

The blue pickup activates its left turn signal because the driver is planning to turn left. The red vehicle initiates a legal pass on the right because the driver believes the blue truck is turning left. At the last second, the driver of the blue truck decides to turn right, instead. The blue truck was giving the wrong signal and this contributed to the crash.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	28	

Factor [66 – Turned when Unsafe](#) or [64 – Turned Improperly - Wide Right](#) could also apply depending on the circumstances. See those sections of this document for more details.

The red SUV is driving with its right turn signal on. The driver of the gray pickup believes the red SUV is going to turn right into the parking lot so he pulls out. The driver of the red SUV did not realize his turn signal was activated and he never intended to turn into the parking lot.

The crash occurred because Unit 1 gave the wrong signal and Unit 2 FYROW – Private Drive. The wrong signal does not negate the driver of Unit 2’s obligation to yield ROW to traffic on the highway.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	28	
	2	34	

TRC Reference [545.104](#) – Fail To Signal Turn, Fail To Signal Lane Change, Fail To Signal Required Distance Before Turning, Improper Use of Turn Indicator

TRC Reference [545.105](#) – Fail To Signal For Stop

TRC Reference [545.106](#) – Fail To Signal with Turn Indicator

Note: One of the arrest titles derived from 545.104 is **Improper Use of Turn Indicator**. This arrest title applies only when a turn signal is used in a manner specifically prohibited by 545.104 – 1) a turn signal may not be activated on only one side of a parked or disabled vehicle; and 2) a turn signal may not be used as a “do pass” signal to indicate to a following vehicle that they can pass. It is not specifically a violation to drive with a turn signal activated without turning

29 - Failed to Stop at Proper Place

CR-100: When a vehicle fails to stop at the required place in compliance with a stop sign, yield sign, flashing red light, traffic control signal, or a R.R. grade crossing, and the action contributes to the crash.

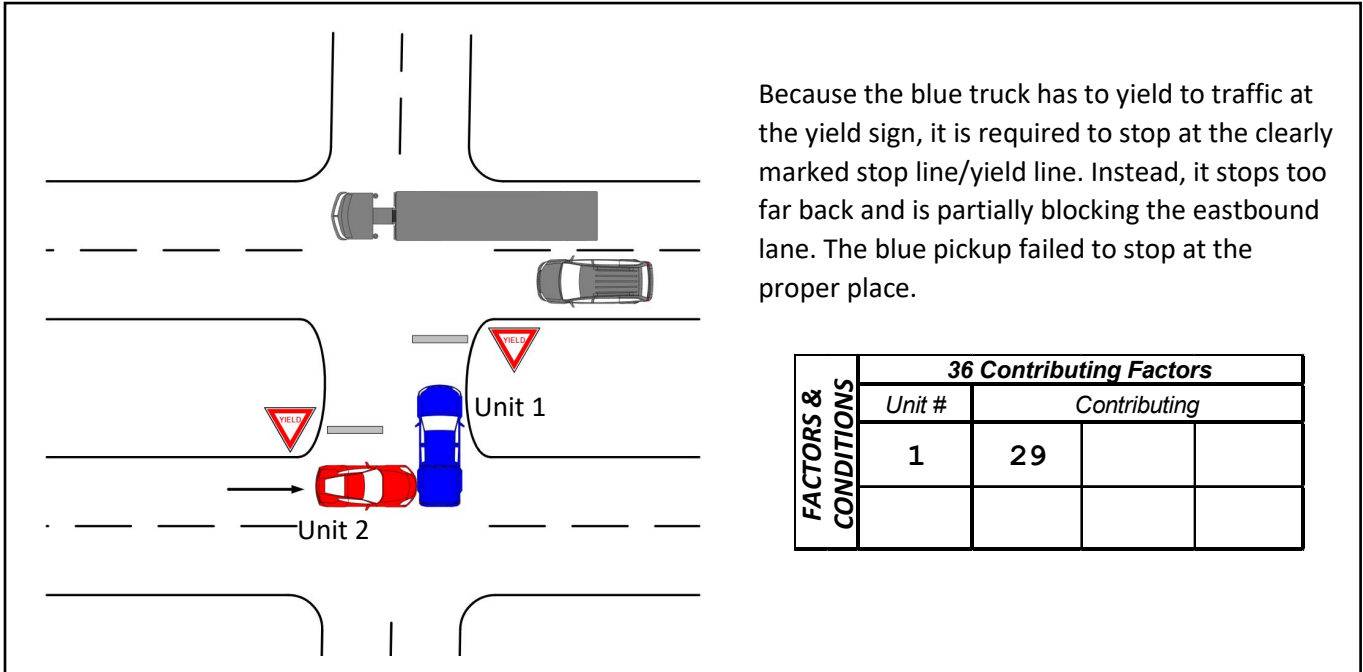
- Vehicles stopping for **stop signs or flashing red lights** must stop at a clearly marked stop line. In the absence of a stop line, vehicles are required to stop before entering a crosswalk at the intersection. In the absence of a stop line or crosswalk, vehicles are required to stop at the place nearest the intersection where the driver can see approaching traffic ([TRC 544.010](#)).
- Vehicle stopping at yield signs due to the need to yield to traffic must stop as if the yield sign were a stop sign. Yield lines may be indicated by a solid line or a row of white triangles ([TRC 544.010](#)).
- Vehicles stopping for **steady red traffic signals** must stop at a clearly marked stop line. In the absence of a stop line, vehicles are required to stop before entering a crosswalk at the intersection ([TRC 544.007](#)).
- Vehicles stopping for an approaching train or train signal at a **RR grade crossing** must stop no closer than 15 feet or farther away than 50 feet from the nearest rail ([TRC 545.251](#)).

Examples/Discussion:

The blue truck stops for the stop sign, however it stops well beyond the clearly marked stop line. The driver of the red car states he saw the blue pickup stopped ahead but did not notice it protruding into the intersection.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	29		
2	41		

The blue pickup failed to stop at the proper place, however the red car also contributed to the crash because the driver could have avoided the blue pickup but failed to do so. A factor like this will have to be evaluated on a case-by-case basis depending on the visibility, timing, and other circumstances. **Faulty Evasive Action** would not be an appropriate factor for Unit 2 in all circumstances.



Because the blue truck has to yield to traffic at the yield sign, it is required to stop at the clearly marked stop line/yield line. Instead, it stops too far back and is partially blocking the eastbound lane. The blue pickup failed to stop at the proper place.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	29	

TRC Reference [544.007](#) – Fail to Stop at Proper Place at Traffic Light

TRC Reference [544.008](#) – Fail To Stop At Proper Place-Flashing Red Signal

TRC Reference [544.010](#) – Fail To Stop At Proper Place-Flashing Red Signal

TRC Reference [545.251](#) – Fail To Stop At Proper Place-Train or RR Signal

30 - Failed to Stop for School Bus

CR-100: When a vehicle fails to stop (or remain stopped) for a school bus stopped on the roadway, with required visual signals in operation to receive or discharge schoolchildren, and the action contributes to the crash.

- When a school bus is stopped with its flashing red lights activated to load or unload children, vehicles traveling on the same roadway are prohibited from passing the bus. Vehicles on a different roadway, including on the other side grassy median or other physical barrier, are not required to stop.

Examples/Discussion:

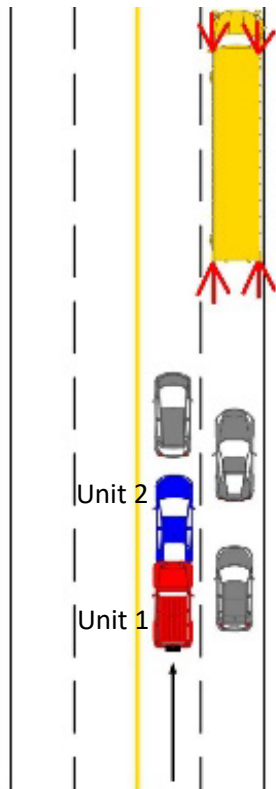
A child exits the bus, attempts to cross the roadway, and is struck by the blue vehicle. Normally, a pedestrian crossing the road outside a crosswalk would be required to yield the ROW to vehicles on the roadway, however in this circumstance the blue vehicle is required to stop for the unloading school bus and must remain stopped until the flashing lights turn off.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	30		

Note: Although the school bus was not actually involved in this crash and is not assigned a unit number, the “School Bus” box should still be checked on the front of the crash report because the crash relates to the presence of a school bus.

A child exits the bus, attempts to cross the roadway, and is struck by the blue vehicle. Because there is a grassy median, the blue vehicle is under no obligation to stop for the school bus. The pedestrian failed to yield ROW to the blue vehicle.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
2	59		



Traffic is stopped for the school bus, including the blue vehicle. The red vehicle does not stop in time and rear-ends the blue vehicle.

Is this factor **30 – Failed to Stop for School Bus**, or factor **22 – Failed to Control Speed**?

Because the red vehicle never actually reached or passed the school bus, the best factor here is **22 – Failed to Control Speed**. The red vehicle struck another vehicle that was on the highway in compliance with the law.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	22		

Note: Although the school bus was not actually involved in this crash and is not assigned a unit number, the “School Bus” box should still be checked on the front of the crash report because the crash relates to the presence of a school bus.

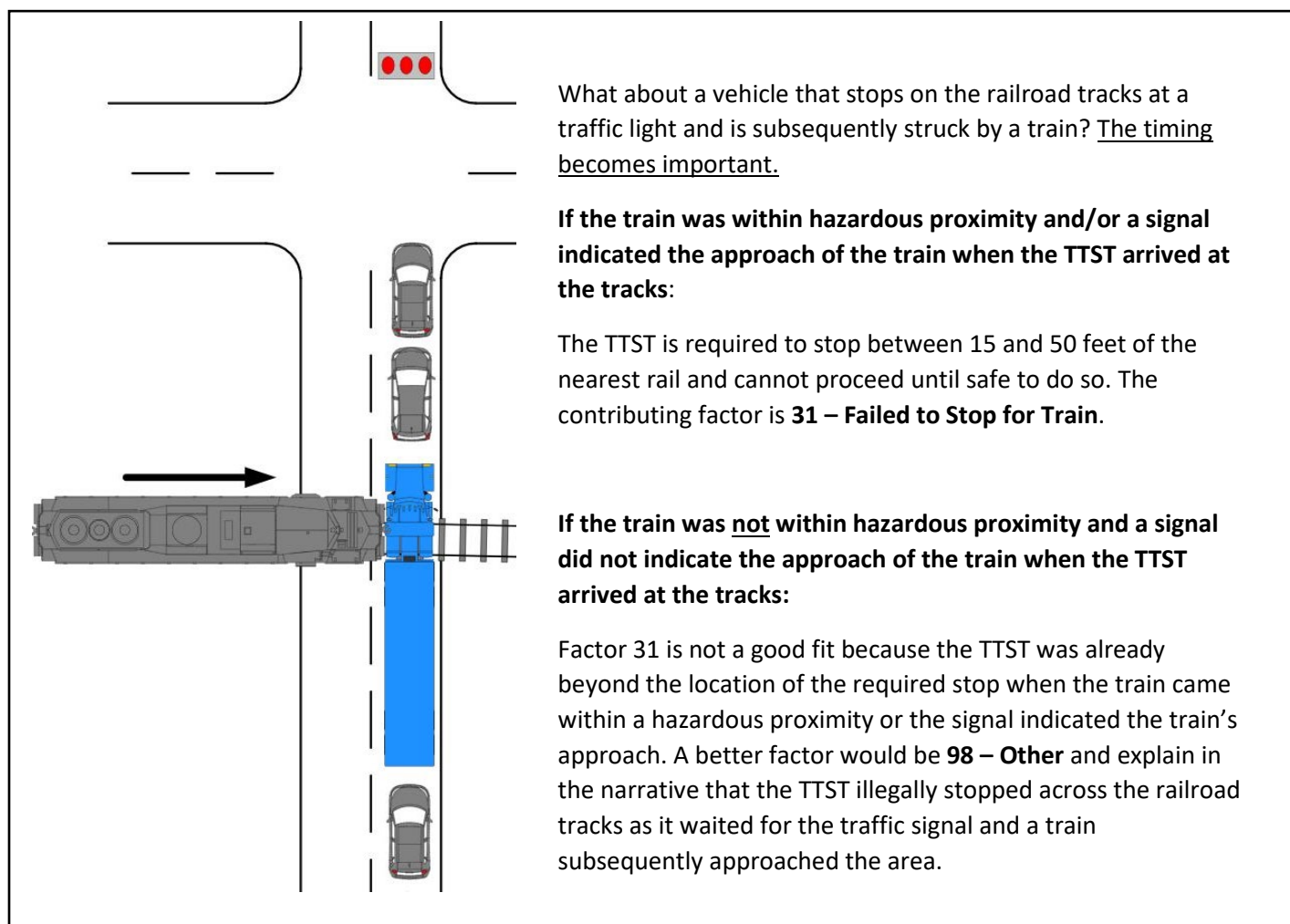
TRC Reference [545.066](#) – Fail To Stop/Remain Stopped For School Bus

31 - Failed to Stop for Train

CR-100: A vehicle that disregards a R.R. crossing gate or flagman, R.R. crossing signal, or approaching train that is plainly visible and in hazardous proximity to the crossing and the action contributes to the crash.

- Trains virtually always have the right-of-way at railroad crossings, even crossings that are not equipped with flashing lights or crossing gates. If a train is within a hazardous proximity and a vehicle is struck attempting to cross the tracks, this factor usually applies.

Example/Discussion:



What about a vehicle that stops on the railroad tracks at a traffic light and is subsequently struck by a train? The timing becomes important.

If the train was within hazardous proximity and/or a signal indicated the approach of the train when the TTST arrived at the tracks:

The TTST is required to stop between 15 and 50 feet of the nearest rail and cannot proceed until safe to do so. The contributing factor is **31 – Failed to Stop for Train**.

If the train was not within hazardous proximity and a signal did not indicate the approach of the train when the TTST arrived at the tracks:

Factor 31 is not a good fit because the TTST was already beyond the location of the required stop when the train came within a hazardous proximity or the signal indicated the train's approach. A better factor would be **98 – Other** and explain in the narrative that the TTST illegally stopped across the railroad tracks as it waited for the traffic signal and a train subsequently approached the area.

TRC Reference [545.251](#) – Requirements to stop for approaching trains and RR crossing signals.

TRC Reference [545.302](#) – Prohibition on stopping, standing, or parking on rail road tracks unless necessary to avoid conflict with other traffic or to comply with a police officer or traffic control device.

32 - Failed to Yield ROW – Emergency Vehicle

CR-100: When a vehicle fails to yield the R.O.W. to a legally authorized emergency vehicle responding to an actual emergency in compliance with statutes and the action contributes to the crash.

- The Authorized Emergency Vehicle **must** be approaching the other vehicle (545.156).
- The Authorized Emergency Vehicle **must** be using certain equipment (545.156). The required equipment depends on the type of authorized emergency vehicle:
 - **Police Vehicles** – a police vehicle must be utilizing either its emergency lights **or** its siren
 - **All Other Emergency Vehicles** – must be utilizing both emergency lights **and** siren
 - **Medical Examiner and Justice of the Peace Vehicles** - must be using red or red and blue emergency lights (new, effective 9/1/23. Motorists must yield to these vehicles, however they are not authorized emergency vehicles)
- Upon the immediate approach of an authorized emergency vehicle utilizing the required equipment, other vehicles must yield the ROW and pull the right clear of any intersection and stop until passed by the emergency vehicle.
- Authorized emergency vehicles must still operate with due care and can still receive a contributing factor if the driver’s actions contribute to the crash, even if the emergency vehicle had the ROW due to its use of emergency equipment.
- Before using this factor, ensure the driver had a reasonable amount of time to see/hear and respond to the emergency vehicle.

Examples/Discussion:

Although the red car stopped to yield to the ambulance, it failed in its obligation to pull to the right and it stopped in the left lane directly in the ambulance’s path.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	32		

Depending on the circumstances, a factor of [44 – Followed too Closely](#) could be applicable to the ambulance.

The ambulance must be using both its lights and siren to gain the ROW. Because the siren was not activated, the red car was under no obligation to yield. The ambulance **Failed to Yield ROW – Stop Sign**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	35		

Although the police vehicle was utilizing its lights and siren as it began a U-turn from the shoulder, the red car was under no obligation to yield the ROW because the police vehicle was not approaching the red car. Instead, the red car was approaching the police vehicle. The police vehicle turned when unsafe.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	66	

The red vehicle **failed to yield the ROW** to the approaching police vehicle utilizing the required emergency equipment.

The police vehicle is permitted to disregard the red traffic signal, however [TRC 546.001](#) states that he may do so only after ensuring safe operation. By **disregarding the red traffic signal** before ensuring that cross traffic was yielding, the police officer failed to ensure safe operation. Both vehicles contributed to the occurrence of this crash.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	15	
	2	32	

tall bridge railing

police with lights and siren

Unit 1

Unit 2

The police vehicle technically has the ROW because it is using the required emergency equipment, however the red car did not have a reasonable opportunity to see/hear the police vehicle due to a tall bridge railing. The police vehicle is permitted to disregard the red traffic signal, however [TRC 546.001](#) states that he may do so only after ensuring safe operation. The only contributing factor in this crash should be **15 – Disregard Stop and Go Signal**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	15	

Unit 1

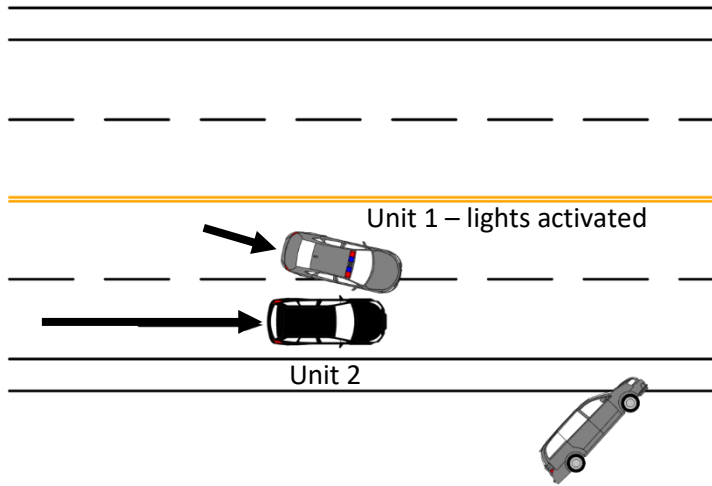
Unit 2

stationary police vehicle with lights activated

The police vehicle is stationary while the officer works a previous crash. The driver of the red truck strikes the police vehicle as it passes. The contributing factor is not **32 – Failed to Yield ROW – Emergency Vehicle** because the red truck was not being approached by the authorized emergency vehicle.

The correct contributing factor is [22 – Failed to Control Speed](#) or [78 – Failed to Slow or Move Over for Vehicles Displaying Emergency Lights](#) (depending on the circumstance, see those sections of this document).

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	22	



A police officer is in the left lane and sees a crashed vehicle on the side of the road.

The police officer activates his overhead emergency lights and attempts to move into the right lane to check on the crashed vehicle.

A black SUV is approaching from behind in the right lane and strikes the police vehicle as it enters the right lane.

The black SUV is not obligated to yield ROW to the police vehicle. The black SUV is approaching the police vehicle, not being approached by the police vehicle.

The police vehicle **Changed Lanes when Unsafe**

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	4		
2			

TRC Reference [545.156](#) – Failed to Yield Right-of-Way to Emergency Vehicle

33 - Failed to Yield ROW – Open Intersection

CR-100: *When a vehicle fails to yield R.O.W. to a vehicle at an intersection not controlled by traffic signs or signals and the action contributes to the crash.*

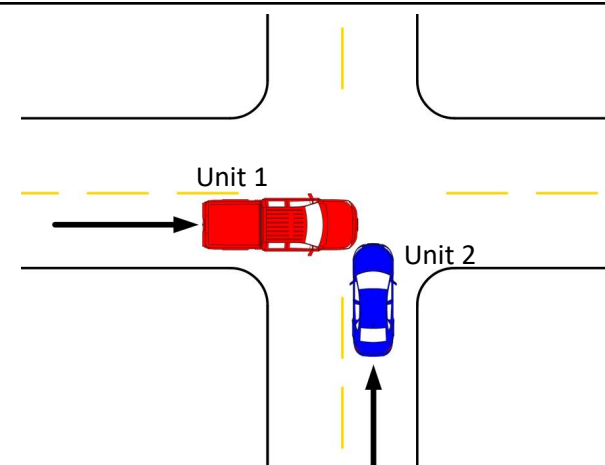
- An “open intersection” has no stop signs, yield signs, or traffic signals to designate right-of-way. In such instances, [TRC 545.151](#) establishes ROW for the open intersection.
- **If traffic control is not present** (open intersection), the following rules govern right-of-way:
 - Vehicles on smaller roads must **stop and must yield ROW** to traffic on larger roads
 - Vehicles on undivided highways must **stop and must yield ROW** to traffic on divided highways
 - A vehicle on an unpaved road intersecting a paved road must **stop and must yield ROW** to traffic on the paved road
 - If roads are of equal size, an operator must **stop and must yield ROW** to a vehicle approaching from the immediate right if the vehicle is in hazardous proximity
 - At uncontrolled T-intersections, the vehicle on the terminating roadway must **stop and must yield ROW** to the vehicle on the through roadway
- **Right-of-Way** is defined in [541.401\(8\)](#) - the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian that is approaching from a direction, at a speed, and within a proximity that could cause a collision unless one grants precedence to the other.

What about an intersection with traffic signals that are not working? Is this considered an open intersection?



No, this would not constitute an open intersection. [TRC 545.151](#) states that a vehicle approaching a traffic signal that does not display a signal must stop and Yield ROW. This intersection is still controlled by the traffic signal even though it is not working because all traffic must stop at the signal.

Examples/Discussion:



The intersection has no traffic control and the roadways are of equal size.

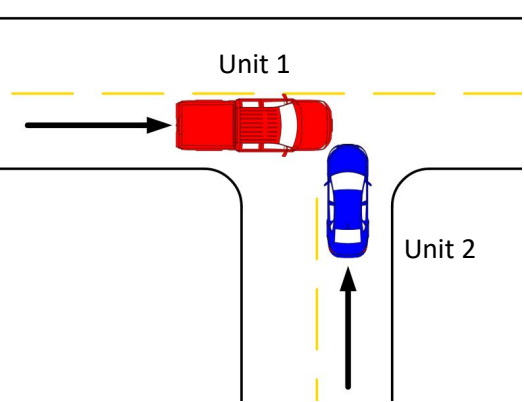
Each vehicle is required to stop per 545.151.

Each vehicle is required to yield ROW to a vehicle approaching from the right.

The blue car has no traffic approaching from the right, however the vehicle did not stop as required before entering the uncontrolled intersection.

The red truck must yield ROW to the blue car because it is approaching from the driver's right. Both vehicles have contributed to the crash. Because there is not a contributing factor for failing to stop at an open intersection, Unit 2 is assigned 98 – Other.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	33		
2	98		



The intersection has no traffic control and the roadways are of equal size, however the blue car is on a roadway that terminates at a t-intersection, therefore it must stop and yield ROW to the red truck.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
2	33		

TRC Reference [545.151](#) – Failed to Yield Right-of-Way Open Intersection; Failed to Stop as Required at Open Intersection

34 - Failed to Yield ROW – Private Drive

CR-100: When a driver of a vehicle fails to yield R.O.W. before entering or crossing a roadway from an alley, building, private road, or driveway and the action contributes to the crash.

- **Right-of-Way** is defined in [541.401\(8\)](#) - the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian that is approaching from a direction, at a speed, and within a proximity that could cause a collision unless one grants precedence to the other.

Example/Discussion:

parking lot

Unit 2

Unit 1

stop

Is this **Failed to Yield ROW – Private Drive, Failed to Yield ROW Turning Left, or Failed to Yield ROW – Stop Sign?**

It depends on the timing.

If the red truck begins moving from the stop sign before the blue car enters the roadway, the red truck has ROW to make its turn and the blue car must wait because it must yield to all traffic utilizing the highway it is attempting to enter.

If the blue car enters the highway before the red truck comes to a stop at the stop sign, it has ROW to travel across the intersection and the red truck must yield after stopping at the stop sign.

Unit 1

parking lot

Unit 2

The red minivan is making a legal pass on the roadway. The blue car emerging from the private driveway is responsible for yielding ROW to any traffic utilizing the highway it is attempting to enter.

The contributing factor is **34 – Failed to Yield ROW – Private Drive.**

36 Contributing Factors			
FACTORS & CONDITIONS	Unit #	Contributing	
		1	34

TRC Reference [545.155](#) – Failed to Yield Right-of-Way Private Drive

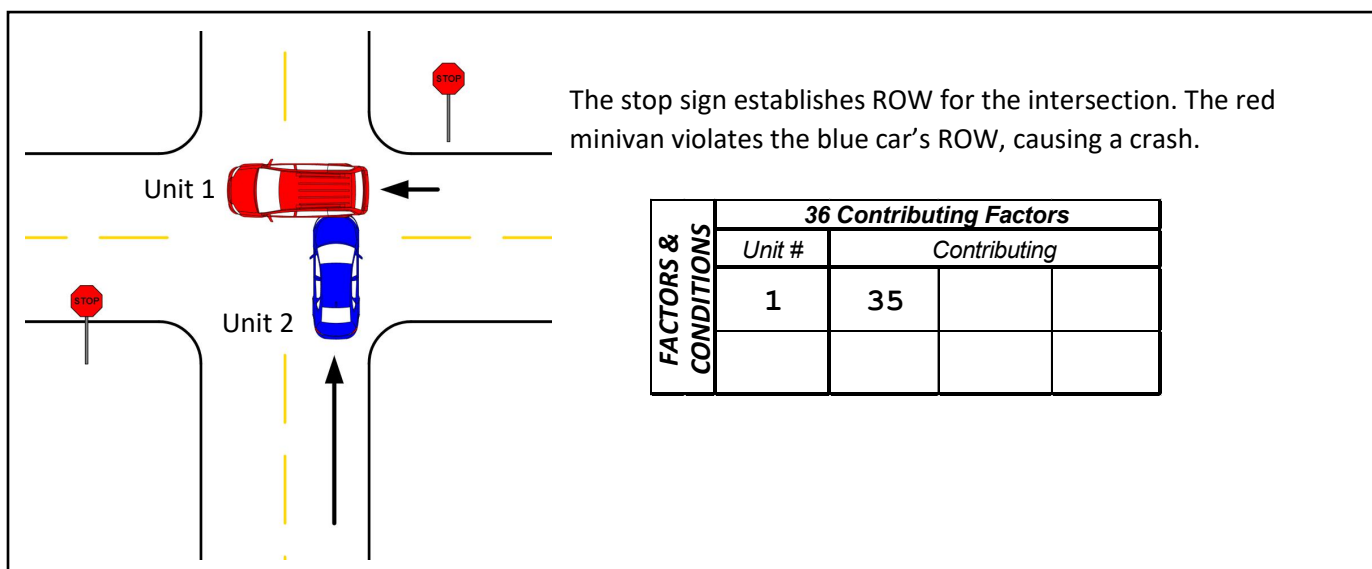
TRC Reference [545.256](#) – Fail To Yield ROW - Emerging From Alley, Driveway, Or Building

35 - Failed to Yield ROW – Stop Sign

CR-100: When a vehicle stops for a stop sign and then fails to yield R.O.W. to a vehicle at an intersection controlled by a stop sign and the action contributes to the crash.

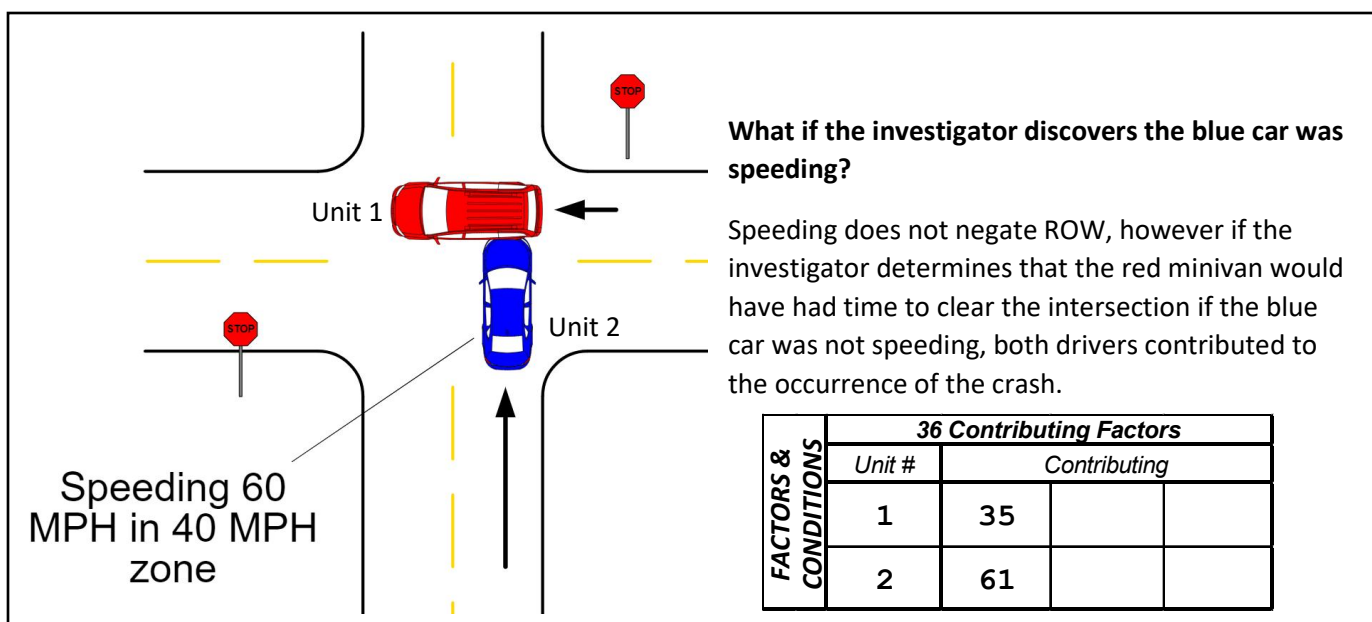
- A stop sign requires the driver of a vehicle to assess traffic, judge speeds and distances, and make an appropriate go/no-go decision.
- **Right-of-Way** is defined in [541.401\(8\)](#) - the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian that is approaching from a direction, at a speed, and within a proximity that could cause a collision unless one grants precedence to the other.
- If a vehicle does not stop at a stop sign and causes a crash, factor [16 – Disregard Stop Sign or Light](#) will usually be a better fit.

Examples/Discussion:



The stop sign establishes ROW for the intersection. The red minivan violates the blue car's ROW, causing a crash.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	35		



What if the investigator discovers the blue car was speeding?

Speeding does not negate ROW, however if the investigator determines that the red minivan would have had time to clear the intersection if the blue car was not speeding, both drivers contributed to the occurrence of the crash.

Speeding 60 MPH in 40 MPH zone

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	35		
2	61		

What if the vehicle with ROW is speeding to a gross degree?

The investigator must evaluate each crash independently. If the investigator determines that the speed of the blue car was so grossly over the limit that a reasonable driver could not have assessed it appropriately and yielded ROW, speeding may be the only factor used in this crash. Circumstances such as time of day, sight restrictions, other traffic, and posted speed limit should all be considered.

Speeding 90 MPH in 40 MPH Zone at night

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	61	

Who has the Right-of-Way?

Motorist often take turns in the order they arrive at the stop signs, however if all vehicles have ceased their movement, the vehicle that starts moving first has the ROW over vehicles that are still stopped.

If the red car arrived at the stop sign after the blue car but starts moving before the blue car, the blue car must yield ROW because it is still stopped and the red car is now utilizing the intersection.

TRC Reference [545.151](#) and [545.153](#) – Failed to Yield Right-of-Way Stop Sign

36 - Failed to Yield ROW – To Pedestrian

CR-100: When a vehicle fails to yield R.O.W. to a pedestrian legally on the highway and the action contributes to the crash.

59 - Pedestrian FTYROW to Vehicle

CR-100: When a pedestrian fails to yield to vehicular traffic and the action contributes to the crash.

These two factors will be considered together.

Numerous sections of the Texas Transportation Code govern pedestrian and vehicle ROW:

- Pedestrians crossing roadways in crosswalks **with pedestrian control signals** have the ROW when the pedestrian control signal displays “Walk”. If the pedestrian has already started crossing when the “Wait” signal displays (flashing red hand), they should continue to the other side or a place of safety. A pedestrian may not begin crossing a roadway when the Wait or Don’t Walk symbols are displayed ([TRC 552.002](#)).
- Pedestrians crossing roadways in crosswalks at intersections **without pedestrian control signals** should abide by the red, yellow, and green traffic signals for the roadway they are walking along ([TRC 552.001](#)).
- Pedestrians crossing roadways in crosswalks where there **are no traffic control signals** in place generally have the ROW, although they may not suddenly leave a place of safety into the path of an approaching vehicle when it would be impossible for the vehicle to avoid them ([TRC 552.003](#)).
- Pedestrians crossing outside crosswalks must yield ROW to other traffic using the highway ([TRC 552.005](#)).
- Pedestrians walking along a roadway (not crossing) must walk on the sidewalk if one is available. If no sidewalk is available, pedestrians walking along a roadway should walk along the left side of the roadway or the shoulder of the highway facing oncoming traffic. ([TRC 552.006](#)).
- Vehicles emerging from or entering an alley, building, or private road or driveway shall yield the ROW to a pedestrian approaching on a sidewalk extending across the alley, building entrance or exit, road, or driveway.
- Persons in wheelchairs (including electric wheelchairs/motorized mobility devices) should be treated as pedestrians ([TRC 552A.0101](#)).

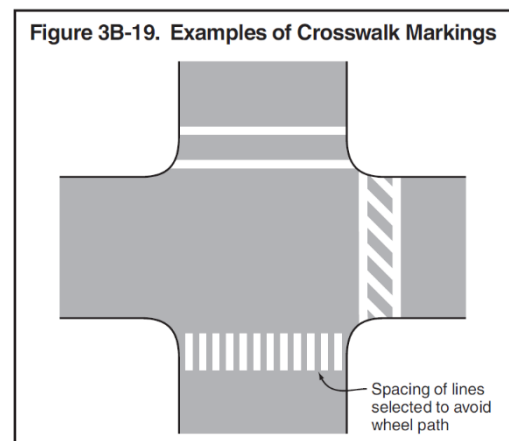
Note: For information about non-pedestrian sidewalk users such as bicycles and motor-assisted scooters involved in crashes in crosswalks, see [Non-Pedestrian Sidewalk Users in Crosswalk](#).

The definition of two specific traffic areas must be understood to properly investigated many pedestrian-related crashes – “crosswalk” and “sidewalk”. A pedestrian’s right-of-way protections (or lack thereof) often hinge on whether or not the pedestrian was in a crosswalk and/or if a sidewalk was present.

What is a Crosswalk?

“Crosswalk” is defined in [541.302](#) and can be either a marked crosswalk or an unmarked crosswalk.

Marked – the portion of a roadway **designated as a pedestrian crossing by surface markings**, including lines.



Texas Manual on Uniform Traffic Control Devices.

Unmarked – the portion of a roadway at an intersection that is **within the connections of the lateral lines of the sidewalks on opposite sides of the highway**. Although there are no surface markings here, there is still a crosswalk.



What is a sidewalk?

“Sidewalk” is defined in [541.302](#) - the portion of a street that is: (A) between a curb or lateral line of a roadway and the adjacent property line; and (B) intended for pedestrian use.

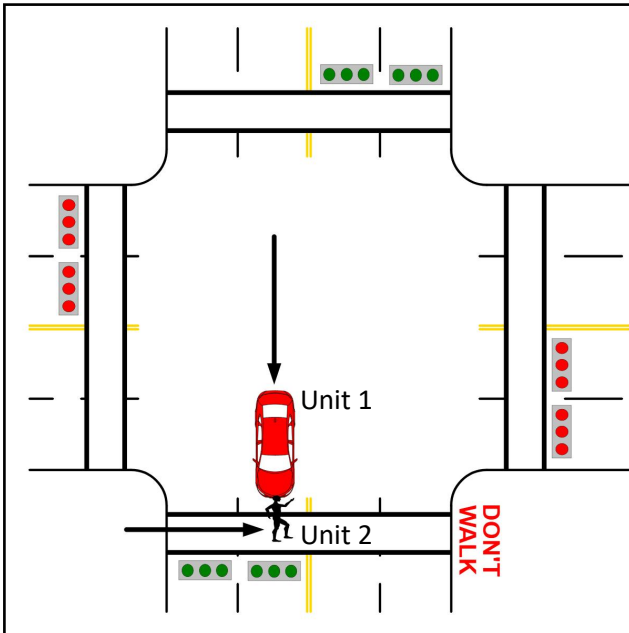
Sidewalk is also defined in the Texas Manual on Uniform Traffic Control Devices and includes the phrase “is paved or improved”. It is the interpretation of Texas DPS that there must be some type of improvement made to the area next to a roadway for a “sidewalk” to exist. The improvement could be a concrete walkway, a paved walking area, a gravel path, or some other type of improvement indicating the area is intended for pedestrian use.



Examples/Discussion:

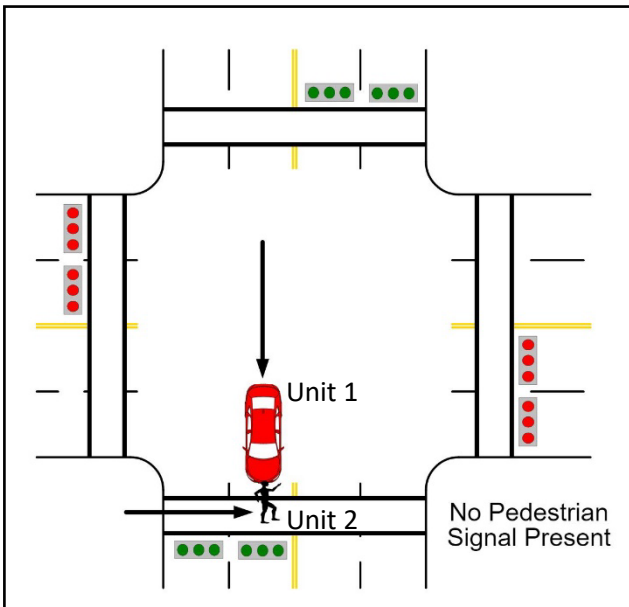
This pedestrian is crossing in a crosswalk where a pedestrian control signal is present and displaying “Walk”. The pedestrian has the ROW over the vehicle attempting to turn right on a green light.

36 Contributing Factors			
FACTORS & CONDITIONS	Unit #	Contributing	
		1	36



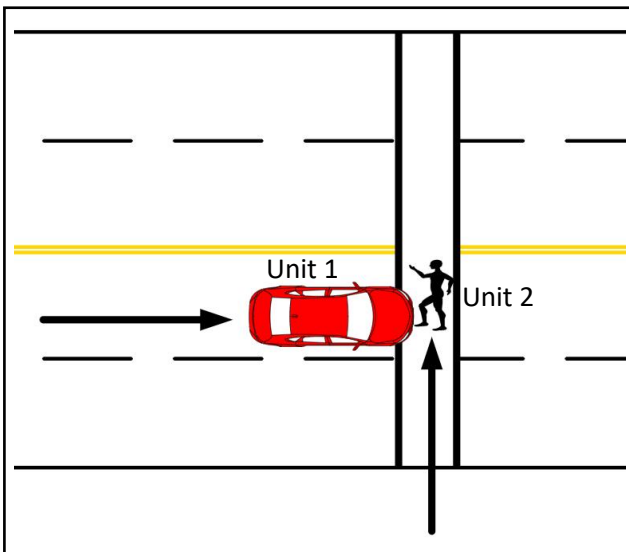
Although this pedestrian is crossing in a crosswalk, he is crossing at a time the “Don’t Walk” signal is displayed and therefore he does not have the right-of-way. The correct factor is **59 – Pedestrian FTYROW to Vehicle**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	59	



In this circumstance, there is no pedestrian control signal present, however there is a traffic signal present at the intersection, therefore the pedestrian should comply with the red traffic signal displayed for traffic moving in that direction. The correct factor is **59 – Pedestrian FTYROW to Vehicle**.

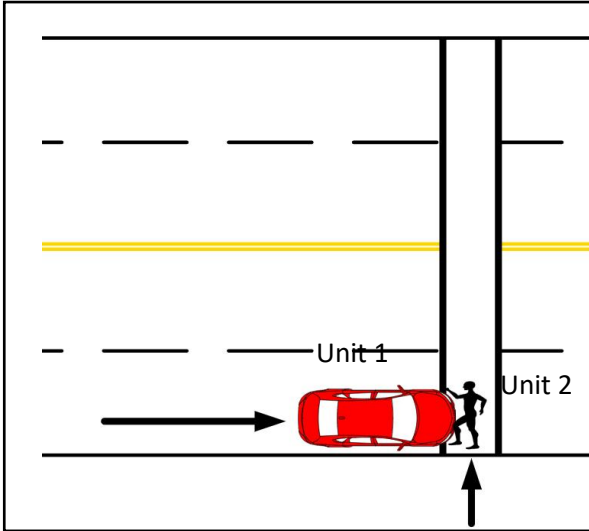
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	59	



This pedestrian is crossing in a crosswalk where there are no traffic control signals present. The pedestrian has the ROW in this circumstance. The correct factor is **36 – Failed to Yield ROW – To Pedestrian.***

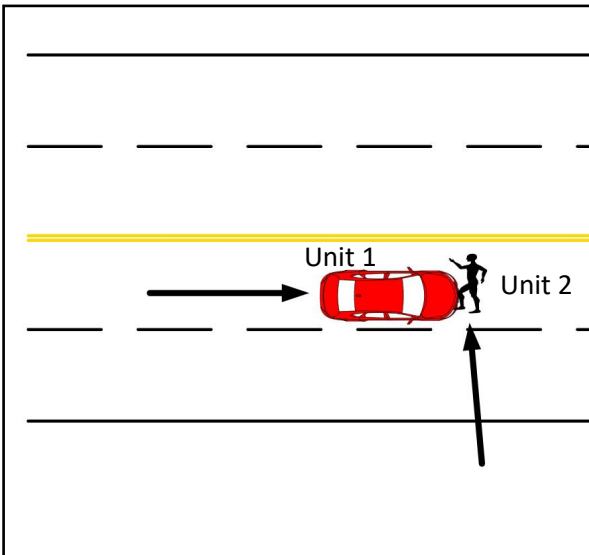
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	36	

* see next example for one caveat



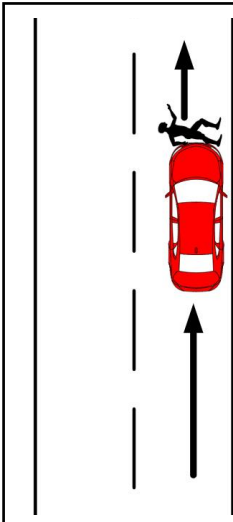
Although pedestrians generally have the ROW in crosswalks where there are no traffic control signals present, a pedestrian may not suddenly leave a place of safety into the path of an approaching vehicle when it would be impossible for the vehicle to avoid them. The best contributing factor for this situation is **98 – Other** with a detailed explanation in the narrative.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	98	



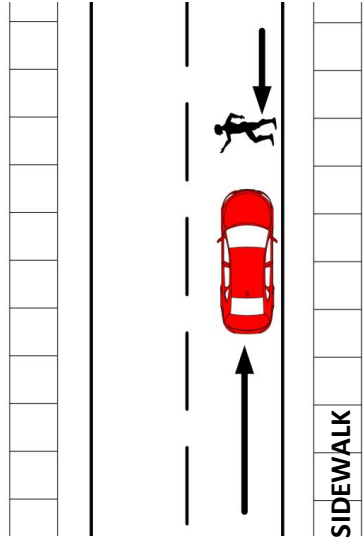
This pedestrian is crossing the highway at a point other than a crosswalk, therefore he is not granted ROW over the vehicle. The correct factor is **59 – Pedestrian FYROW to Vehicle**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	59	



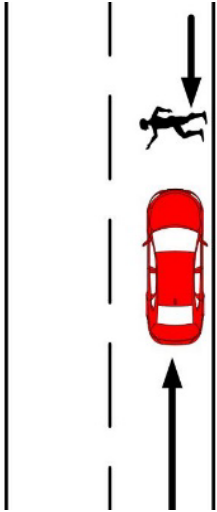
In this crash, the pedestrian is walking the wrong way in the roadway (walking with his back to traffic). **He is not crossing the roadway so he is not specifically required to yield ROW to traffic (TRC 552.005)**, however he is not walking the direction required by the TRC. Consider a contributing factor of **98 – Other** on the pedestrian for walking the wrong direction or on the wrong side of the roadway.

Depending on visibility, the driver of the vehicle may still be under some obligation to avoid the pedestrian if possible. TRC [552.008](#) states, “notwithstanding another provision of this chapter, the operator of a vehicle shall exercise due care to avoid colliding with a pedestrian on a roadway.” If the investigator believes the operator of the vehicle should have been able to avoid a collision with this pedestrian and failed to do so, a contributing factor of **98 – Other** may also be applied to the red car. All of this should be explained in the narrative.



In this crash, the pedestrian is walking the correct way on the roadway (facing traffic), however if a sidewalk is present, the pedestrian is required to use the sidewalk ([TRC 552.006](#)). He is not crossing the roadway so he is not specifically required to yield ROW to traffic ([TRC 552.005](#)), however he is not walking where he is required to be walking. Consider a contributing factor of **98 – Other** on the pedestrian for not utilizing the sidewalk.

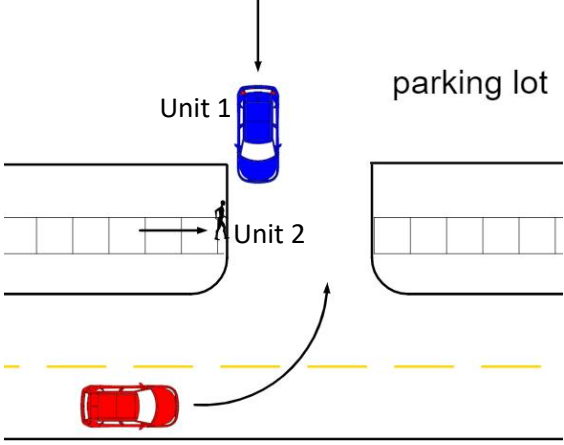
Depending on visibility, the driver of the vehicle may still be under some obligation to avoid the pedestrian if possible. [TRC 552.008](#) states, “notwithstanding another provision of this chapter, the operator of a vehicle shall exercise due care to avoid colliding with a pedestrian on a roadway.” If the investigator believes the operator of the vehicle should have been able to avoid a collision with this pedestrian and failed to do so, a contributing factor of **98 – Other** may also be applied to the red car. All of this should be explained in the narrative.



In this crash, the pedestrian is legally walking the correct direction on the roadway when there is no sidewalk, per [TRC 552.006](#). The red car is traveling the correct direction on the roadway. [TRC 545.351](#) states that the operator of a vehicle must control the speed of the vehicle to avoid striking a vehicle or person that is on the highway in compliance with the law (factor **22 – Failed to Control Speed**). **36 – Failed to Yield ROW – to Pedestrian** would also be an appropriate option.

The driver of the vehicle is required to exercise due care to avoid the pedestrian, per [552.008](#), “Notwithstanding another provision of this chapter, the operator of a vehicle shall exercise due care to avoid colliding with a pedestrian on a roadway.”

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	22		



This pedestrian is crossing a private drive on a sidewalk. The blue car and the red car are both obligated to yield the ROW to the pedestrian crossing a private drive, alley, or business entrance on a sidewalk, per [TRC 552.006\(c\)](#). If either vehicle strikes the pedestrian, the vehicle has failed to yield ROW to the pedestrian.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	36		

This pedestrian is standing in the roadway to solicit a charitable contribution, an act prohibited by [TRC 552.007](#). The pedestrian is not crossing the roadway and therefore is not specifically required to yield ROW to traffic, however he is standing in a prohibited place for pedestrians when he is struck by the vehicle. Consider a contributing factor of **98 – Other** and explain the circumstances in the narrative.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	98	

TRC Reference [544.007](#) - Fail To Yield ROW To Pedestrian-Green Arrow Signal; Fail To Yield ROW To Pedestrian Turning Right/Left At Intersection W/Green/Red

TRC Reference [552.001](#) - Disregard Red Signal-Traffic Light(Pedestrian); Disregard Yellow Signal-Traffic Light(Pedestrian)

TRC Reference [552.002](#) - Fail To Yield ROW To Pedestrian At Signal Intersection; Disregard Pedestrian Control Signal

TRC Reference [552.003](#) - Fail To Yield ROW To Pedestrian In Crosswalk-No Signals; Pedestrian Entering Path Of Vehicle

TRC Reference [552.005](#) - Pedestrian Fail To Yield ROW To Vehicle-Not At Crosswalk

TRC Reference [552.006](#) - Fail To Yield ROW To Pedestrian On Sidewalk- Vehicle Emerging From Or Entering Alley; Walk On Roadway Where Sidewalks Provided; Pedestrian Failed to Walk on Left Side of Highway (No Sidewalks)

TRC Reference [552.007](#) - Stood In Roadway To Solicit Ride, Contributions, Employment, Business

TRC Reference [552.008](#) - Fail To Use Due Care For Pedestrian

TRC Reference [552A.0101](#) – Wheelchairs/Electric Wheelchairs are treated like Pedestrians

TRC Reference [545.428](#) – Caused Bodily Injury with Criminal Negligence to Pedestrian or Other Vulnerable Road User in a Crosswalk

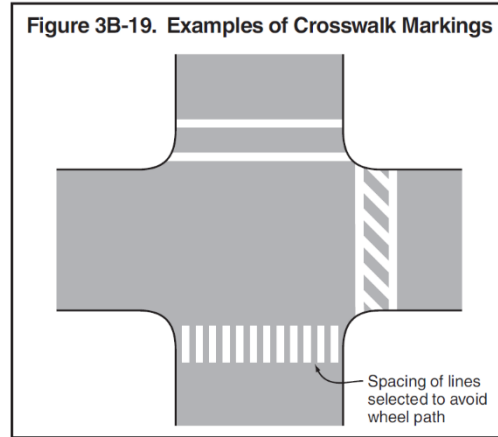
Non-Pedestrian Sidewalk Users in Crosswalk

Although sidewalks and crosswalks are primarily intended for pedestrian use, some vehicles may also be legally operated on sidewalks and in crosswalks. When crashes involve non-pedestrians in crosswalks, contributing factors can become complicated. For information at pedestrian crashes, [go to factor 36](#).

What is a Crosswalk?

“Crosswalk” is defined in [541.302](#) and can be either a marked crosswalk or an unmarked crosswalk.

Marked – the portion of a roadway **designated as a pedestrian crossing by surface markings**, including lines.



Texas Manual on Uniform Traffic Control Devices.

Unmarked – the portion of a roadway at an intersection that is **within the connections of the lateral lines of the sidewalks on opposite sides of the highway**. Although there are no surface markings here, there is still a crosswalk.



What is a sidewalk?

“Sidewalk” is defined in [541.302](#) - the portion of a street that is: (A) between a curb or lateral line of a roadway and the adjacent property line; and (B) intended for pedestrian use.

Sidewalk is also defined in the Texas Manual on Uniform Traffic Control Devices and includes the phrase “is paved or improved”. It is the interpretation of Texas DPS that there must be some type of improvement made to the area next to a roadway for a “sidewalk” to exist. The improvement could be a concrete walkway, a paved walking area, a gravel path, or some other type of improvement indicating the area is intended for pedestrian use.



What Vehicles Can Legally Operate on the Sidewalk?

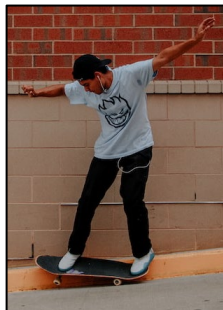
Based on specific provisions or inferences in the Transportation Code, the following vehicles can legally operate on sidewalks and in crosswalks unless TXDOT or a local authority has prohibited such operation by rule or ordinance:

- Bicycles ([541.201](#))
- Electric Bicycles ([664.001](#))
- Electric Personal Assistive Mobility Devices (i.e. Segway) ([551.201](#))
- Motor-Assisted Scooters ([551.351](#))

Although these vehicles can be legally operated on sidewalks, they should not be considered pedestrians for the purposes of right-of-way or pedestrian related contributing factors on a crash report. “Pedestrian” is defined in [541.001](#) as *a person on foot*.

Unless noted otherwise, information in this section regarding crashes involving one of the vehicles listed above can be construed to also apply to the other vehicles on the list.

A person operating a motorized mobility device (electric wheelchair) or a non-motorized wheelchair **should be treated like a pedestrian** for crash and Transportation Code purposes ([552A.0101](#)).



People on skateboards, roller skates, or other small mobility devices operated under human power are not specifically addressed in the Transportation Code. These individuals should be treated like pedestrians because they are still utilizing their feet to move themselves.

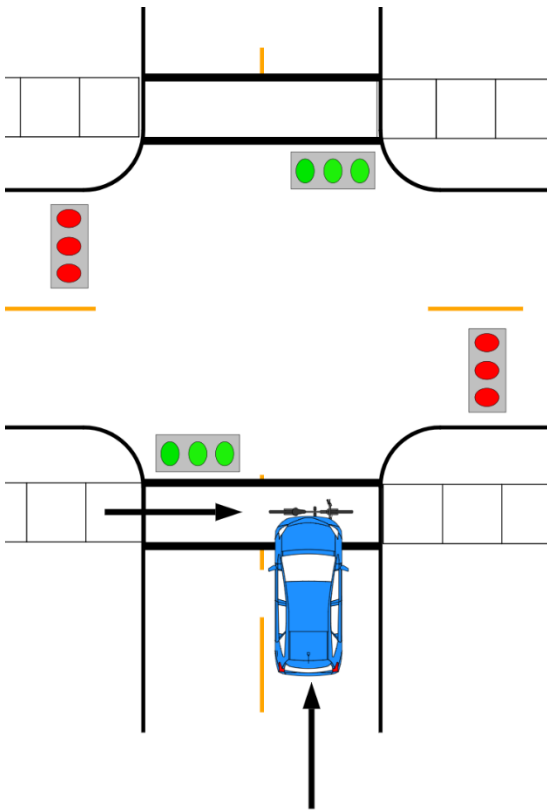
Vulnerable Road User Within a Crosswalk

In 2021, the Texas Legislature added TRC [545.428](#) – **Motor Vehicle Collision Involving Pedestrian or Other Vulnerable Road User Within Area of Crosswalk**. This new law makes it an offense to injure a pedestrian or other vulnerable road user in a crosswalk while operating a motor vehicle with criminal negligence. The offense is generally a Class A Misdemeanor but is enhanced to a State Jail Felony if the person in the crosswalk suffers serious bodily injury.

Although this offense should be considered when a pedestrian or other person is injured in a crosswalk, investigators should consider the following two concepts:

- 1) The statute requires the vehicle operator to act with “criminal negligence”. This culpable mental state is defined in [Penal Code 6.03](#) and goes beyond a simple mistake or lapse in attention.
- 2) There is a defense to prosecution if the person injured in the crosswalk was violating a provision of the law relating to walking, movement, or operation in a crosswalk on a roadway.

Non-Pedestrian Crosswalk Crash Examples/Discussion:



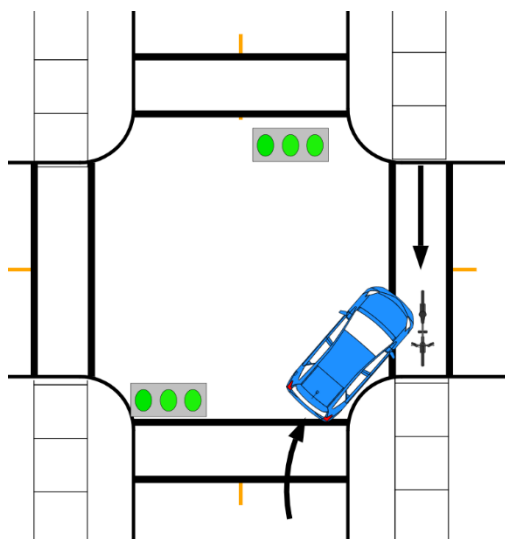
The bicycle is traveling along the highway on a sidewalk approaching a steady red traffic signal. The blue car is approaching the intersection with a steady green traffic signal.

The bicyclist is required to stop for the red traffic signal and may not proceed across the crosswalk until the light turns green ([544.007](#)).

The bicycle is not a pedestrian and the **Pedestrian FYROW to Vehicle** factor should not be used. The best factor is **15 – Disregard Stop and Go Signal** for the bicycle.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	15	

Note: this diagram depicts a bicycle, however the same factor would apply for other vehicles operating on the sidewalk such as an electric bicycle, a Segway, a motor-assisted scooter, etc.



Both vehicles are approaching a steady green signal. Neither vehicle is specifically given the right-of-way in state law.

The bicyclist is not a pedestrian and is not granted ROW over the vehicle like a pedestrian in a crosswalk.

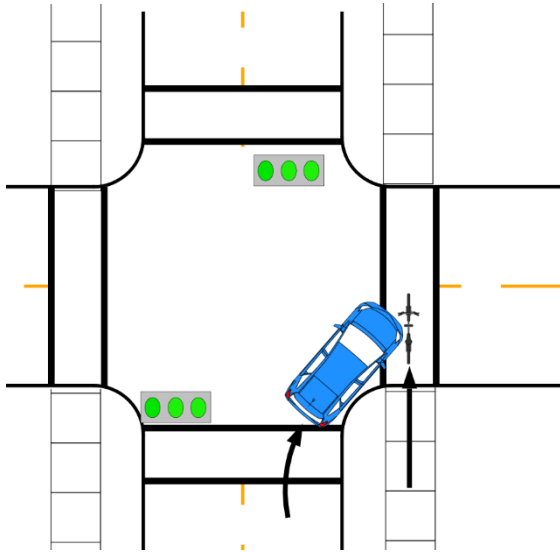
This crash becomes a matter of timing.

If the bicyclist was visible approaching and entering the crosswalk prior to the vehicle entering the intersection to begin its turn, the vehicle can be assigned factor **66 – Turned When Unsafe** (the turn was attempted when it could not be made safely).

If the vehicle was already in the intersection making its turn when the bicycle entered the crosswalk, a more appropriate contributing factor would be **98 – Other** for the bicyclist with an explanation in the narrative that the bicycle entered the crosswalk on a green light and struck a vehicle that was lawfully using the intersection.

Factors such as the speed of the bicycle, the speed of the vehicle, the location of the impact, witness statements, and other available evidence should be considered when determining the timing of a crash like this.

Note: this diagram depicts a bicycle, however the same concepts would apply for other vehicles operating on the sidewalk such as an electric bicycle, Segway, scooter, motor-assisted scooter, etc.



Note: this diagram depicts a bicycle, however the same concepts would apply for other vehicles lawfully operating on the sidewalk.

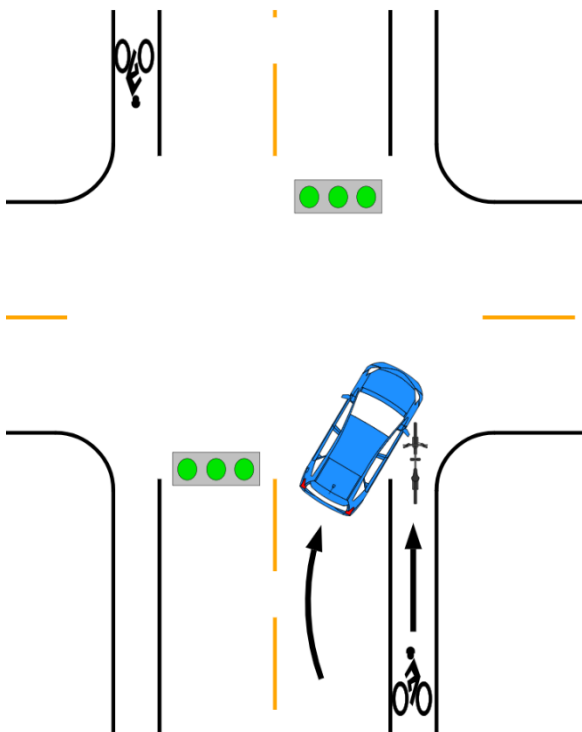
Both vehicles are approaching a steady green signal. Neither vehicle is specifically given the right-of-way in state law.

The bicyclist is not a pedestrian and is not granted ROW over the vehicle like a pedestrian in a crosswalk.

As with the previous example, this crash becomes a matter of timing.

If the bicyclist was visible approaching and entering the crosswalk prior to the vehicle entering the intersection to begin its turn, the vehicle can be assigned factor **66 – Turned When Unsafe**.

If the vehicle was already in the intersection making its turn when the bicycle entered the crosswalk, a more appropriate contributing factor would be **98 – Other** on the bicyclist with an explanation in the narrative that the bicycle entered the crosswalk on a green light and struck a vehicle that was lawfully using the intersection.



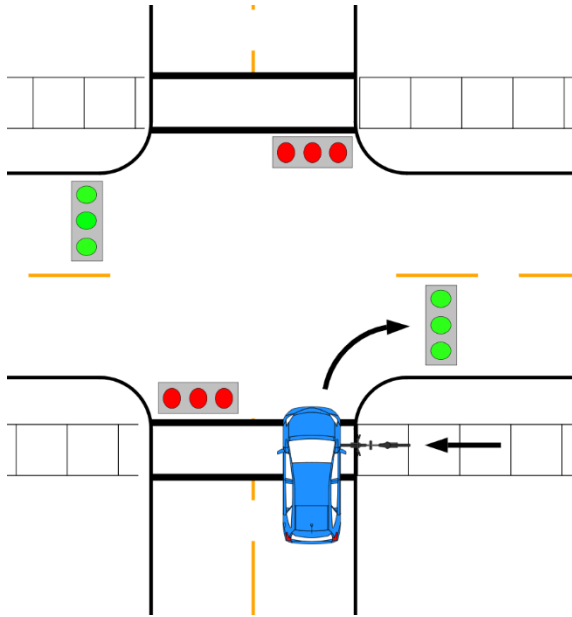
The blue vehicle is attempting a right turn on a green light. The bicycle is traveling in a designated bicycle lane approaching the same green light. The blue vehicle turns into the bicycle's path.

In this scenario, the bicycle is not traveling in a crosswalk. It is traveling on the roadway in a lane designated for bicycles.

Both vehicles are permitted to proceed into the intersection on the green light. There is not a right-of-way conflict until the blue vehicle attempts its turn.

545.103 requires that the blue vehicle's turning movement be made safely. In this circumstance, factor **66 – Turned When Unsafe** would typically be the most accurate contributing factor.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	66	



The blue vehicle is attempting to make a right turn after stopping at a steady red signal. The bicyclist is approaching on the sidewalk and attempts to cross the road in the crosswalk. The highway the bicyclist is traveling on has a steady green signal.

[544.007](#) requires the vehicle to wait until the intersection may be entered safely before making a right turn on a steady red signal. The correct contributing factor is **38 – Failed to Yield ROW – Turn on Red.**

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	38	

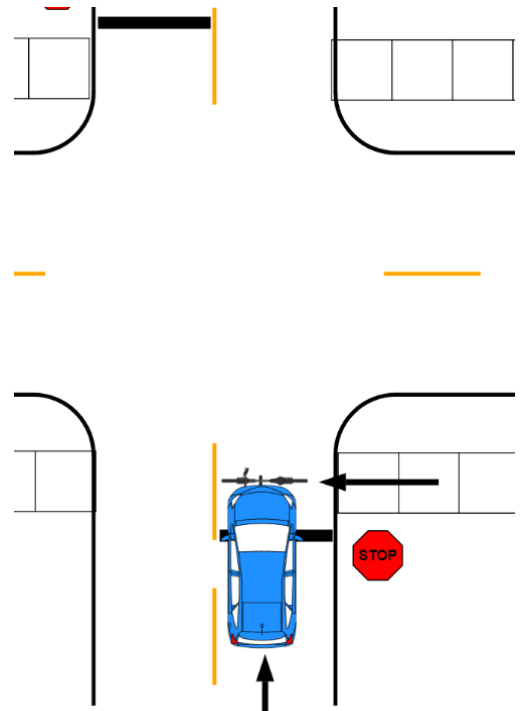
Note: Extenuating circumstances such as limited visibility and/or a bicyclist traveling at a high rate of speed could lead the investigator to different contributing factors (such as 48 – Impaired Visibility for Unit 1 and 98 – Other for Unit 2). Each crash must be evaluated based on its own unique circumstances.

The blue vehicle stops at the stop sign and then proceeds into the intersection, striking (or being struck by) a bicycle that enters the crosswalk from the sidewalk. The crosswalk is not marked, however it still meets the definition of a crosswalk due to sidewalk areas on both sides of the roadway.

The bicycle is not a pedestrian and is not protected like a pedestrian in the crosswalk, however the bicycle is traffic approaching on the intersecting street.

[545.151](#) states that, after stopping, the blue vehicle may proceed “when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.”

The bicycle meets the definition of “traffic” ([541.301](#)) and it is approaching on a different street (as defined in [541.302\(5\)](#)). The blue vehicle has **Failed to Yield ROW – Stop Sign.**



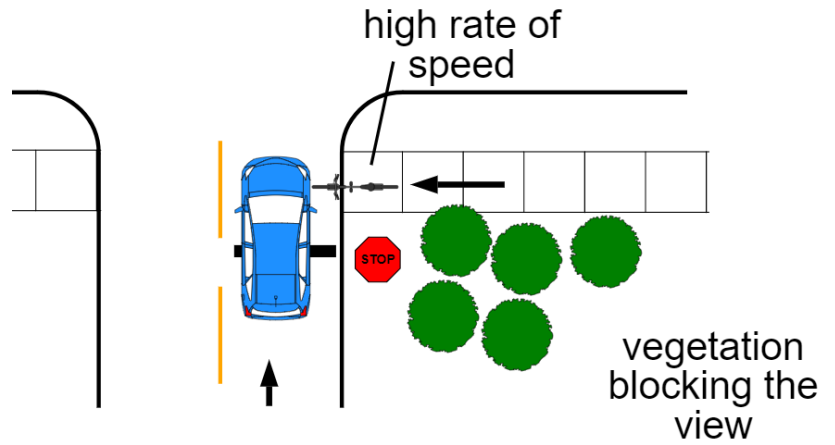
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	35	

What if there is a visibility impairment and the bicycle is riding fast?
This scenario will be discussed in the next diagram.

As discussed in the previous scenario, the operator of the blue vehicle has the obligation to yield ROW to traffic approaching on the street or roadway before proceeding.

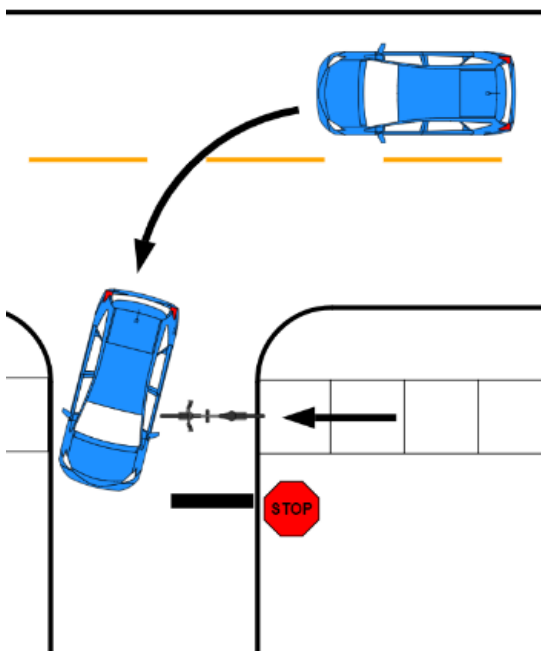
If visibility of the sidewalk is obstructed and the bicycle is traveling at a high speed, it may be extremely difficult for the operator of the blue vehicle to yield appropriately. If the investigator believes there was not a reasonable opportunity for the vehicle operator to yield given these circumstances, factor **48 – Impaired Visibility** would be appropriate for Unit 1.

A factor of **98 – Other** (approached the crosswalk at a high rate of speed during limited visibility circumstances) would be appropriate for the operator of the bicycle.



FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	48	
2	98		

What about **60 – Unsafe Speed** on the bicyclist? A compelling case could be made that the bicyclist was traveling at a speed that was not reasonable and prudent under the conditions described above if the bicycle's speed made it impossible for the vehicle to yield ROW as required. [551.101](#) states that a person operating a bicycle has the same rights and duties applicable to a driver operating a vehicle. If the investigator is uncomfortable making this case, 98 – Other may be more appropriate.



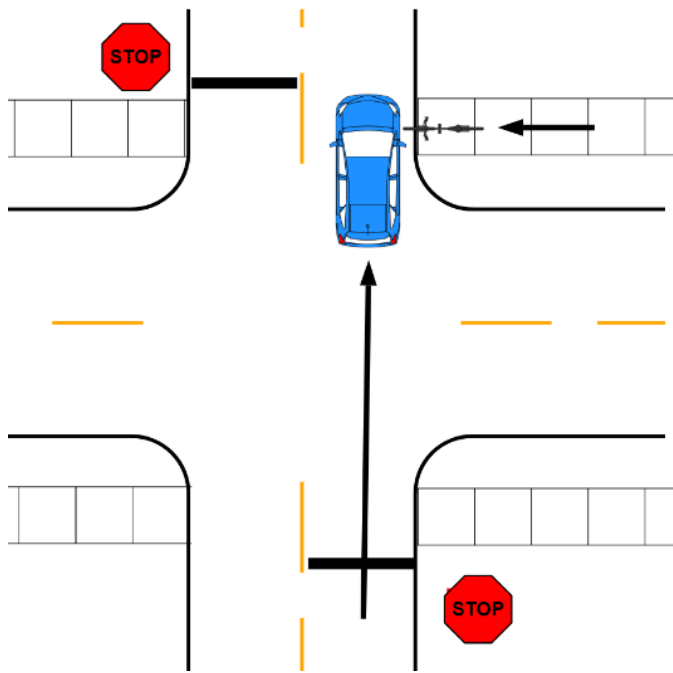
The blue vehicle is attempting to turn left at this intersection as the bicycle traveling on the sidewalk attempts to cross in the crosswalk.

This crash becomes a matter of timing, as neither of these vehicles are specifically given ROW over the other in traffic law.

If the bicyclist was visible approaching and entering the crosswalk prior to the vehicle beginning its turn, the vehicle can be assigned factor **66 – Turned When Unsafe**.

If the vehicle was already in the intersection making its turn when the bicycle entered the crosswalk, a more appropriate contributing factor would be **98 – Other** on the bicyclist with an explanation in the narrative that the bicycle entered the roadway at the crosswalk and struck a vehicle that was lawfully using the intersection.

Both factors may be appropriate when the investigator believes both parties played a role in causing the crash.



The blue vehicle stops at the stop sign and then proceeds across the intersection, striking (or being struck by) a bicycle that enters the crosswalk from the sidewalk on the far side of the intersection.

The bicycle is not a pedestrian and is not protected like a pedestrian in the crosswalk, however the bicycle **is** traffic approaching on the intersecting street.

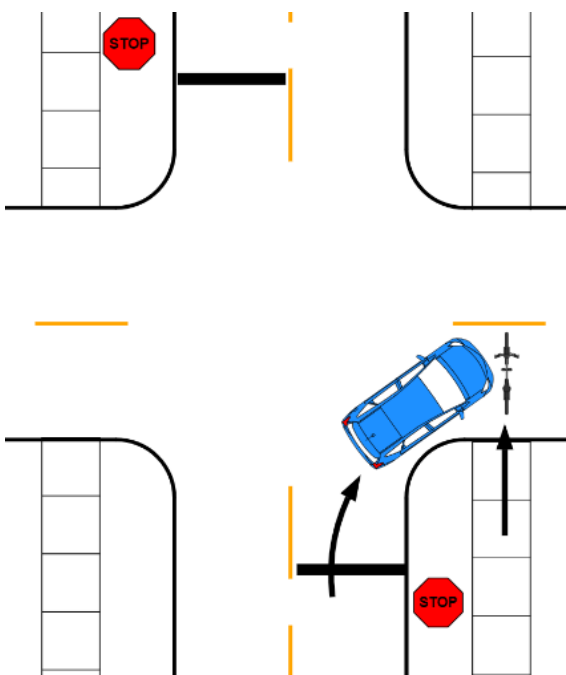
[545.151](#) states that, after stopping, the blue vehicle may proceed “when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.”

The bicycle meets the definition of “traffic” ([541.301](#)) and it is approaching on a different street (as defined in [541.302\(5\)](#)). The blue vehicle has **Failed to Yield ROW – Stop Sign**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	35		
2	98?		

If there are extenuating circumstances such as bicycle traveling at a high rate of speed, consideration should be given to a factor of **98 – Other** on the bicyclist with an explanation that the bicycle was traveling at a high speed and entered the crosswalk without caution. Bicycles are not given the same protection as pedestrians in a crosswalk, and an investigator could find that a

bicyclist failed to exercise reasonable caution as they traveled in areas intended primarily for pedestrian use. This does not indicate the bicyclist violated the law – it simply indicates the bicyclist contributed to the crash through their riding behaviors.

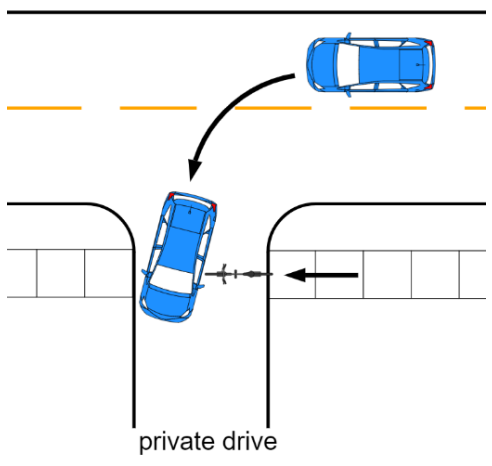


The blue vehicle leaves a stop sign attempting to turn right at the intersection. The bicycle is traveling north on the sidewalk and enters the crosswalk.

This crash becomes a matter of timing, as neither of these vehicles are specifically given ROW over the other in the Transportation Code.

If the bicyclist entered the crosswalk prior to the vehicle beginning its turn, the vehicle can be assigned factor **66 – Turned When Unsafe**.

If the vehicle was already in the intersection making its turn when the bicycle entered the crosswalk/roadway, a more appropriate contributing factor would be **98 – Other** on the bicyclist with an explanation in the narrative that the bicycle entered the roadway at the crosswalk and struck a vehicle that was lawfully using the intersection. The bicyclist is not granted right-of-way protections in the crosswalk like a pedestrian.



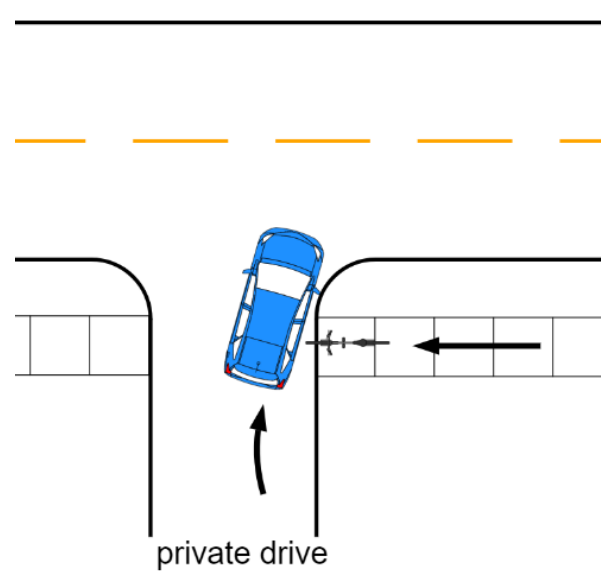
The blue vehicle is attempting to turn left into this private drive.

The bicycle is traveling on the sidewalk crossing the private drive when the collision occurs.

As with many of these scenarios, this crash is a matter of timing.

Because the vehicle is making a turning movement, [545.103](#) requires that the vehicle make the turn safely. If the bicyclist is visible and approaching at a reasonable speed, factor **66 – Turned When Unsafe** would be an appropriate factor.

If there are extenuating circumstances such as a rapidly moving bicycle or visibility impairments that prevent the vehicle operator from reasonably seeing and responding to the approaching bicyclist, alternative factors could be considered such as **48 – Impaired Visibility** or **98 – Other**.



The blue vehicle is attempting to exit a private drive and strikes a bicycle approaching on the sidewalk.

[545.155](#) requires the operator of the vehicle to yield the right-of-way to a vehicle approaching on the highway he is attempted to enter from the private drive.

Because the sidewalk is part of the highway, the bicycle is a vehicle approaching on the highway. The contributing factor is **34 – Failed to Yield ROW – Private Drive**.

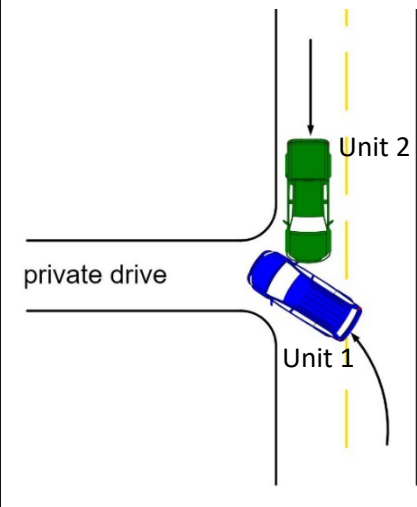
36 Contributing Factors			
FACTORS & CONDITIONS	<i>Unit #</i>	<i>Contributing</i>	
		1	34

37 - Failed to Yield ROW – Turning Left

CR-100: When a vehicle intending to turn left at an intersection or into an alley, private road or driveway fails to yield R.O.W. to any vehicle approaching from the opposite direction and the action contributes to the crash.

- There are two very specific considerations before showing this factor - **where the vehicle is turning left** and **where the other vehicle is coming from**.
 - The vehicle **must be turning left at an intersection or into an alley, private road, or driveway**.
 - The other vehicle **must be approaching from the opposite direction**.
- **Right-of-Way** is defined in [541.401\(8\)](#) - the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian that is approaching from a direction, at a speed, and within a proximity that could cause a collision unless one grants precedence to the other.

Examples/Discussion:

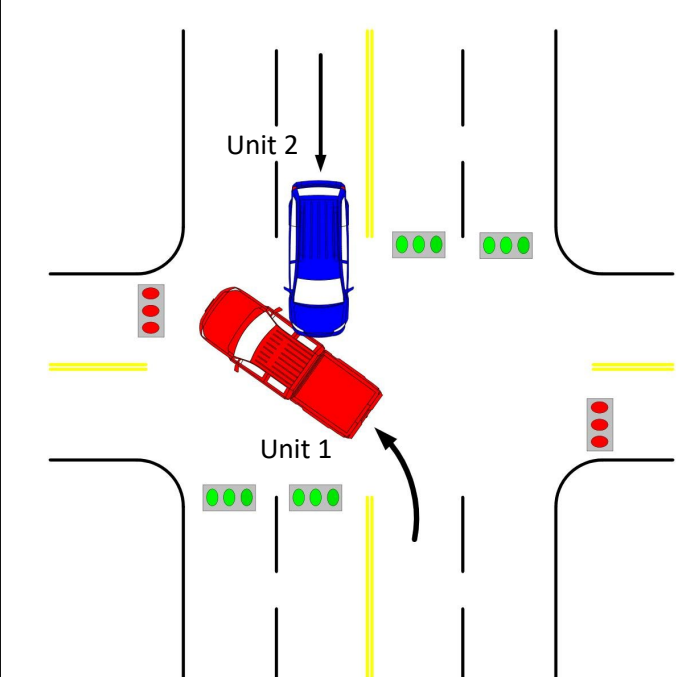


The blue vehicle is turning left into a private drive – this is one of the locations described in this factor.

The green truck is approaching from the opposite direction – this is the direction of approach described in this factor.

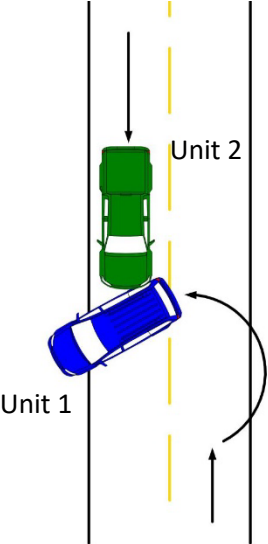
The correct contributing factor is **37 – Failed to Yield ROW – Turning Left**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	37		



Unit 1 is making a left turn at an intersection while facing a steady green light or a flashing yellow arrow. In these circumstances, Unit 1 is required to yield ROW to traffic approaching from the opposite direction.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	37		

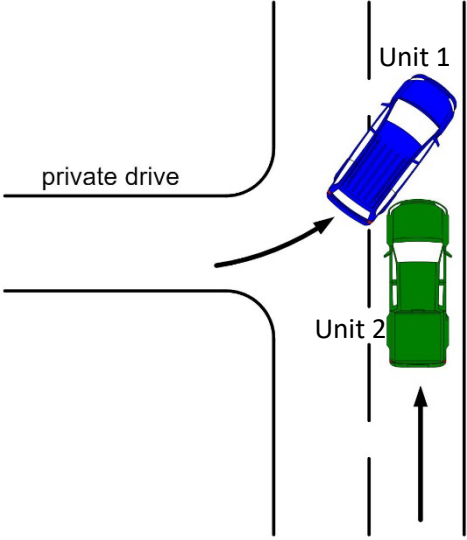


The blue vehicle is turning left, however it is not turning at an intersection or into an alley, private road, or driveway.

Even though the green truck is approaching from the opposite direction, the elements of FYROW – Turning Left have not been met.

The correct factor is **66 – Turned When Unsafe** because the blue vehicle made a turning movement when it could not be made safely.

FACTORS & CONDITIONS	36 Contributing Factors			
	Unit #	Contributing		
	1	66		



Although the blue vehicle is turning left and it also fails to yield the ROW to the green truck, this is not Failed to Yield ROW – Turning Left.

The blue vehicle is turning out of a private drive, not into it.

The green vehicle is not approaching from the opposite direction.

The contributing factor for this crash is **34 – Failed to Yield ROW – Private Drive**.

FACTORS & CONDITIONS	36 Contributing Factors			
	Unit #	Contributing		
	1	34		

TRC Reference [545.152](#) – Fail to Yield ROW – Turning Left


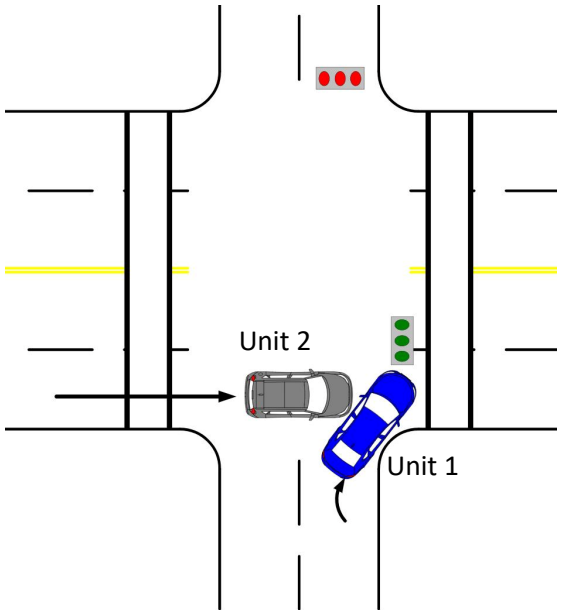
38 - Failed to Yield ROW – Turn on Red

CR-100: *When a vehicle facing a steady red signal at an intersection stops, then enters the intersection to turn without yielding R.O.W. to other vehicles or pedestrians lawfully using the intersection and the action contributes to the crash.*

- As long as there is not a “No Turn On Red” sign posted, vehicles are permitted to turn right on red, but they must yield to all traffic lawfully using the intersection and all pedestrians lawfully using adjacent crosswalks.
- Vehicles are also permitted to make a left turn on a red signal if the vehicle is turning left from a one-way roadway onto another one-way roadway as long as a sign does not prohibit the turn.
- If the vehicle does not stop prior to attempting the turn, use factor [15 – Disregard Stop and Go Signal](#) instead.
- **Right-of-Way** is defined in [541.401\(8\)](#) - the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian that is approaching from a direction, at a speed, and within a proximity that could cause a collision unless one grants precedence to the other.

Discussion:

What if an intersection has two right turn lanes? Can a vehicle turn right from either lane after stopping at the red light? Yes, unless a sign specifically prohibits that turning movement (TMUTCD, figure 2B-27).

Unit 1 stops and then attempts to make a right turn on a red signal. Although a right turn on a red signal is legal, Unit 1 must yield ROW to traffic lawfully using the intersection.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	38	

Unit 1 stops and then attempts to make a right turn on a red signal. Unit 2 (a pedestrian) is lawfully using the crosswalk and crossing on a “Walk” signal. Factor **38 – Failed to Yield ROW – Turn on Red** applies to Unit 1.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	38	

What if the pedestrian is not legally in the crosswalk?
See next example.

Unit 1 stops at a red signal and then attempts to make a right turn. Although Unit 1 strikes a pedestrian in the crosswalk, the pedestrian is crossing on a “Don’t Walk” signal and is therefore not lawfully using the crosswalk. Factor 38 is not a good fit in this circumstance.

What is the factor?

Because the pedestrian is illegally using the crosswalk, consider a factor of **98 – Other** on the pedestrian. Depending on timing and visibility, a factor may be appropriate for Unit 1 if the driver was inattentive, however this would have to be evaluated on a case by case basis.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	98	

TRC Reference [544.007](#) – Fail to Yield ROW Turning on Red Signal

39 - Failed to Yield ROW – Yield Sign

CR-100: *When a vehicle fails to yield R.O.W. to another vehicle at an intersection controlled by a yield sign and the action contributes to the crash.*

- A yield sign creates the same ROW obligation as a stop sign, however the operator is not required to come to a stop unless it is necessary for safe operation.
- For additional discussion regarding ROW, especially when cross traffic is speeding, see examples for factor [35 – Failed to Yield ROW – Stop Sign](#).

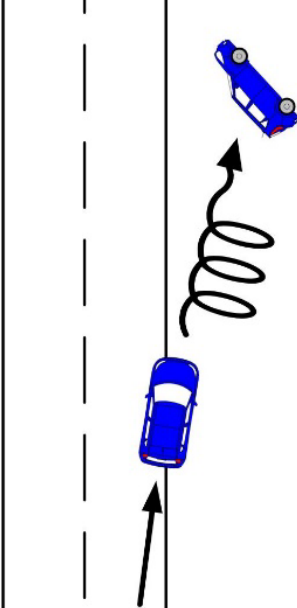
TRC Reference [545.151](#) and [545.153](#) – Failed to Yield Right-of-Way Yield Sign

40 - Fatigued or Asleep

CR-100: When, due to exhaustion or weariness, the driver of a vehicle goes to sleep or into a period of mental inactivity, that impairs his reaction time or perception and the condition contributes to the crash.

- It is not a violation of the Transportation Code to operate a vehicle while fatigued, however this factor should rarely be the only factor in a crash. A driver's fatigue causes them to do something else that results in a crash – i.e. a fatigued driver fails to control speed and rear ends another vehicle; a fatigued driver fails to drive in a single lane, runs off the road, and overturns.

Examples/Discussion:



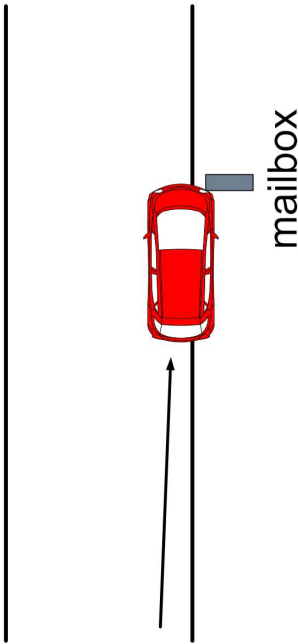
The driver of this vehicle states he fell asleep and ran off the road.

23 – Failed to Drive in a Single Lane – tells what caused the damage.

40 – Fatigued/Asleep – tells what caused the lane departure.

These two factors work together to fully describe the circumstances of the crash. The driver would not have crashed if they stayed in their lane. They would not have departed their lane if they were not fatigued. Both factors are contributing factors.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	23	40	



The driver of the red vehicle stated he was sleepy and ran off the road, striking a mailbox.

Because this vehicle is traveling on a roadway that is not divided into marked lanes, the factor **23 – Failed to Drive in Single Lane** cannot be used. The contributing factors would be **40 – Fatigued/Asleep** and **98 – Other** (drove off the roadway – explain this in the narrative).

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	40	98	
2			

There are no articulable TRC charges to file in a crash like this on an unlaned roadway.

Filing Charges Against a Driver Who Was Asleep at the Time of the Crash

The question often arises as to whether or not Transportation Code charges can be filed against a driver who was asleep at the time of the crash. Can police officers file charges against someone if they were not consciously aware of what they were doing when the violation took place? Being fatigued or asleep is not a specific exemption or defense to prosecution for TRC offenses. In most circumstances, the offenses described in the Transportation Code are considered to be “strict liability” offenses, meaning a specific culpable mental state is not required (supporting document - [Texas Attorney General Opinion JC0451](#)).

A police officer out on patrol can file speeding charges against a person who did not realize they were exceeding the speed limit.

A police officer can file charges against a driver for disregarding a stop sign even if the driver never saw the stop sign and “accidentally” ran it.

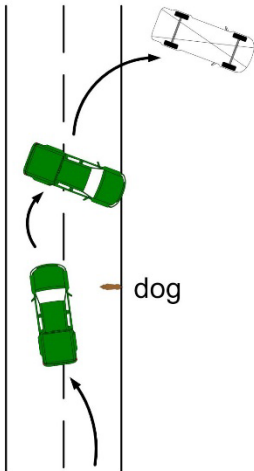
Likewise, a driver who is asleep when they fail to drive in a single lane can still be considered to have committed a violation of TRC 545.060. There is not an “intentionally/knowingly/recklessly/criminally negligent” culpable mental state attached. [TRC 542.301](#) specifically states “a person commits an offense if the person performs an act prohibited or fails to perform an act required by this subtitle.” This section makes no mention of a culpable mental state.

41 - Faulty Evasive Action

CR-100: *When a driver takes no evasive action at all when it is reasonable to assume they should have, and when the action could have prevented the collision; or in an effort to avoid a collision, the driver takes improper or unreasonable evasive action, and the action contributes to the crash.*

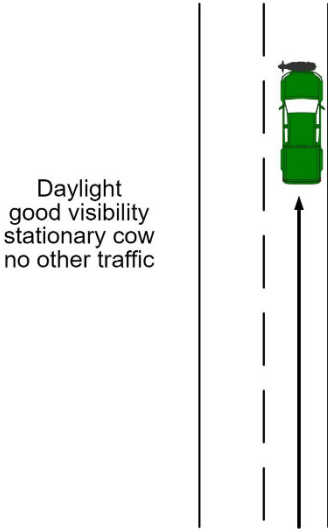
- Many crashes could be prevented by extreme defensive driving practices, however this factor should only be used when the investigator has clear, articulable reason to believe the driver’s evasive action was unreasonable and caused a crash that would not have otherwise occurred.
- This factor also applies if a driver should have taken some form of reasonable evasive action to avoid a crash but failed to do so.

Examples/Discussion:



This vehicle swerved to avoid a dog in the roadway. While it is reasonable to swerve around a dog, the manner in which this vehicle swerved caused it to lose control, enter a side skid, and overturn. This evasive action was faulty and caused the vehicle to crash. The correct contributing factors would be **1 – Animal on Road - Domestic** and **41 – Faulty Evasive Action**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	1	41	

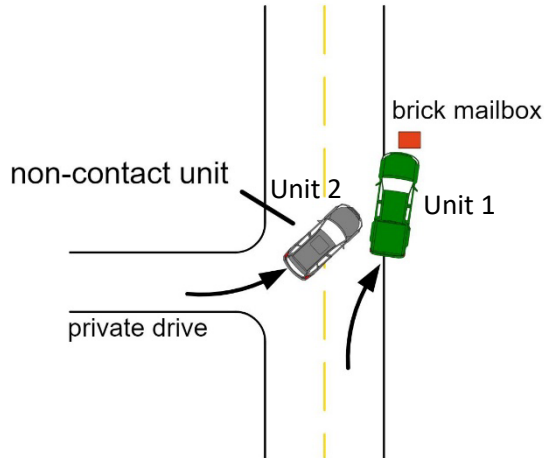


Daylight
good visibility
stationary cow
no other traffic

COW

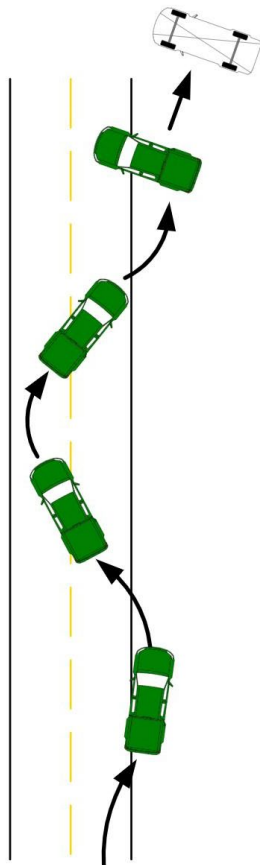
This vehicle is approaching a cow stationary in the roadway for an extended period of time with good visibility. A reasonable driver should have seen the cow and taken an appropriate evasive action. The driver of this vehicle took no evasive action and struck the cow. The correct contributing factors would be **1 – Animal on Road – Domestic** and **41 – Faulty Evasive Action**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	1	41	



A non-contact unit pulls from a private drive immediately into the path of the green pickup. The driver of the green pickup takes an evasive action by swerving to the right and strikes a brick mailbox. Although the pickup's swerve caused it to strike the mailbox, this evasive action was reasonable given the circumstances and **41 – Faulty Evasive Action** would not apply. If the pickup did not swerve a crash would have still occurred. The contributing factor is **34 – Failed to Yield ROW – Private Drive** on the non-contact unit.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	34	



The driver of the green pickup spills his drink in the vehicle. As he is attempting to clean up the spill, he runs off the roadway to the right. The driver then attempts to swerve back onto the roadway to avoid crashing, however he overcorrects, loses control the vehicle and overturns.

There are three contributing factors: **19 - Distraction in Vehicle**, **23 – Failed to Drive in a Single Lane**, and **41 – Faulty Evasive Action**.

These factors represent three distinct circumstances that all played a role in why the crash occurred.

If the driver is not distracted, he does not run off the road.

If the driver does not run off the road, he does not overcorrect.

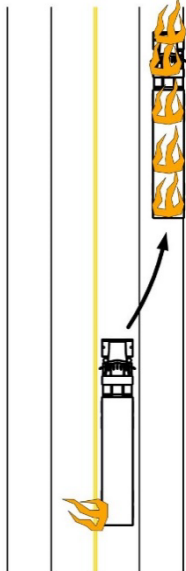
If the driver does not overcorrect, he is able to safely steer back onto the road and a crash does not occur.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	19	23
		41	

42 - Fire in Vehicle

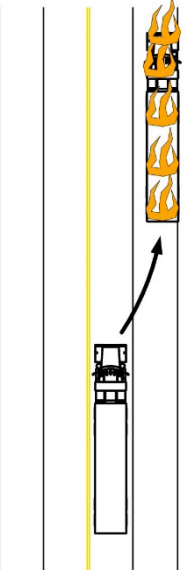
CR-100: *When a fire is accidentally ignited in a vehicle or a fire is started by some mechanical failure, or after collision, but before events have stabilized.*

- If a motor vehicle in transport catches on fire due to a mechanical failure or some other accidental ignition, the fire is considered a reportable crash (CR-102).
- If a motor vehicle pulls onto the shoulder and stops and a fire ignites after the vehicle comes to a stop off the roadway, the fire is not a reportable crash because there is no longer a motor vehicle considered to be in transport.

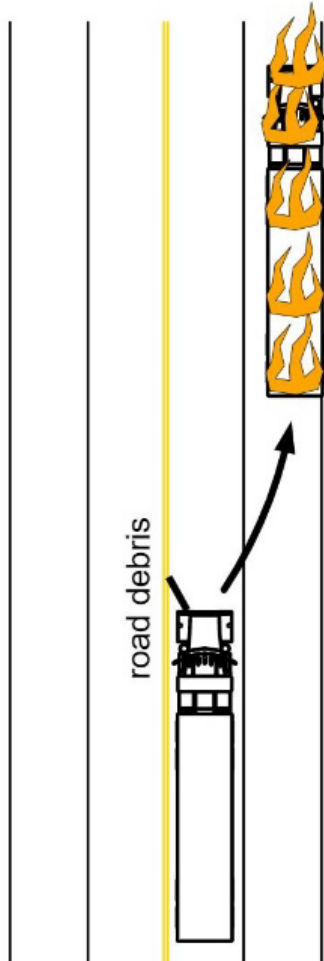


This truck tractor/semi-trailer is in transport (in motion or on a trafficway) when a fire ignites at the rear of the trailer. The TTST pulls to the shoulder and proceeds to burn up. Because the fire started while the TTST was in transport, this is a reportable crash and the contributing factor is **42 – Fire in Vehicle**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	42		



The driver of this TTST hears a strange noise coming from the engine. He pulls to the shoulder and comes to a stop off the roadway. As he's looking under the hood, a fire ignites and the TTST burns up. This is not a reportable crash because the TTST was not in transport when the fire was ignited.



This TTST strikes a piece of road debris that punctures a diesel tank and ignites a fire. The TTST pulls to the shoulder, comes to a stop, and burns up.

The contributing factors are **98 – Other** (struck road debris) and **42 – Fire in Vehicle**.

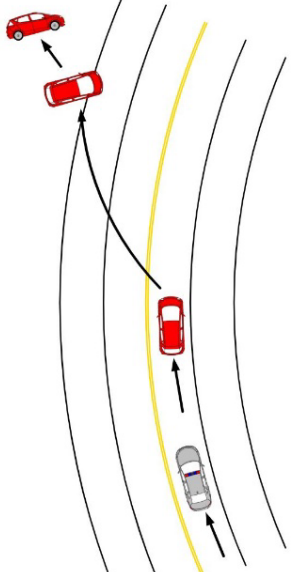
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	98	42	

43 - Fleeing or Evading Police

CR-100: *When an individual intentionally flees from a person that they know is a peace officer attempting to arrest them, and the fleeing results in any type of collision.*

- There is usually a second factor to go along with this factor – i.e. the individual was fleeing and crashed while traveling through a curve at an unsafe speed or disregarding a stop and go signal. Both factors are applicable and should be indicated on the crash report.
- If a police officer crashes while pursuing a suspect, the fleeing suspect generally should not be shown as a unit on the crash report unless they are directly involved in the crash. Likewise, if a suspect crashes while being pursued, the pursuing officer should not generally be shown as a unit on the crash report unless they are directly involved in the crash.
- This factor is not specific to a vehicle operator – it can be applied to a pedestrian, pedalcyclist, or other individual that contributes to a crash while evading arrest.

Examples/Discussion:

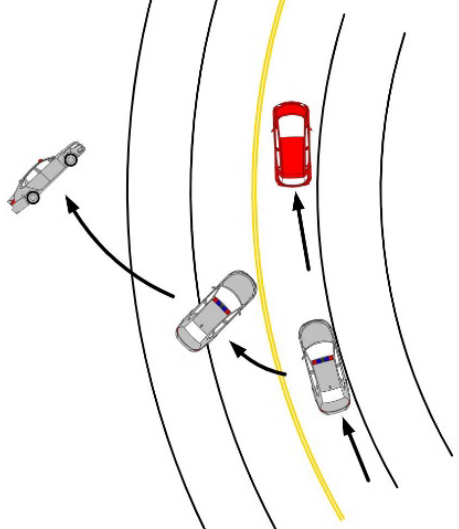


The red car is evading arrest and being pursued by a police vehicle. It is traveling at an unsafe speed for the curve and crashes. The police vehicle safely navigates the curve and does not crash.

This is a one vehicle crash. The contributing factors are **43 – Fleeing or Evading Police** and **60 – Unsafe Speed**.

The police unit should not be shown as a non-contact unit because it did not contribute or cause the red car to crash.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	43	60	



The police unit is pursuing the red car. During the pursuit, the police vehicle is traveling too fast for a curve, loses control, and crashes. The red car is not involved in the crash.

This is a one vehicle crash. The contributing factor is **60 – Unsafe Speed**. The red car should not be shown as a non-contact unit because it did not directly contribute or cause the police vehicle to crash.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	60		

A pedestrian is running from a police officer on foot. The pedestrian runs into the road and is struck by the blue SUV. Does factor **43 – Fleeing or Evading Police** apply to the pedestrian?

Yes. This factor is not specific to the operator of a vehicle. It can be applied to any individual involved in a crash due to evading arrest.

In this circumstance, factor **59 – Pedestrian FTYROW to Vehicle** also applies.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	43	59

TRC Reference [545.421](#) – Fleeing or Attempting To Elude Police Officer

Penal Code Reference [38.04](#) – Evading Arrest (includes enhancements for evading in a motor vehicle and enhancements if the offense causes serious bodily injury or death).

44 - Followed Too Closely

CR-100: When a vehicle fails to maintain an assured clear following distance that allows the operator to safely stop without colliding with the preceding vehicle or veering into another vehicle, object, or person.

- This crash usually looks almost identical to a [Failed to Control Speed](#) crash. The difference is that this crash occurs because the driver was following another vehicle too closely, not because they were going too fast or not paying attention.
- The driver may say something like, “I saw the vehicle slowing down ahead of me, but I just couldn’t stop in time.”
- There is not a “bright line” rule for following distance in the TRC – no set number of feet or number of seconds. Different speeds and traffic conditions will necessitate different safe following distances.

The diagram shows a two-lane road with traffic congestion. A blue car (Unit 2) is stopped. A red truck (Unit 1) is following it too closely and rear-ends it. A horizontal line indicates the point where the blue car makes a sudden stop. An arrow points upwards from the red truck, indicating its direction of travel.

Failed to Control Speed or Followed Too Closely?

The blue car makes a sudden stop due to traffic congestion and is rear-ended by the red truck.

If the driver of the red truck was not paying close enough attention and did not realize traffic was coming to a stop, the best factor is **22 – Failed to Control Speed**.

If the driver was paying attention and saw the blue car slowing down but was unable to avoid it because he did not have enough time or space to react, the best factor is **44 – Followed Too Closely**.

The driver’s statements and physical evidence will help the investigator decide between these factors.

36 Contributing Factors			
FACTORS & CONDITIONS	<i>Unit #</i>	<i>Contributing</i>	
	1	44	

If the investigator does not feel confident in **Followed Too Closely**, the factor [Failed to Control Speed](#) is generally easier to prove.

An uninvolved vehicle makes a sudden stop. The driver of the red truck realizes he does not have time to stop before striking the vehicle ahead, so he swerves to the left, striking the blue car.

The driver of the red truck was following the uninvolved vehicle too closely to safely stop without veering into another vehicle on the highway. The correct contributing factor is **44 – Followed too Closely**.

The vehicle also made an unsafe lane change.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	44	4

The blue vehicle is evading arrest. The police vehicle is pursuing. The blue vehicle slows suddenly and attempts to make a right turn. The police officer is so close he does not have time to react to the deceleration and strikes the evading vehicle.

The correct contributing factors are **43 – Fleeing or Evading Police** on the blue vehicle and **44 – Followed too Closely** on the police vehicle.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	43	
	2	44	

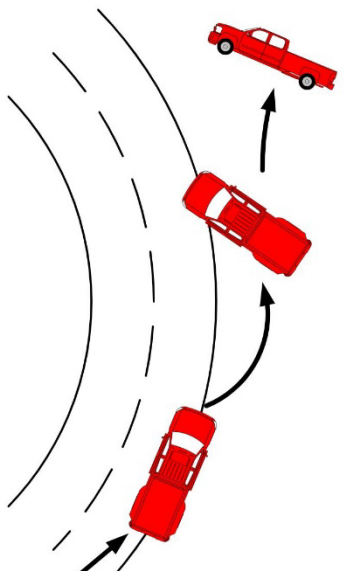
TRC Reference 545.062 – Following Too Closely. The Texas Transportation Code requires the following: *An operator shall, if following another vehicle, maintain an assured clear distance between the two vehicles so that, considering the speed of the vehicles, traffic, and the conditions of the highway, the operator can safely stop without colliding with the preceding vehicle or veering into another vehicle, object, or person on or near the highway.*

45 - Had Been Drinking

CR-100: *When, in the investigator’s opinion, the driver of a vehicle, pedestrian or pedalcyclist in the crash had been drinking an alcoholic beverage, but not to the extent to be considered intoxicated.*

- This factor should only be placed in the “May Have Contributed” Section, per the CR-100.
- There should always be another factor as the primary contributing factor.
- If the investigator believes there is probable cause that driver was intoxicated, the factor [67 – Intoxicated - Alcohol](#) should be used, even if toxicology results are not yet available.
- Factors 45 and 67 cannot be indicated at the same time for one driver.

Examples/Discussion:

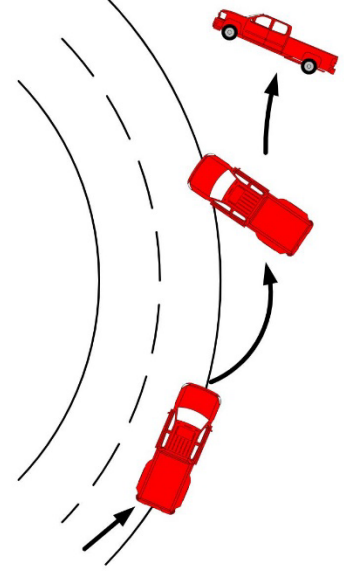


The driver of this truck fails to drive in a single lane and rolls over. The investigating officer administers SFSTs and determines the driver of the pickup is intoxicated. The driver is arrested for DWI and provides a blood specimen. Toxicology is pending.

The correct factors are **23 – Failed to Drive in a Single Lane** and **67 – Intoxicated - Alcohol**.

FACTORS & CONDITIONS	36 Contributing Factors			
	Unit #	Contributing		
	1	23	67	

If an officer feels there is probable cause to charge a driver with DWI, the factor of **67 – Intoxicated - Alcohol** would be applicable even before toxicology is available.



The driver of this truck fails to drive in a single lane and rolls over. The investigating officer is unable to administer SFSTs due to the driver’s injuries. A blood specimen is obtained, however toxicology is pending. The officer observes an open container and believes the driver was drinking at the time of the crash.

The correct contributing factor is **23 – Failed to Drive in a Single Lane** and factor **45 – Had Been Drinking** should be placed in May Have Contributed.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				
	Unit #	Contributing			May Have Contrib.
	1	23			45

If toxicology results later indicate intoxication, the crash report can be supplemented with a contributing factor of **67 Intoxicated - Alcohol** and factor 45 should be removed.

46 - Handicapped Driver (Explain in Narrative)

CR-100: When a driver of a vehicle in the crash has a physical handicap and the condition contributes to the crash.

- This factor is specific to physical disabilities. Crashes caused by mental or physical illness should be assigned the contributing factor of **47 – III** (see next section).
- Many drivers with disabilities operate vehicles adapted to for their use. Before using this factor, ensure that the crash can actually be attributed to the physical handicap.
- The nature of the disability should be explained in the narrative.

Examples/Discussion:

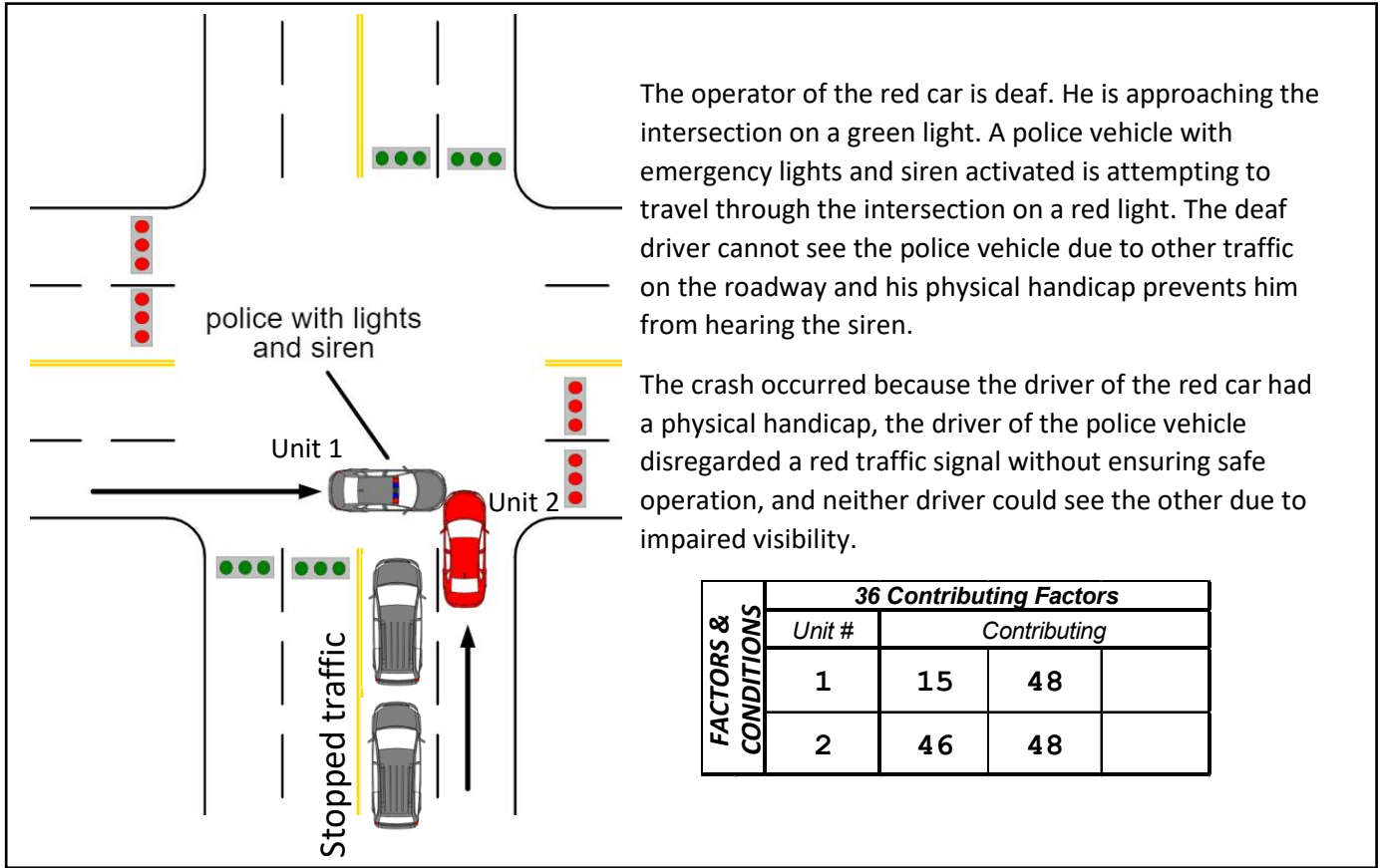
The driver of the blue SUV is paralyzed from the waist down. He normally drives a vehicle with hand controls, however his vehicle is in the shop. The blue SUV is not equipped with hand controls. The driver is attempting to operate the brake and gas pedals by pushing them with a cane. The cane slips off the brake pedal and the blue SUV rear-ends the red car. The driver of the blue SUV was unable to properly operate the vehicle due to his physical disability.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	46	

The driver of the green SUV is paralyzed from the waist down. His vehicle is equipped with hand controls as required by a driver's license restriction. He is looking out his side window and fails to see traffic slowing down ahead.

This crash was not caused by the driver's handicap, it was caused by his inattention and failure to control speed. Factor 46 should not appear on the crash report.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	22	20



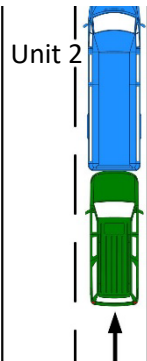
TRC Reference – driving with a disability is not a specific violation of the Transportation Code. If a disabled person has a specific restriction imposed on their driver’s license, however, and they are operating a vehicle in violation of the restriction, a charge under [TRC 521.221 \(Violate DL Restriction\)](#) would be appropriate. A complete list of driver’s license restrictions may be viewed [here](#)

47 - III (Explain in Narrative)

CR-100: When a driver of a vehicle in the crash has a physical or mental illness and the condition contributed to the crash.

- If a driver was completely incapacitate by an illness such as a seizure or loss of consciousness, the illness may be the only contributing factor.
- If the illness was troubling the driver but not incapacitating, there will likely be another factor present.
- If the investigator believes the driver was ill but feels that the illness cannot be definitively tied to causing the crash, this factor is a better fit in the “May have Contributed” field.
- The nature of the illness should be explained in the narrative.

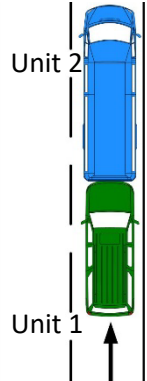
Examples/Discussion:



The driver of the green car suffers from epilepsy and experiences an incapacitating seizure prior to rear-ending the blue van.

The best contributing factor is **47 – III** and the nature of the illness should be explained in the narrative.

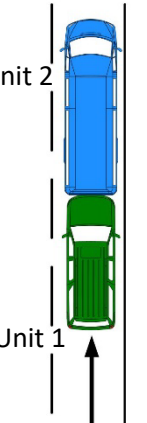
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	47		



The driver of the green car states that he was suffering from a migraine headache all day that causes tunnel vision, light sensitivity, and blurry vision. He did not realize the van was stopped ahead of him.

The best contributing factor is **47 – III** and **22 – Failed to Control Speed**. Although the investigator believes the driver’s illness contributed to the crash, he chose to operate a vehicle in that condition and is still required to avoid striking other vehicles on the highway.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	22	47	



The driver of the green car states he felt nauseous and feverish and was on his way home. He was distracted by how poorly he felt and did not see the blue van stopped ahead.

The best contributing factor is **22 – Failed to Control Speed**. The factor of **47 – III** should be placed in “May Have Contributed”. The driver was ill, however the nature of his illness cannot be definitively linked to causing the crash.

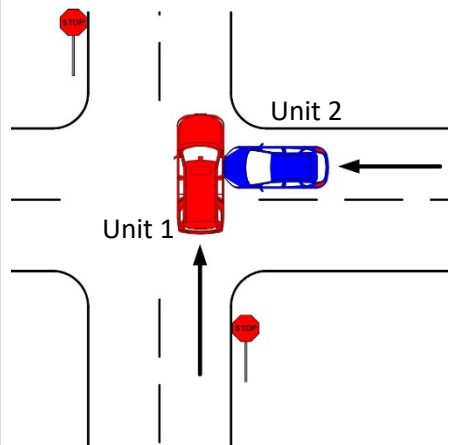
FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)			
	Unit #	Contributing		May Have Contrib.
1	22			47

48 - Impaired Visibility (Explain in Narrative)

CR-100: When a driver's view is obstructed by the vehicle's load or occupants, or when vehicles and/or objects on or near the highway obstruct a driver's view of pedestrians and/or traffic. This also includes impaired visibility due to weather, lighting conditions, or objects/material placed over windows.

- The visibility impairment can be inside or outside the vehicle. It can be other traffic, weather (fog, heavy rain, dust), darkness, or virtually anything else that creates a circumstance in which a driver cannot see to safely operate the vehicle.
- There is often another factor used in conjunction with this factor.
- The nature of the visibility impairment should be explained in the narrative.

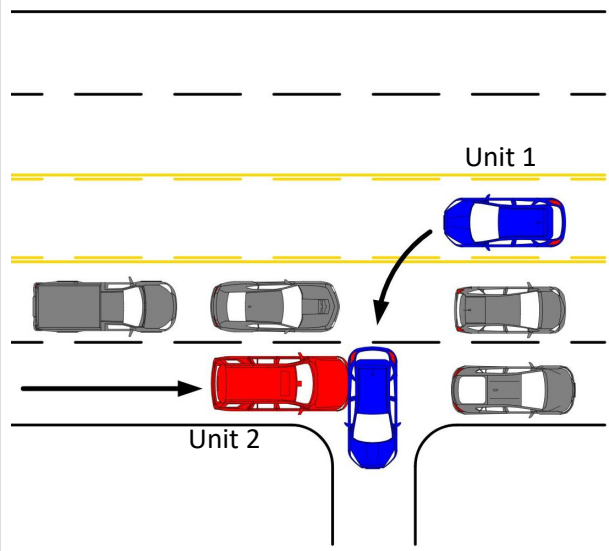
Examples/Discussion:



The red SUV recently had the front passenger side window broken. The driver has taped translucent plastic over the window to keep rain out, however the driver cannot see through the plastic and does not see the blue car approaching. The driver of the red SUV fails to yield the ROW from the stop sign.

The correct contributing factors are **35 – Failed to Yield ROW – Stop Sign** and **48 – Impaired Visibility**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	35	48	

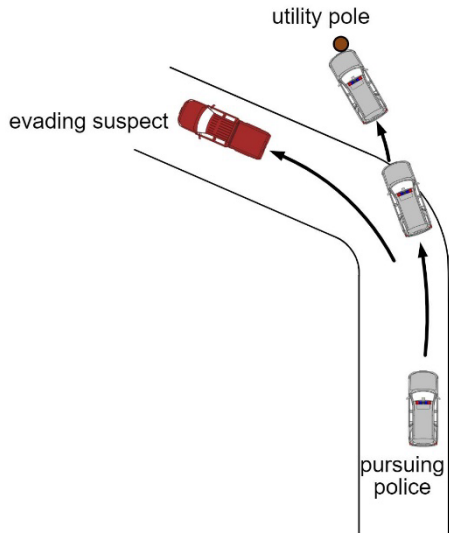


The blue car is attempting to turn left into a private drive through a line of stopped cars. The driver of the blue car cannot see the red SUV approaching in the right lane due to the line of stopped vehicles.

The correct contributing factors are **37 – Failed to Yield ROW – Turning Left** and **48 – Impaired Visibility**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	37	48	

Does FYROW still apply here? The blue car is required to yield ROW to any traffic approaching from the opposite direction. In this circumstance, the inability to see the car approaching does not negate right-of-way. The blue car should not have turned if the driver could not see and clear both lanes.



The police unit is pursuing a suspect vehicle on a dirt roadway. The suspect vehicle is creating a thick cloud of dust as it drives on the dirt surface, making it difficult for the officer to see. Due to the visibility impairment created by the dust cloud, the pursuing officer does not reduce his speed appropriately for a curve and he crashes into a utility pole.

The TRC requires vehicles to travel at an appropriate speed for roadway conditions ([TRC 545.351](#)). If a driver is not able to see well, they should reduce their speed.

This is a one unit crash. The correct contributing factors are **48 – Impaired Visibility** and **60 – Unsafe Speed**.

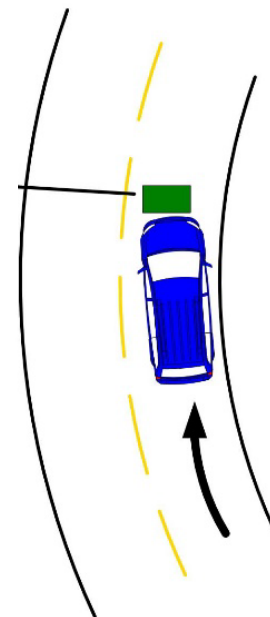
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	48	60	

This vehicle strikes an ice chest in the roadway at night. In the investigator’s opinion, if it were daylight the driver of the vehicle would have seen and avoided the ice chest.

The correct contributing factors are **98 – Other** (item in the roadway) and **48 – Impaired Visibility**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	98	48	

Ice chest in roadway at night



If the investigator believes the vehicle would have struck the item even in daylight, factor 48 should not be used.

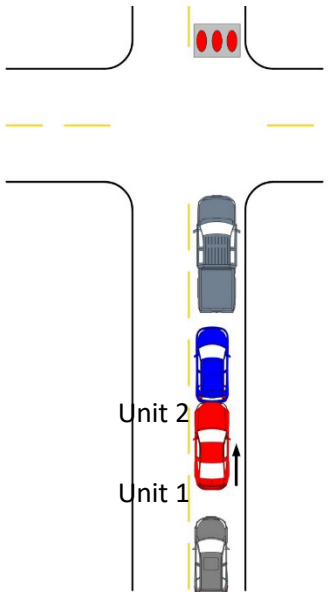
TRC Reference [547.613](#) – Object or Material Attached to Windshield/Side/Rear Window Obstructs or Reduces Clear View. This offense would apply when a vehicle operator has attached something to the vehicle’s windows that obstructs or reduces the clear view.

49 - Improper Start from a Stopped, Standing, or Parked Position

CR-100: When a driver makes an unsafe movement from a stopped, standing, or parked position and the action contributes to the crash.

- “Stopped” “Standing” and Parked” are all defined in [TRC 541.401](#).
- This factor is often more appropriate than [22 – Failed to Control Speed](#) in low-speed crash situations where one vehicle pulls forward in a line of cars and strikes another vehicle.

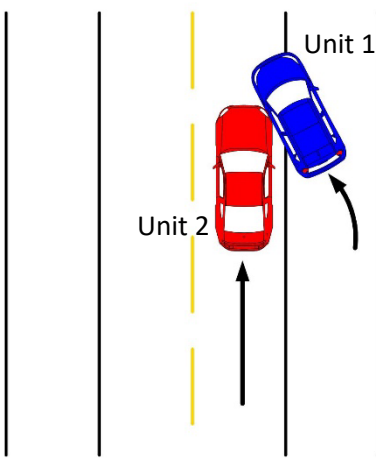
Examples/Discussion:



A line of vehicles is waiting at a red light. The driver of the red car believes traffic is starting to move and accelerates, striking the blue car.

Although **22 – Failed to Control Speed** technically can apply here, the factor **49 – Improper Start from a Stopped, Standing, or Parked Position** is more descriptive of this crash.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	49	



The blue car was parked on the shoulder. The driver attempts to re-enter the roadway and is struck by the red car.

Although **66 – Turned When Unsafe** technically can apply here, the factor **49 – Improper Start from a Stopped, Standing, or Parked Position** is more descriptive of this crash.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	49	

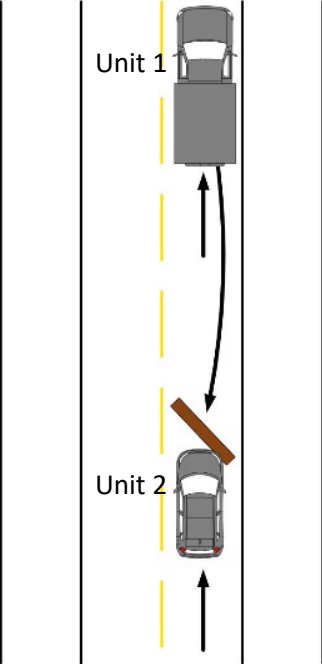
TRC Reference [545.402](#) – Unsafe Start From Parked/Stopped/Standing Position

50 - Load Not Secured

CR-100: When an unsecured or improperly secured load shifts or falls from a vehicle and contributes to the crash.

- Per the CR-100, when a vehicle places an object in motion that subsequently strikes another vehicle, the original vehicle should be considered a unit on the crash report (as opposed to a non-contact unit).
- This would not apply to a vehicle that kicks up a rock or road debris that was not part of the vehicle’s load.
- Be cautious if issuing a citation for **Fail to Secure Load** (see note with TRC section below).

Examples/Discussion:

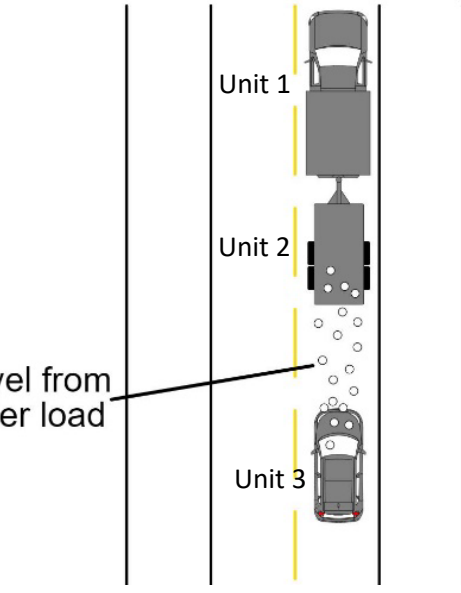


A flatbed truck is hauling a load of lumber. An unsecured 2x4 flies off the pickup and strikes a vehicle traveling behind.

Because the truck set the 2x4 in motion, it is considered a regular traffic unit in this crash (it is not considered a non-contact unit). The contributing factor is **50 – Load Not Secured**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	50		

What if the piece of lumber was just road debris kicked up by the flatbed truck and not actually a part of its load? See example on next page.



The truck is hauling a trailer full of gravel. It goes over a bump in the roadway and causes gravel to be spilled. Numerous pieces of gravel strike the following vehicle and cause at least \$1000 in damage. The CR-100 states when a towed unit contributes to a crash, the factor should be placed on the towing unit. Unit 1 should be assigned the factor **50 – Load Not Secured**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	50		

A TTST drives over a piece of road debris and throws it into the air. The debris strikes Unit 1. In this circumstance, The TTST is not considered to be a unit in this crash because the debris was not part of the TTST’s load.

This is a one unit crash and the contributing factor is **98 – Other**. The TTST should not be placed on the crash report.

What if the TTST kicks up a large rock that strikes the blue vehicle’s windshield and causes damage? Is the TTST considered to be a unit on the crash report? What about a non-contact unit?

Because the TTST did not contribute by illegal or unusual behavior and it sustained no damage, it is not considered to be a unit involved in this crash and should not be placed on the crash report. This is considered a one vehicle crash.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	98		

TRC Reference [725.003](#) – Fail to Secure Load/Improperly Secured Load

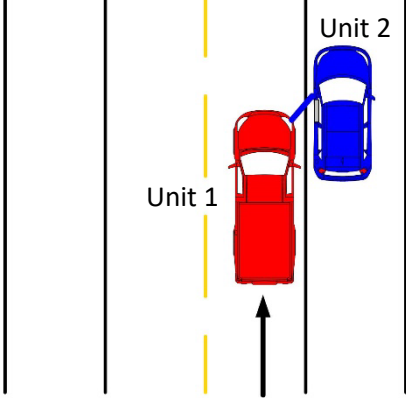
Note: This violation is specific to a vehicle carrying a load of “loose material”. This term is defined in [725.001](#) - *material that can be blown or spilled from a vehicle because of movement or exposure to air, wind currents, or other weather. The term includes dirt, sand, gravel, refuse, and wood chips but excludes an agricultural product in its natural state.*

51 - Opened Door Into Traffic Lane

CR-100: When a door of a vehicle is opened into a traffic lane and the door contributes to the crash.

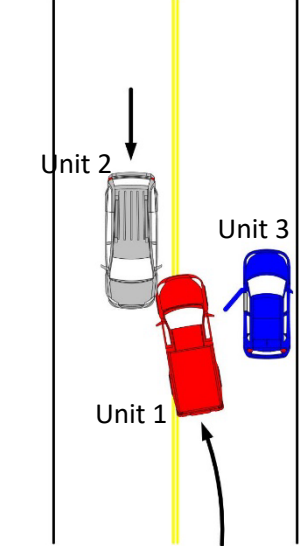
- The open door does not necessarily have to be struck by another vehicle. It could cause another vehicle to take an evasive action and crash.
- This factor would not apply in a parking lot – i.e. when one vehicle opens its door and strikes another parked vehicle. The door must be opened into a “traffic lane”.

Examples/Discussion:



The blue vehicle stops on the improved shoulder and the driver opens his door to exit the vehicle. The door crosses the fog line and is struck by the red pickup as it travels in the main lane.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	51	



The blue car is legally parked in the street. The driver opens his door to exit the vehicle just as the red pickup approaches from the rear. The red pickup takes evasive action to avoid the door by swerving across the centerline and striking the gray van.

The blue car is a non-contact unit with a factor of **51 – Opened Door Into Traffic Lane**.

Depending on the timing and circumstances, the red pickup may also be assigned a factor or **41 – Faulty Evasive Action**. The investigator will have to decide whether the evasive action was reasonable or faulty based on the circumstances.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	3	51	

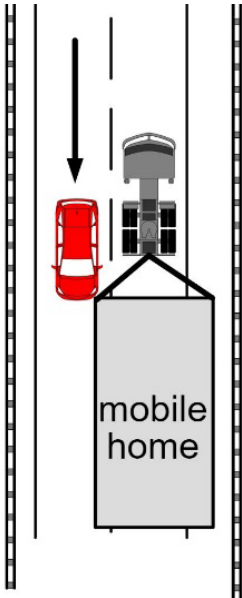
TRC Reference [545.418](#) – Driver Open Door Or Leave Door Open In Moving Lane Of Traffic Person (Other Than Driver) Opened Door/Leave Door Open In Lane of Traffic

52 - Oversized Vehicle or Load

CR-100: A vehicle with an oversize load or an oversize vehicle, or manufactured housing, because of its oversize, contributes to the crash.

- The oversized vehicle does not have to be illegally oversized for this factor to apply. Many oversized vehicles or loads are moved legally under permits.
- The oversized nature of the vehicle can be due to width, height, length, or weight.
- If the oversized vehicle/load is a towed unit, remember the CR-100 states that a contributing factor incurred by a towed unit should be associated with the power unit’s number on the CR-3.

Examples/Discussion:

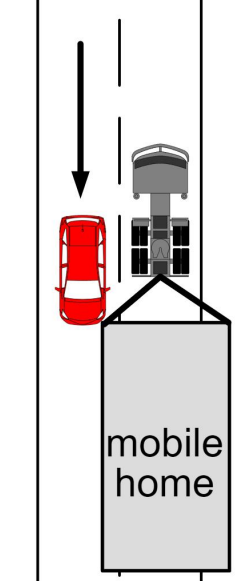


The mobile home is being moved under a permit and is on its assigned route. As it travels across a bridge, part of the mobile home is across the centerline and strikes the red car.

Factor 52 – Oversized Vehicle or Load applies to this crash.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	52		

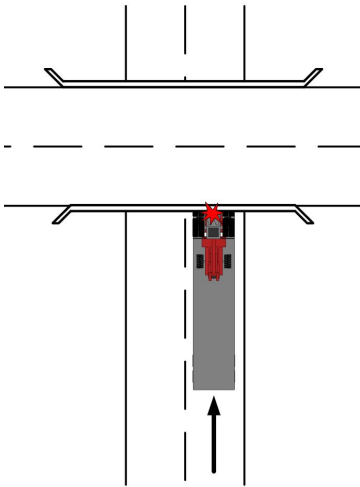
Should factor 70 – Wrong Side - Not Passing also be used? The nature of many over-width vehicles is that it is impossible for the vehicle to stay entirely within a lane. Due to the guardrail in this crash, it was physically impossible for the vehicle to not be over the centerline in this location. Although factor 70 technically could apply, it would be a better fit for a crash where the oversized vehicle had the ability to stay entirely on its side of the road but failed to do so (see next example).



The mobile home is being moved under a permit and is on its assigned route. There are no guardrails or objects roadside forcing the mobile home to be across the centerline. The mobile home crosses the centerline and strikes the red car.

Factors **52 – Oversized Vehicle or Load** and **70 – Wrong Side - Not Passing** both apply in this crash.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	52	70	



A truck tractor is towing a piece of construction equipment on a flatbed trailer. The overall height of the load is 17'. The driver gets lost and is off his permitted route. The construction equipment strikes an overpass.

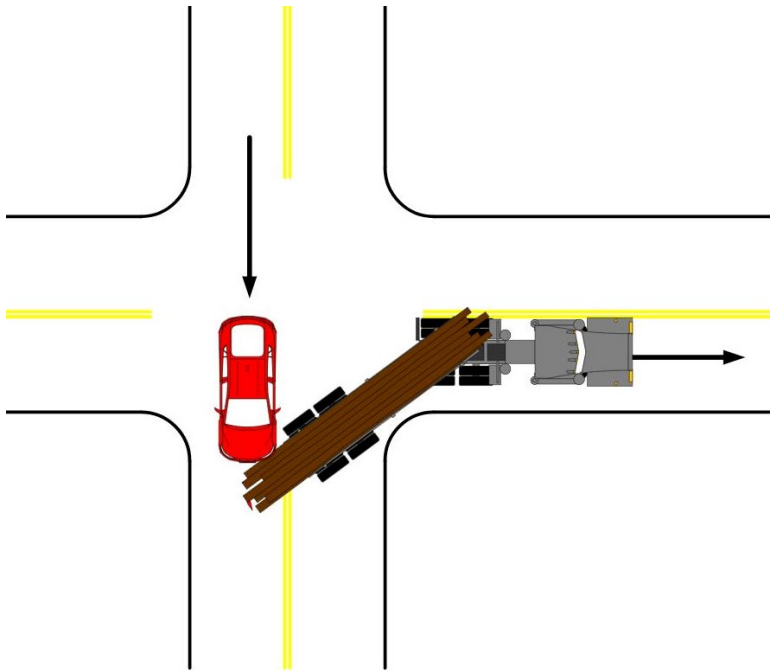
The contributing factor is **52 – Oversize Vehicle or Load**.

If the overpass is marked with a clearance warning sign that should have alerted the driver that he would not fit, a factor of [25 – Failed to Heed Warning Sign or Traffic Control Device](#) would also be appropriate. Clearance signs are described as a type of warning sign in the Texas Manual on Uniform Traffic Control Devices (sign W12-2a, picture below).



W12-2a

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	52	25



The log truck has an oversize load of logs. As it makes its turn, the logs extending beyond the rear of the trailer swing out across the centerline and are struck by a passing vehicle.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	52	

Unit 1 is attempting to make a right turn on a red signal. Unit 3 is stopped in the left lane next to Unit 1. As Unit 1 turns, the logs it is hauling swing over the lane line and strike Unit 3.

The driver of Unit 1 attempted to make a turn when the turn could not be made safely given the size of his vehicle. The contributing factors are **66 – Turned When Unsafe** and **52 – Oversize Vehicle or Load**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	66	52

TRC Reference [Chapter 621](#) – Miscellaneous Weight, Width, Length, and Height violations

Note: When taking enforcement action for a vehicle that is oversized, be aware that many such vehicles are being legally moved according to a permit. Additionally, TRC **Chapter 622** contains **numerous exceptions for the normal length, width, and weight limitations:**

[Subchapter B](#) – Vehicles Transporting Ready-Mixed Concrete

[Subchapter C](#) – Vehicles Transporting Milk

[Subchapter D](#) – Vehicles Transporting Timber or Timber Products

[Subchapter E](#) – Vehicles Transporting Electric Power Transmission Poles

[Subchapter F](#) – Vehicles Transporting Poles or Pipes

[Subchapter G](#) – Special Mobile Equipment

[Subchapter I](#) – Vehicles Transporting Certain Agricultural Products or Equipment

[Subchapter J](#) – Certain Vehicles Transporting Recyclable Materials

[Subchapter Y](#) – Miscellaneous Length and Width Exceptions (Road Machinery, Farm Tractors, Implements of Husbandry, Water Well Drilling Equipment, Fire Department Vehicles, Fertilizer Vehicles, Recreational Vehicle Appurtenances)

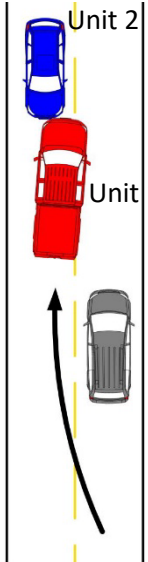
[Subchapter Z](#) – Miscellaneous Weight Exceptions (Oil Field Service Equipment, Vehicles Transporting Seed Cotton or Chile Pepper Modules, Tow Trucks, and Vehicles with Idle Reduction Systems)

53 - Overtake and Pass Insufficient Clearance

CR-100: When an overtaking vehicle does not have sufficient space to return to the right side of the roadway safely, because of oncoming traffic, and the action contributes to the crash by interfering with the oncoming vehicle or the vehicle overtaken.

- Use this factor when the passing vehicle runs out of time/space due to oncoming traffic so that it interferes with either the overtaken vehicle or the oncoming traffic.
- This factor is often confused with factor [26 – Failed to Pass to Left Safely](#). Factor 53 should be used when the passing vehicle runs out of time/space due to oncoming traffic. Factor 26 should be used when the overtaking vehicle does not pass at a safe distance but oncoming traffic is not an issue. For more detail, see [factor 26](#).

Examples/Discussion:

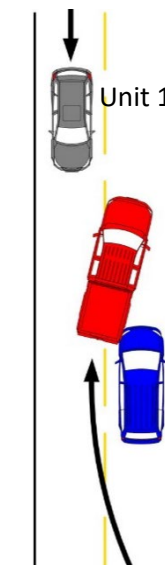


The red truck is passing the minivan. It does not have sufficient clearance and strikes the blue SUV head-on.

The contributing factor is **53 – Overtake and Pass Insufficient Clearance**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	53	

Note: if the blue SUV swerves off the roadway and crashes to avoid the red truck, this factor would still apply to the red truck. The truck would be shown as a non-contact unit with factor 53 contributing.



The red truck is passing the blue minivan. It does not have sufficient clearance due to the oncoming vehicle, so the driver swerves back to the right and strikes the blue minivan.

The contributing factor is **53 – Overtake and Pass Insufficient Clearance**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	53	

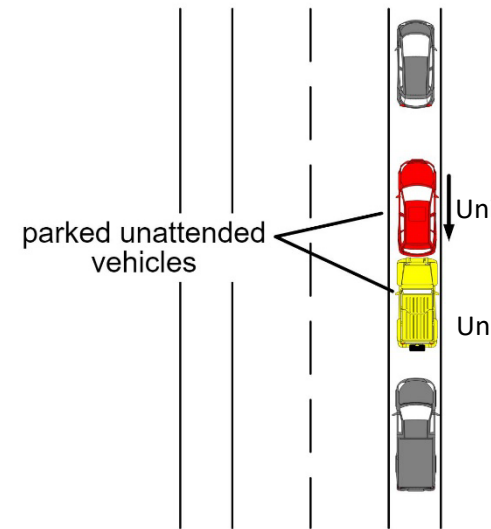
TRC Reference [545.054](#) - Pass - Insufficient Clearance

54 - Parked and Failed to Set Brakes

CR-100: When failure to set the brakes on a vehicle that was parked and left unattended contributes to the crash.

- Vehicles that are left unattended should have the ignition turned off and the parking brake set. Failure to do can result in a vehicle rolling into traffic or into another parked vehicle.

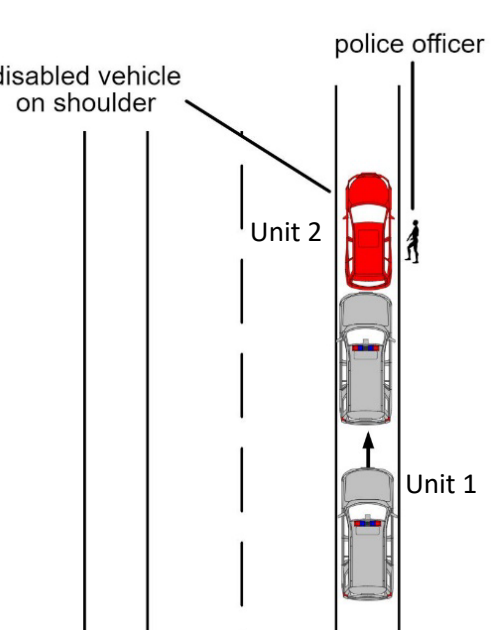
Examples/Discussion:



The red SUV and yellow Jeep are both parked and unattended on the improved shoulder. The parking brake is not set on the red SUV and the vehicle rolls backwards and strikes the Jeep.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	54	

Is this a reportable crash? Yes. A crash requires at least one motor vehicle to be “in transport”. Although these two vehicles were both originally parked on the shoulder (not in transport), as soon as the red SUV began moving backwards it is considered to be “in transport” because it is in motion. At the time of impact, the red SUV was in transport and the yellow Jeep was parked. The red SUV should be assigned Unit 1 on the crash report with no driver information entered. It is considered a **driverless motor vehicle** in transport at the time of the crash.



The police officer stops to check on a disabled vehicle. The officer gets distracted as he comes to a stop and does not place his vehicle in park or set the parking brake. He exits his vehicle and is standing next to the disabled vehicle when his patrol car rolls forward and strikes the vehicle.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	54	

Is this a reportable crash? Yes. See note above regarding a driverless motor vehicle. Because the officer was not in his vehicle at the time of the crash, he should not appear as a driver on the crash report.

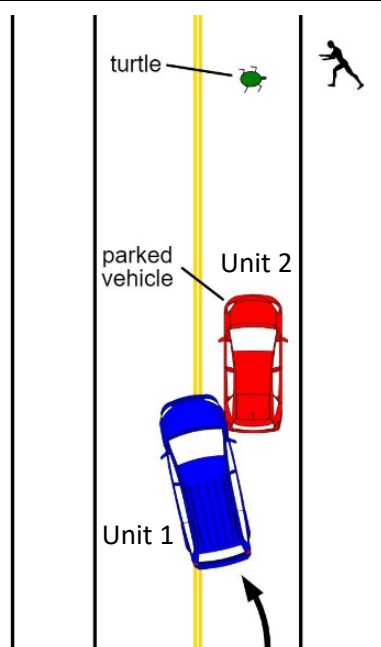
TRC Reference 545.404 - Park and Fail To Set Brakes. Remember, although this factor can be shown in a parking lot crash, this charge should only be filed if the violation took place on the highway ([TRC 542.001](#)).

55 - Parked in Traffic Lane

CR-100: *When any vehicle is not legally stopped, standing, or parked and the action contributes to the crash.*

- Only use this factor for a unit that is **illegally** stopped, standing, or parked. A vehicle that is struck while legally stopped, standing, or parking should not be assigned this factor. Vehicles legally park in the roadway frequently in business or residence districts.
- To determine whether or not a vehicle is legally stopped, standing, or parked, you should be familiar with [TRC 545.301](#) (stopping, standing, or parking outside a business or residence district), [TRC 545.302](#) (stopping, standing, or parking prohibited in certain places) and [TRC 545.303](#) (additional regulations).
- A disabled vehicle is usually not considered illegally parked. If a disabled vehicle is involved in a crash, consider factor [14 – Disabled in Traffic Lane](#).
- This factor would not apply to a vehicle that is traveling extremely slow but that is not stopped, standing, or parked (see last example).

Examples/Discussion:



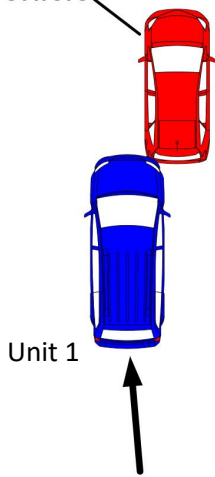
The driver of the red car sees a turtle attempting to cross the road. She parks in the traffic lane, exits the vehicle, and is attempting to assist the turtle when her vehicle is struck by the blue vehicle.

The red vehicle is illegally stopped, standing or parked (per [545.301](#)) because the vehicle could have parked on the improved shoulder and kept the roadway clear. The contributing factor is **55 – Parked in Traffic Lane**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
2	55		

What about 22 – Failed to Control Speed on the blue vehicle? The red car is illegally parked, therefore it is not on the highway in compliance with the law and Failed to Control Speed does not apply. If the investigator feels the driver of the blue vehicle should have been able to see and avoid the red car given the visibility and traffic situation, a factor such as [41 – Faulty Evasive Action](#) or [20 – Driver Inattention](#) could apply to the blue vehicle.

parked vehicle



Unit 2

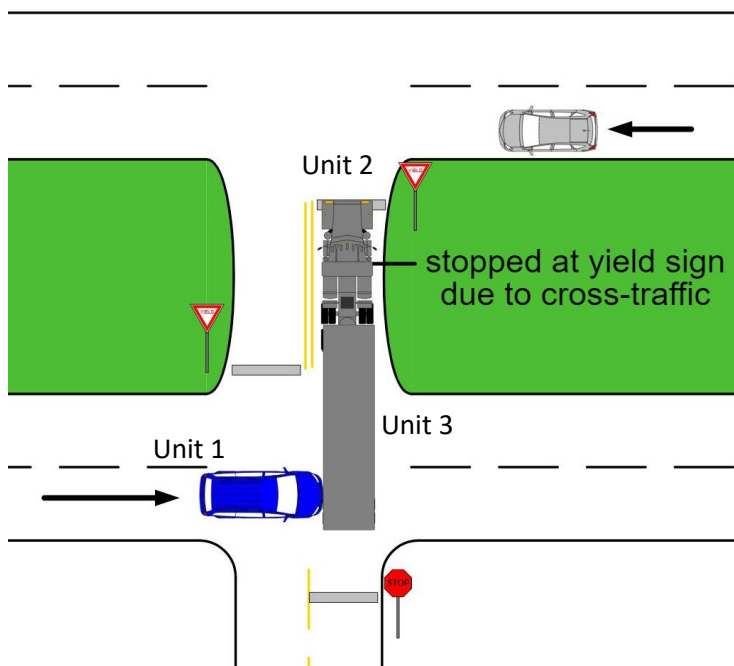
RESIDENCE DISTRICT (TRC 541.102)

The red vehicle is legally parked in the roadway in a residence district. The blue vehicle strikes the red car.

Factor 55 – Parked in Traffic Lane **does not** apply to the red car because it is legally parked.

The contributing factor is **22 – Failed to Control Speed** on the blue vehicle.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	22		



The TTST is stopped at the required place to yield to cross-traffic and has been stopped for approximately 20 seconds. The trailer extends into the previous intersection and the blue vehicle strikes the trailer.

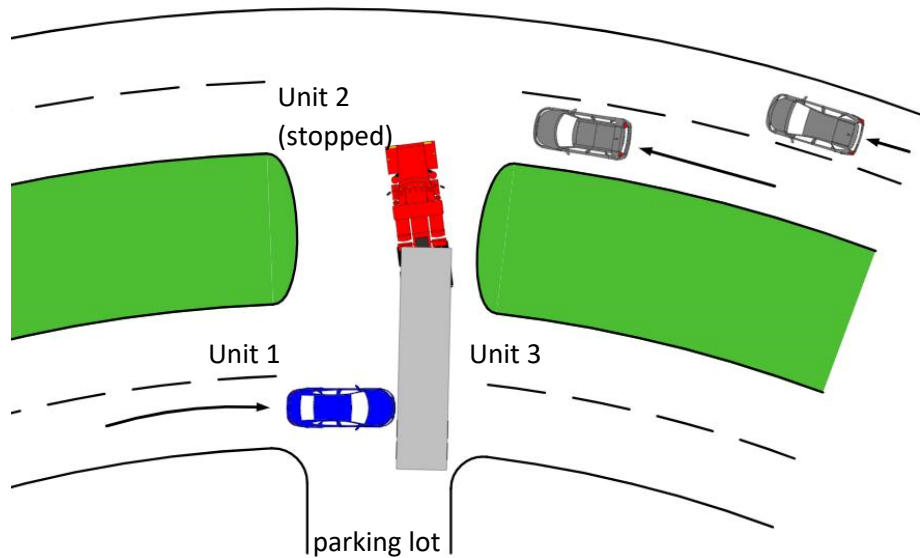
The TTST is not illegally stopped in this location because it is stopped as required by a traffic control device and to avoid conflict with other traffic. Factor 55 does not apply because the TTST is legally stopped/standing.

The contributing factor is **22 – Failed to Control Speed** on the blue vehicle because it struck another vehicle that was on the highway in compliance with the law.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	22		

Note: The timing is extremely important in a crash like this. If the TTST left the stop sign at the previous intersection when the blue vehicle was so close that it should have been granted ROW, the contributing factor would be **Failed to Yield ROW – Stop Sign** on the TTST. If, however, the blue vehicle was not in the area when the TTST left the stop sign and proceeded to the yield sign at the next intersection the responsibility to control speed and avoid the TTST falls on the driver of the blue vehicle when he comes into this area.

Crashes like this can be very complicated – additional considerations need to be made for roadway and traffic conditions, daytime/nighttime conditions, and roadway speed limits. Each crash and the legality of the actions of the drivers must be evaluated on a case by case basis. At nighttime with poor visibility, it is less reasonable to expect the driver of the blue vehicle to observe and respond to the TTST blocking the roadway. A factor such as **98 – Other** may be more appropriate than Failed to Control Speed in such a situation.



What if there is not a stop or yield sign in the median?

Unit 2 pulls from a private drive and stops in the center median to yield to traffic. Unit 1 approaches traveling eastbound and strikes the trailer extending across the roadway.

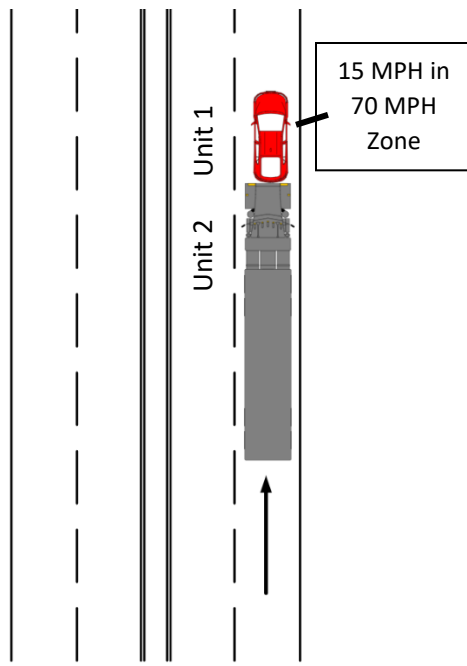
As with the previous example, the timing and visibility in the area is very important. Before exiting the private drive, Unit 2

is required to yield ROW to traffic approaching on the highway he is attempting to enter (he must yield to both sides of the divided highway before exiting the private drive).

If Unit 2 pulls into the path of Unit 1 when Unit 1 is in close proximity, the contributing factor is fairly obvious – **34 – Failed to Yield ROW – Private Drive.**

If the driver of Unit 2 pulls from the private drive knowing that he will have to stop in the roadway to yield to the westbound vehicles, the driver of Unit 2 can be considered to be illegally stopped in the roadway. If Unit 2 is illegally stopped in the roadway and then Unit 1 approaches and strikes the illegally stopped vehicle, the contributing factor would be **55 – Parked in Traffic Lane** on Unit 2. Unit 1 may also be assigned a factor in this circumstance for being inattentive or for failing to take an appropriate evasive action, but this will have to be evaluated on a case by case basis depending on visibility and timing.

There is a conceivable scenario, however, when Unit 2 would not be assigned a contributing factor. If the roadway appeared to be clear in in both directions when Unit 2 began pulling out of the private drive, but then as the driver entered the center median the westbound vehicles became visible, Unit 2 would have to stop to avoid conflict with the westbound traffic. A vehicle that is stopped in the roadway to avoid conflict with other traffic is not considered to be illegally stopped in the roadway (see [541.401\(10\)\(B\)](#) – definition of “stopped when prohibited”). This is distinguishable from the scenario in the paragraph above because in this scenario, the driver of Unit 2 could not see the westbound traffic prior to exiting the private drive. If Unit 2 is legally on the highway, the obligation shifts to Unit 1 to avoid striking a vehicle that is on the highway in compliance with the law. The contributing factor could be **22 – Failed to Control Speed** on Unit 1, or if the circumstance is just too unusual, **98 – Other** with an explanation of why Unit 2 and 3 were stopped in the roadway.



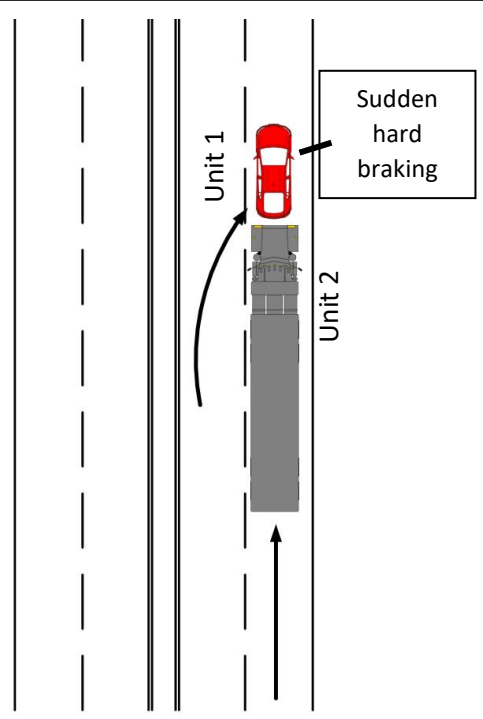
What if a vehicle is traveling extremely slow but not stopped?

Do not use factor **55 – Parked in Traffic Lane**. The vehicle will not meet the definition of stopped, standing, or parked.

In this circumstance, if there is not an apparent reason for Unit 1 to be traveling so slow it may be appropriate to show a factor of **98 – Other** and the unusual driving behavior can be described in the narrative.

If Unit 1 was not illegally stopped, a factor of **22 – Failed to Control Speed** would be appropriate for Unit 2, but this would need to be evaluated closely to ensure the driver had the opportunity to have observed and responding to Unit 1’s unusual driving behavior (see next example).

36 Contributing Factors			
FACTORS & CONDITIONS	Unit #	Contributing	
	1	98	
2	22		



What if Unit 1 moves in front of Unit 2 and then applies hard braking before the driver of Unit 2 has a chance to adjust following distance?

If Unit 1 comes to a stop before impact, the factor **55 – Parked in Traffic Lane** is appropriate (assuming Unit 1 does not have a legal reason to stop in the roadway).

If the impact takes place before Unit 1 comes to a stop, factor 55 cannot be used. Use **98 – Other** and explain the driving behavior in the narrative.

In this example, the driver of Unit 2 did not have time to adjust to a safe following distance prior to Unit 1’s braking, so factor **22 – Failed to Control Speed** should not be used.

36 Contributing Factors			
FACTORS & CONDITIONS	Unit #	Contributing	
	1	98	

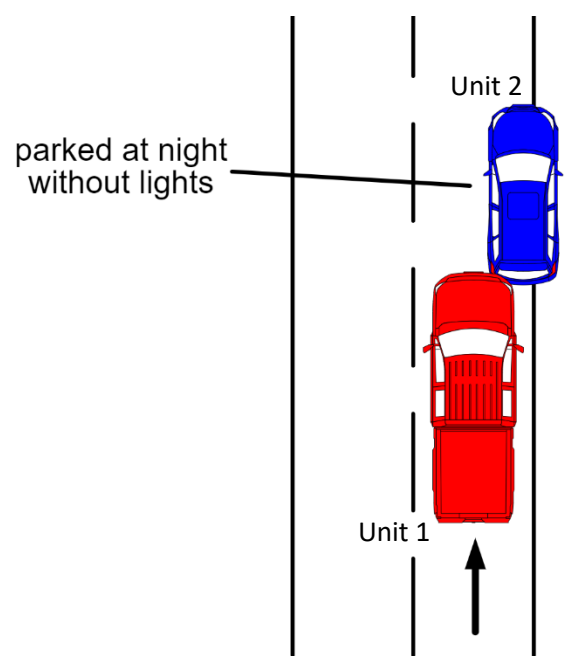
- TRC Reference [545.301](#) - Stop, Stand, or Park on Main Traveled Way Outside of Business or Residence District
- TRC Reference [545.302](#) - Stop, Stand, Or Park In Prohibited Places
- TRC Reference [545.303](#) - Park With Wheels (Left Or Right) Over 18 From Curb-Or Edge Of Roadway Park Facing Traffic

56 - Parked Without Lights

CR-100: When a vehicle is parked without lights in violation of any provision of Section [547.383](#) and the action contributes to the crash.

- Parking lamps must be used when a vehicle is parked or stopped on a roadway or shoulder at a time specified in section [547.302\(a\)](#) (nighttime or when visibility is reduced below 1,000 feet) unless there is sufficient ambient light to reveal a person or vehicle on the highway at a distance of 1,000 feet.
- Parking lamps must emit a white or amber light visible to 1,000 feet to the front of the vehicle and a red light visible to 1,000 feet to the rear of the vehicle. The taillamps serve as the parking lamps to the rear.

Example/Discussion:



The blue vehicle is parked on the highway at night and its parking lamps are not activated. The driver of the red pickup fails to see the blue vehicle in time and crashes into it.

The blue vehicle has a contributing factor of **56 – Parked Without Lights**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	56	

Depending on visibility, speed limit, traffic, and weather conditions, the red pickup driver could also be assigned a factor if the investigator feels that the driver of the pickup should have been able to see and avoid the blue vehicle but failed to do so.

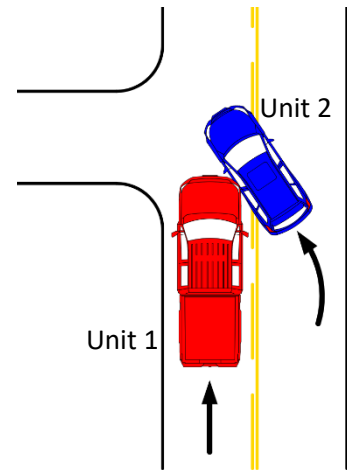
TRC Reference [547.383](#) - Park Without Lights-When Required

57 - Passed in No Passing Lane

CR-100: When a vehicle overtakes and passes another vehicle in a no passing zone and the action contributes to the crash.

- A no passing zone is marked by a solid yellow pavement stripe and may also be marked by signs.

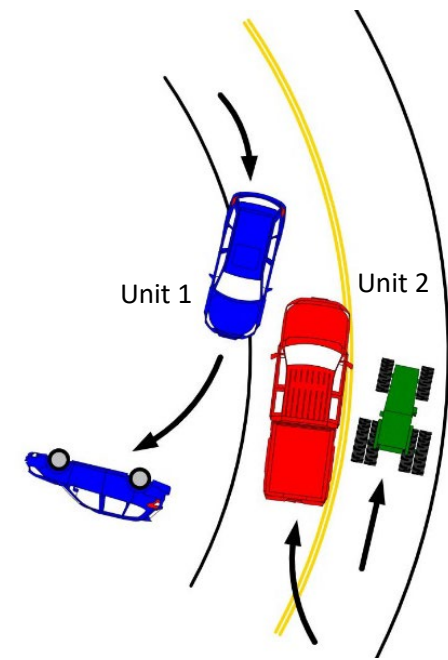
Examples/Discussion:



The blue SUV is attempts to make a left turn into a private drive as the red pickup attempts to pass on the left. The roadway is marked as a no passing zone by a solid yellow stripe.

The red pickup has a contributing factor of **57 – Passed in No Passing Lane**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	57	



The red pickup disregards a no passing zone to go around a slow moving farm tractor. The blue SUV is approaching from the opposite direction and must swerve off the roadway to avoid a head-on collision with the red pickup. The blue SUV overturns.

The red pickup is a non-contact unit in this crash with a contributing factor of **57 – Passed in No Passing Zone**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	57	

TRC Reference [545.055](#) - Disregard No Passing Zone (Sign Or Markings)

58 - Passed on Shoulder

CR-100: When a vehicle is illegally overtaking or passing another vehicle on the left or right shoulder and the action contributes to the crash.

- This factor only applies when a vehicle is **illegally passing** another vehicle on the shoulder.
- For illegal operation on an improved shoulder (not passing), see [79 – Drove on Improved Shoulder](#).
- The investigator should first determine whether or not the shoulder is improved (paved).
- **If the shoulder is not paved:** passing on the shoulder is illegal if the passing vehicle leaves the pavement to do so ([TRC 545.057](#)).
- **If the shoulder is paved (improved):** there are circumstances where a vehicle may legally pass on the right improved shoulder ([TRC 545.058\(a\)\(4\)](#)). The pass must be made safely, and the vehicle being passed must be slowing or stopped on the main traveled portion of the highway, disabled, or preparing to make a left turn.
- If the pass on the shoulder is determined to be legal under the circumstances described above, this factor should not be used. If the vehicle was legally passing on the improved shoulder but still conducted the pass in an unsafe manner, use factor [27 – Failed to Pass to Right Safely](#).

Examples/Discussion:

The red vehicle is making a right turn into a private drive. The blue SUV becomes impatient with slow moving traffic ahead and attempts to pass on the shoulder. In doing so, the blue SUV partially leaves the pavement.

The blue SUV is making an illegal pass on the right shoulder and the red vehicle is making a legal right turn. The contributing factor for the crash is **58 – Passed on Shoulder**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	58	

disabled vehicle

slow moving traffic

Unit 2

Unit 1

The red car is disabled and parked on the improved shoulder. The blue car is stuck in slow moving traffic and attempts to make an illegal pass on the shoulder, striking the parked red car.

Because the pass on the improved shoulder is illegal in this situation, the blue car should be assigned the contributing factor of **58 – Passed on Shoulder**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	58	

traffic signal just turned green

stopped traffic

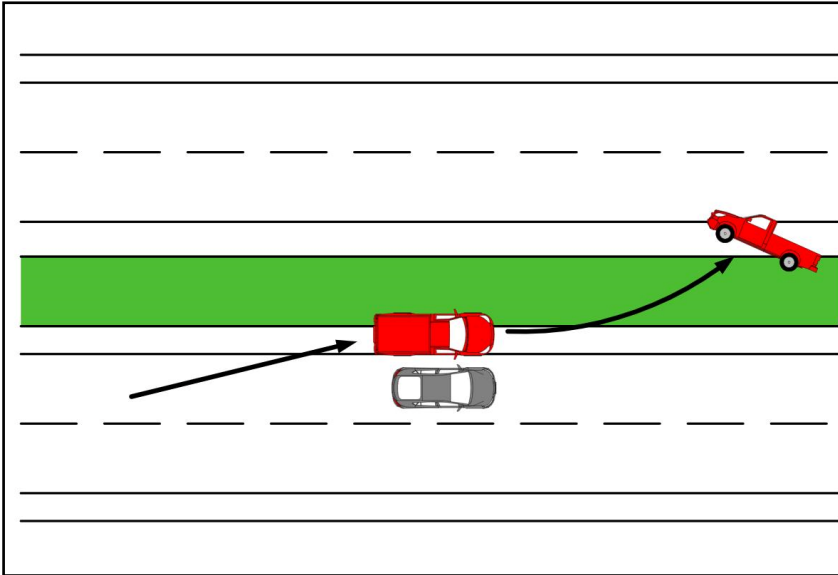
The red car is sitting at a red light and begins making a right turn from the main lane when the light turns green.

The blue car is approaching on the improved shoulder as it also prepares to turn right at the intersection. The blue car is legally permitted to use the improved shoulder to decelerate as it prepares to turn left ([545.058\(a\)\(3\)](#)) as long as the movement is made safely.

If the blue vehicle is accelerating or maintaining a constant speed as it drives past other traffic, the operation on the shoulder is illegal and factor **79 – Drove on Improved Shoulder** would be applicable. If the blue vehicle is lawfully decelerating on the shoulder to turn, see below.

The blue vehicle has left the roadway and is traveling on the improved shoulder under [545.058](#), a section that requires that the operation be done safely. The blue vehicle is also attempting to re-enter the roadway as it reaches the intersection and turns right. If it strikes a vehicle that is already lawfully using the roadway, it has essentially violated the other vehicle's right-of-way (defined in [541.401](#)). The best contributing factor for a crash that occurs in this manner is **22 – Failed to Control Speed** on the blue vehicle.

The investigator should use witness statements, driver statements, damage location and direction of force, tire marks, and any other available physical evidence to determine the timing of the crash, however the primary responsibility for mitigating the crash falls on the operator of the blue vehicle unless there are unusual circumstances.



The red pickup is illegally passing on the left improved shoulder when the vehicle loses control and overturns. The contributing factor is **58 – Passed on Shoulder.**

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	58	

TRC Reference [545.057](#) - Illegal Pass on Right

TRC Reference [545.058](#) - Drive on Improved Shoulder When Prohibited

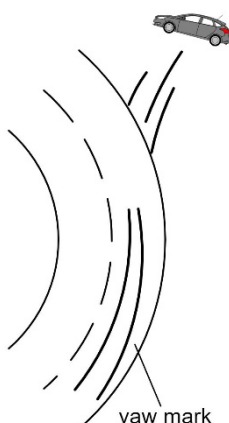
Note: [Factor 59](#) is placed with factor 36 in this document

60 - Unsafe Speed

CR-100: When an operator fails to drive at an appropriate reduced speed that is reasonable and prudent under existing circumstances with regard to traffic, including pedestrians, weather or roadway conditions.

- This factor applies when a vehicle is driving too fast for the roadway conditions and situation.
- This factor is often misused as a default factor when a vehicle runs off the road and crashes. Before using this factor, the investigator should be able to articulate that the crash occurred because the vehicle was driving too fast for the conditions.
- This factor cannot be used in conjunction with factor 22 – Failed to Control Speed or 61 – Speeding Over Limit on the same vehicle. The investigator should select the factor that is most applicable to the circumstances of the crash.
- This does not have to be a one vehicle crash. A vehicle that loses control due to unsafe speed and subsequently strikes another vehicle can still be assigned this factor instead of Failed to Control Speed.

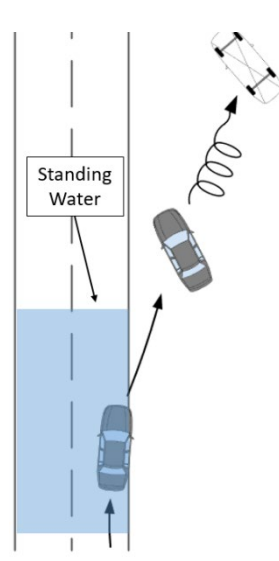
Examples/Discussion:



This vehicle runs off the road in a curve and overturns. A yaw mark indicates the vehicle was attempting to make the curve but could not. The vehicle yaws, enters a sides skid, and goes off the roadway. The yaw mark is evidence that the vehicle was traveling too fast and lost control while trying to steer through the curve.

The contributing factor is **60 – Unsafe Speed**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	60		



The driver states he was driving along at the speed limit and hydroplaned. In wet roadway conditions, drivers are expected to travel at a reasonable and prudent reduced speed to maintain control of their vehicles. The fact that this driver hydroplaned is evidence that his speed was unsafe. The contributing factor is **60 – Unsafe Speed**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	60		

Remember, every crash is unique. At times, a particular roadway design flaw or other unusual circumstance causes water to accumulate beyond what reasonable drivers could expect (example: a very low spot retains standing water after the rest of the roadway has dried and a driver strikes this water at night with poor visibility). In circumstances like this, a factor of [98 – Other](#) may be more appropriate.

cross street has significant crown
vehicle goes airborne
and loses control

The vehicle is traveling through an intersection where there is a significant crown in the roadway. The vehicle strikes the crown, goes airborne, and loses control. The vehicle was traveling at an unsafe speed to traverse the intersection.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	60		

This vehicle runs off the roadway with no skid mark evidence. Unsafe speed should not be the default factor in this crash.

[23 – Failed to Drive in a Single Lane](#) is the “default” factor here unless the driver can develop more specific information.

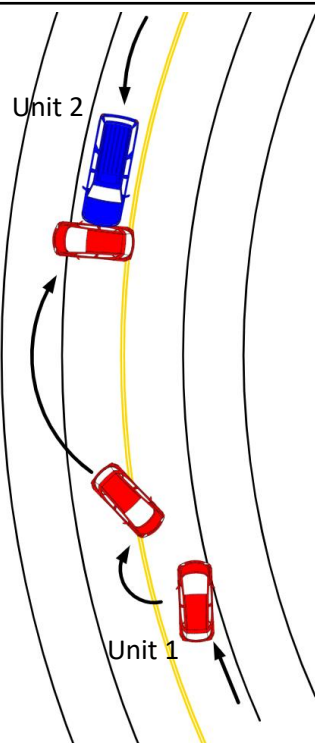
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	23		

The next question is, why did the vehicle fail to drive in its lane? One of these factors may be applicable as a secondary factor or as a more specific replacement for factor 23.

- 19 – Distraction in Vehicle
- 20 – Driver Inattention
- 40 – Fatigued or Asleep
- 41 – Faulty Evasive Action
- 47 – Ill
- 60 – Unsafe Speed
- 61 – Speeding Over Limit
- 67 – Intoxicated – Alcohol
- 68 – Intoxicated – Drugs
- 74, 75, 76, 77 – Cell/Mobile Device Use

There are many reasons the vehicle may have left its lane. The investigator may never be able to determine this, but an effort should be made.

If the investigator develops subsequent evidence that the vehicle left the roadway due to **Unsafe Speed**, factor 23 should be replaced with factor 60.



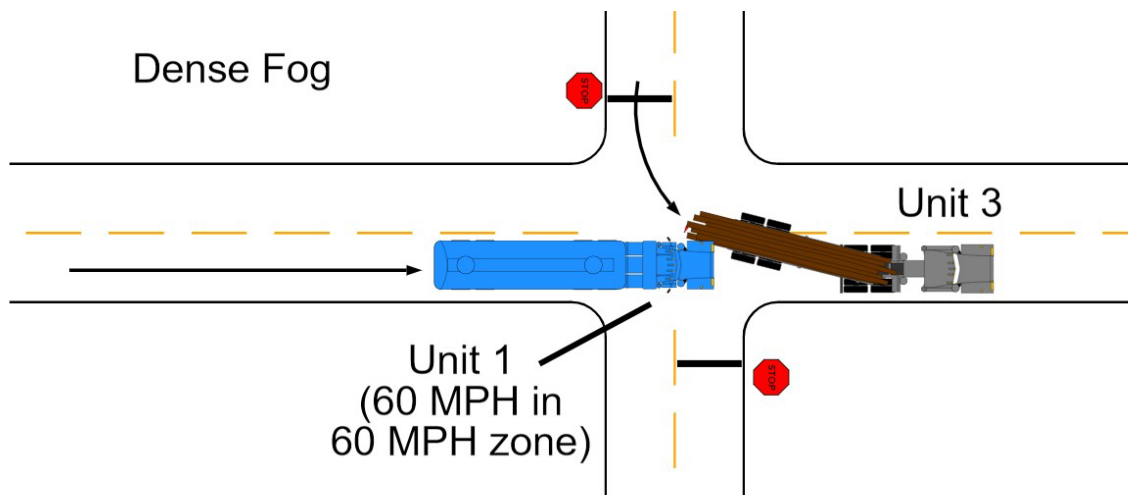
The red car is traveling too fast for a wet roadway in a curve and spins out. It crosses the centerline and strikes an oncoming vehicle.

Is the most accurate factor **22 – Failed to Control Speed**, **60 – Unsafe Speed**, or **70 – Wrong Side – Not Passing**?

Although the red car did cross the centerline and strike another vehicle, the primary reason the crash occurred is because the red car was driving too fast for the roadway conditions. The best contributing factor to explain why this crash occurred is **60 – Unsafe Speed**.

36 Contributing Factors			
FACTORS & CONDITIONS	Unit #	Contributing	
		1	60

“Unsafe speed” can still apply even if another vehicle or person is struck during the crash. **The contributing factors are not necessarily meant to describe what happened during the crash. They are meant to describe why the crash occurred.**



Unit 1 is traveling 60 MPH in a 60 MPH zone, however there is dense fog in the area. The driver of Unit 3 makes a left turn from the stop sign as is struck by Unit 1.

If the investigator believes Unit 1 was not visible to Unit 3 when it left the stop sign due to the dense fog, Unit 1’s speed was not reasonable and prudent for the circumstances and a factor of **60 – Unsafe Speed** could be appropriate for Unit 1. A “reasonable and prudent speed” for foggy conditions would allow other vehicles to observe the vehicle’s approach and yield ROW appropriately.

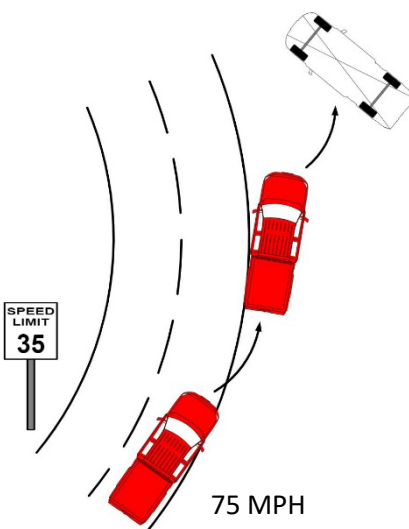
If the investigator believes that Unit 1 was visible to the driver of Unit 3 when Unit 3 pulled away from the stop sign, the factor would be **35 – Failed to Yield ROW – Stop Sign** on Unit 3.

61 - Speeding – (Over Limit)

CR-100: When an operator is traveling over the posted speed limit and it contributes to the crash.

- Prior to using this factor, the investigator should establish evidence that the vehicle was traveling over the posted speed limit through mathematical computations, CDR analysis, video analysis, witness statements, or a combination of these techniques.
- The use of this factor implies that the crash would not have occurred if the vehicle were traveling the speed limit. Remember, a factor should not be placed on the crash report simply because it was present. The factor must have contributed to the occurrence of the crash.
- This factor cannot be used in conjunction with factor 22 – Failed to Control Speed or 60 – Unsafe Speed on the same vehicle. The investigator should select the factor that is most applicable to the circumstances of the crash.

Examples/Discussion:

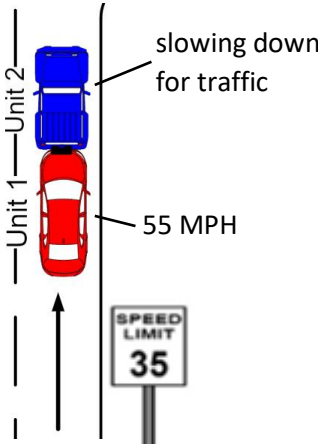


CDR analysis indicates this truck was traveling 75 MPH in a 35 MPH zone. The driver was unable to make the curve, ran off the roadway, and overturned.

The investigator has articulable evidence that the truck was speeding over the limit and also believes the truck would have safely navigated the curve had it been traveling the speed limit, therefore the correct contributing factor is **61 – Speeding Over Limit**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	61	

What about **60 – Unsafe Speed**? This factor would not be incorrect because the vehicle was traveling at an unsafe speed for the curve in the roadway, but because the investigator has a specific speed to allege and feels that the crash occurred because the vehicle was traveling above the posted speed limit, factor **61 – Speeding Over Limit** is the most specific factor.



CDR analysis shows that the driver of the red car was traveling 55 MPH in a 35 MPH zone and never applied his brakes before rear-ending the blue Jeep.

Is this **61 – Speeding over Limit** or **22 – Failed to Control Speed**?

The driver of the red car would have likely rear-ended the Jeep even if he was traveling the speed limit (CDR indicates he never braked). Although the red vehicle was speeding, the most accurate contributing factor is **22 – Failed to Control Speed**, because the crash would have likely occurred even if the red car was not speeding.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	22	

The red minivan fails to yield ROW – Stop Sign and pulls out in front of the blue car. The investigation reveals the blue car was speeding 60 MPH in a 40 MPH zone.

Speeding does not necessarily negate ROW, however if the investigator determines the red minivan would have had time to clear the intersection if the blue car was not speeding, both drivers contributed to the occurrence of the crash.

Speeding 60 MPH in 40 MPH zone

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	35		
2	61		

The truck and trailer are at a stop sign attempting to cross to the other side of the intersection. The red car is on the through street and has ROW. This crash initially looks like the truck/trailer failed to yield ROW – Stop Sign, however speed computations show the red car was traveling 102 MPH in a posted 40 MPH zone.

Time and distance calculations show the red car was not visible to the truck when the truck left the stop sign due to a curve in the roadway and a building blocking the view.

Had the red car been traveling the speed limit, the truck/trailer would have safely traveled through the intersection with time to spare.

Because of the gross speed and limited visibility, it is not reasonable to expect the truck to have yielded ROW to the red car in this situation.

The only contributing factor is **61 – Speeding Over Limit** on the red car.

SPEED LIMIT 40

102 MPH

Building

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
3	61		

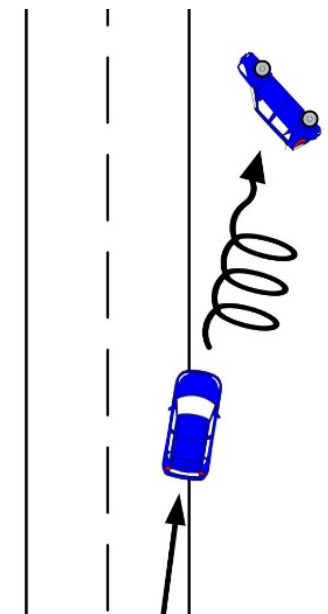
TRC Reference [545.352](#) – Speeding Over Limit

62 - Taking Medication (Explain in Narrative)

CR-100: When a driver is taking medication (prescription or over the counter) and the medication contributes to the crash. List the medications in the officer’s narrative.

- This factor should only be used when the investigating officer believes the medication contributed to the occurrence of the crash.
- This factor is usually used in conjunction with another factor to fully explain the circumstances of the crash.
- The type of medication should be described in the narrative.
- If the investigating officer believes the medication consumed caused the operator’s condition to meet the statutory definition of intoxication ([Penal Code 49.01](#)), the factor [68 – Intoxicated – Drug](#) would be more appropriate and DWI related charges may be warranted (only applicable if the medication meets the definition of a drug or controlled substance in [HSC 481.002](#)).

Examples/Discussion:

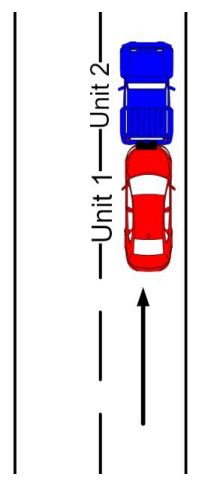


The driver of Unit 1 states he has been taking Benadryl for his allergies and it makes him very sleep. This caused him to fall asleep and run off the road.

There are three contributing factors for this crash – **62 – Taking Medication**, **40 – Fatigued/Asleep**, and **23 – Failed to Drive in a Single Lane**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
3	62	40	23

In simple terms, the driver was taking medication that made him sleepy, he fell asleep, and he ran off the road. Each of these three factors describes a different component of the circumstances leading to the crash.



The driver of Unit 1 says he has been taking a new prescription medication that causes him to feel cloudy-headed and spacy. He did not see Unit 2 slowing ahead of him.

The driver appears clear-headed and unimpaired during the investigation. The investigator is not completely convinced that the medication was a contributing factor in this crash. Factor 62 can be placed in “May Have Contributed”.

The primary contributing factor is **22 – Failed to Control Speed**.

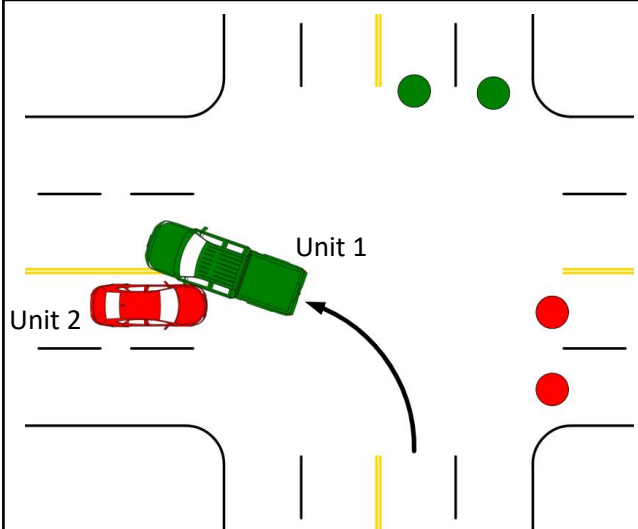
FACTORS & CONDITIONS	36 Contributing Factors (Investigator’s Opinion)				
	Unit #	Contributing		May Have Contrib.	
1	22			62	

63 - Turned Improperly – Cut Corner on Left

CR-100: When a vehicle turning left at an intersection starts or ends its turn too soon and the action contributes to the crash.

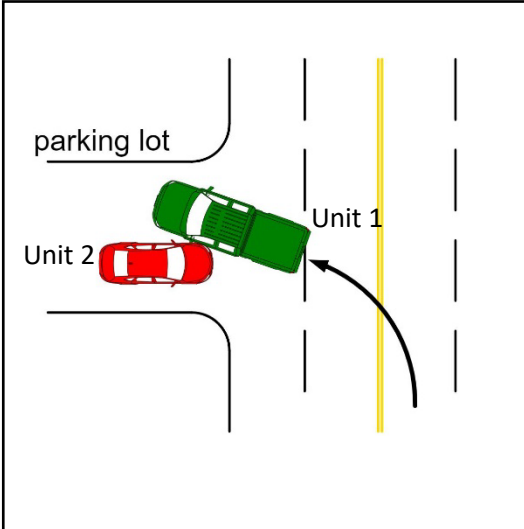
- This factor should only be used for a vehicle turning at an intersection. The requirements to turn in a specific manner only apply to vehicles turning at an intersection ([TRC 545.101](#)). An intersection is the junction of two highways and does not include the junction of a highway and an alley, private drive, private road, or parking lot ([TRC 541.303](#)).
- For unsafe turning movements that do not occur at an intersection, see [66 – Turned When Unsafe](#).
- When turning left at an intersection, a vehicle must begin the turn after entering the intersection and must leave the intersection so as to arrive in a lane lawfully available to traffic moving in that direction.

Examples/Discussion:



As Unit 1 makes its left turn and exits the intersection, it does not arrive completely within a lane lawfully available to traffic moving in that direction (the vehicle is partially on the wrong side of the road). The contributing factor is **63 – Turned Improperly – Cut Corner on Left**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	63	



As Unit 1 makes a left turn into a parking lot, it turns too sharply and strikes Unit 2. Because Unit 1 is not turning at an intersection, the TRC does not prescribe a specific turning motion aside from the requirement to turn safely ([545.103](#)). The correct contributing factor is [66 – Turned When Unsafe](#).

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	66	

TRC Reference [545.101](#) – Cut Corner Left Turn

64 - Turned Improperly – Wide Right

CR-100: *When a vehicle turning right at an intersection fails to keep as near as practical to the right curb or edge of roadway, but not to the degree that it could be called “turn from wrong lane,” and the action contributes to the crash.*

- This factor should only be used for a vehicle turning at an intersection. The requirements to turn in a specific manner only apply to vehicles turning at an intersection ([TRC 545.101](#)). An intersection is the junction of two highways and does not include the junction of a highway and an alley, private drive, private road, or parking lot ([TRC 541.303](#)).
- For unsafe turning movements that do not occur at an intersection, see [66 – Turned When Unsafe](#).
- When turning right at an intersection, a vehicle must make the approach and the turn as closely as practicable to the right-hand curb or edge of the roadway.

Examples/Discussion:

Unit 1 is making a right turn at an intersection and it fails to make the turn as closely as practicable to the right edge of the roadway.

The contributing factor is **64 – Turned Improperly – Wide Right**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	64	

As Unit 1 makes a right turn into a parking lot, it swings wide in the turn and strikes Unit 2. Because Unit 1 is not turning at an intersection, the TRC does not prescribe a specific turning motion aside from the requirement to turn safely ([545.103](#)). The correct contributing factor is **66 – Turned When Unsafe**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	66	

TRC Reference [545.101](#) – Failure To Make Right Turn As Close As Possible To The Right Hand Curb

65 - Turned Improperly – Wrong Lane

CR-100: A vehicle turning at an intersection turns right or left from the wrong lane and the action contributes to the crash.

- This factor should only be used for a vehicle turning at an intersection. The requirements to turn in a specific manner only apply to vehicles turning at an intersection ([TRC 545.101](#)). An intersection is the junction of two highways and does not include the junction of a highway and an alley, private drive, private road, or parking lot ([TRC 541.303](#)).
- For unsafe turning movements that do not occur at an intersection, see [66 – Turned When Unsafe](#).
- When turning right at an intersection, a vehicle must make the approach and the turn as closely as practicable to the right-hand curb or edge of the roadway.
- When preparing to turn left at an intersection, a vehicle must approach the turn in the extreme left-hand lane available to traffic moving in that direction.

Examples/Discussion:

Unit 1 is turning right at an intersection, therefore it must make the approach and the turn as closely as practicable to the right-hand edge of the roadway.

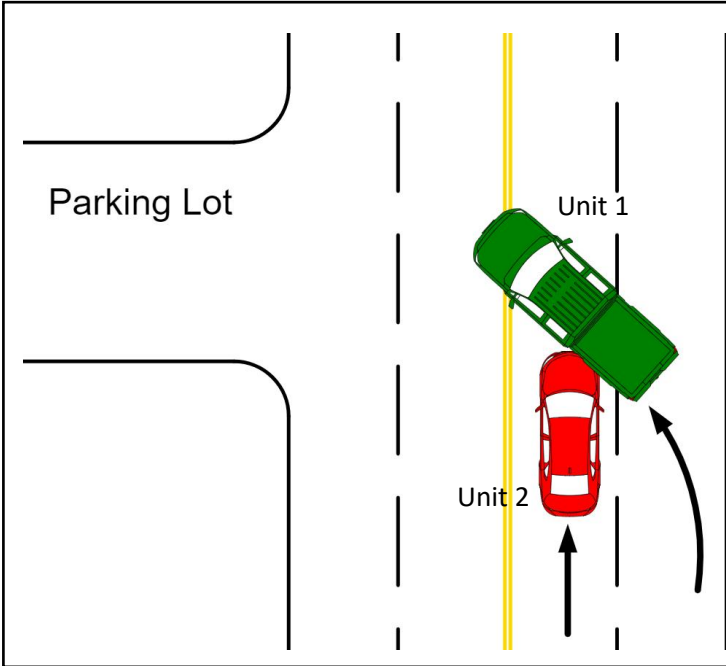
Unit 1 turns from the left lane and causes a crash. The contributing factor is **65 – Turned Improperly – Wrong Lane**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	65	

Unit 1 and Unit 2 are both attempting to turn left at an intersection. The approach must be made in the left-most lane available for traffic moving in that direction. Unit 2 is approaching the turn properly.

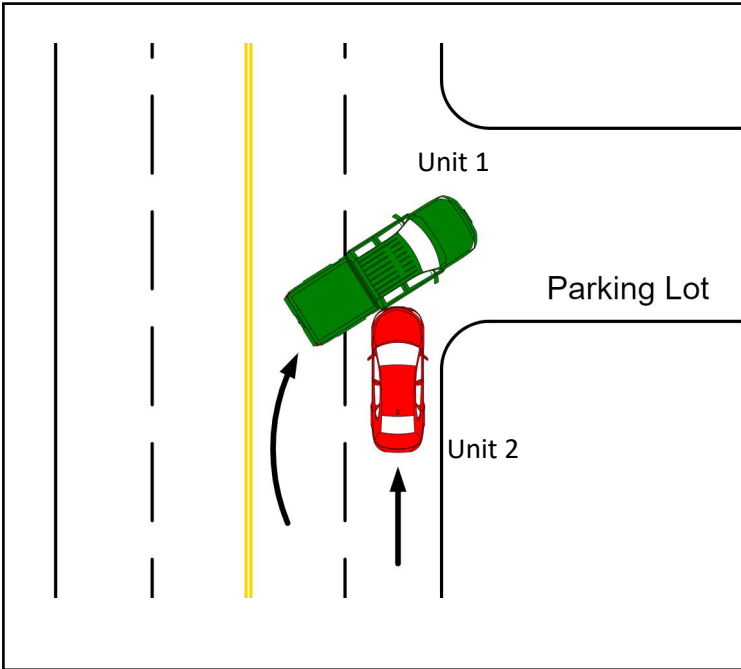
Unit 1 approaches the turn in the left main lane instead of the left turn only lane. The contributing factor is **65 – Turned Improperly – Wrong Lane**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	65	



Unit 1 is attempting to turn left into a parking lot. Because Unit 1 is not turning at an intersection, the TRC does not prescribe a specific turn approach or motion aside from the requirement to turn safely ([545.103](#)). The correct contributing factor is [66 – Turned When Unsafe](#).

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	66		



Unit 1 is attempting to turn right into a parking lot. Because Unit 1 is not turning at an intersection, the TRC does not prescribe a specific turn approach or motion aside from the requirement to turn safely ([545.103](#)). The correct contributing factor is [66 – Turned When Unsafe](#).

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	66		

The TTST is turning right at an intersection. It is required to turn “as closely as practicable” to the right hand curb. Many larger vehicles must turn from a position a significant distance away from the right curb. As long as this is “as closely as practicable”, the turning motion is legal.

In this circumstance, the TTST has not given up the right lane. The red car is attempting to pass on the right, however this pass is illegal because the TTST is still occupying the right lane and is not turning left ([TRC 545.057](#)).

The contributing factor is [27 – Failed to Pass to Right Safely](#).

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	3	27	

The TTST is turning right at an intersection. It is required to turn “as closely as practicable” to the right hand curb. Many larger vehicles must turn from a position a significant distance away from the right curb. As long as this is “as closely as practicable” given the roadway the turn itself can be considered legal.

In this instance, the TTST has completely vacated the right lane and the red car begins legally driving past in the right lane.

Although the TTST might be turning “as closely as practicable” to the right, because it has completely vacated the right lane it may not re-enter the lane until this movement can be made safely. Because the red car is legally occupying the right lane at the time of the crash, the contributing factor would be [66 – Turned When Unsafe](#) (or [65 – Turned Improperly – Wrong Lane](#) if the investigator feels this turn could have been made from a position closer to the right).

When working a crash like this, it is very important to establish whether or not the TTST vacated the right lane or not.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	66	

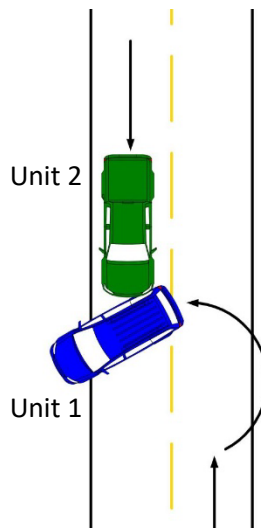
TRC Reference [545.101](#) – Failure To Make Right Turn As Close As Possible To The Right Hand Curb Turn Left From Wrong Lane

66 - Turned when Unsafe

CR-100: When a vehicle turns right or left or moves from a direct course when the turn or movement could not be made safely and the action contributes to the crash.

- This factor is a “catch-all” for turning movements that are made in an unsafe manner but do not fall under any of the other turning movement factors ([Cut Corner on Left](#), [Wide Right](#), [Wrong Lane](#), [FYROW – Turning Left](#), [FYROW – Turn on Red](#)).
- A vehicle that causes a crash while turning in a location that is not an intersection will generally receive this factor because most other turning factors deal with turning in a specified manner at an intersection. An intersection is the junction of two highways and does not include the junction of a highway and an alley, private drive, private road, or parking lot ([TRC 541.303](#)).
- This factor can also apply to vehicles that are not technically turning but are moving right or left (deviating from a direct course) in an unsafe manner.

Examples/Discussion:

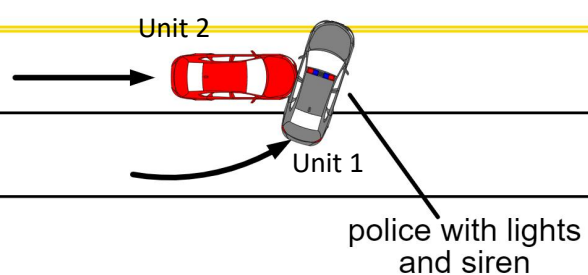


The blue vehicle is turning left, however it is not turning at an intersection or into an alley, private road, or driveway.

Although the green pickup is approaching from the opposite direction, the elements of [FYROW – Turning Left](#) have not been met.

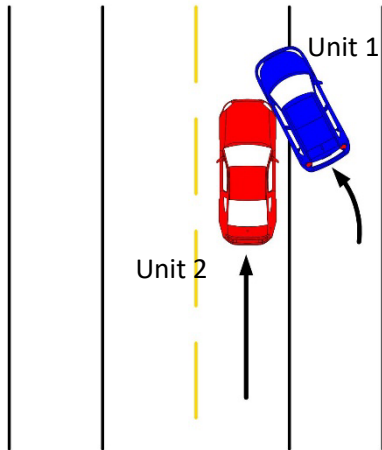
The correct factor is **66 – Turned When Unsafe** because the blue vehicle made a turning movement when it could not be made safely.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	66		



Although the police vehicle is utilizing its lights and siren as it begins a U-turn from the shoulder, the red car is under no obligation to yield the ROW because the police vehicle was not approaching the red car. Instead, the red car was approaching the police vehicle. The police vehicle turned when unsafe.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	66		

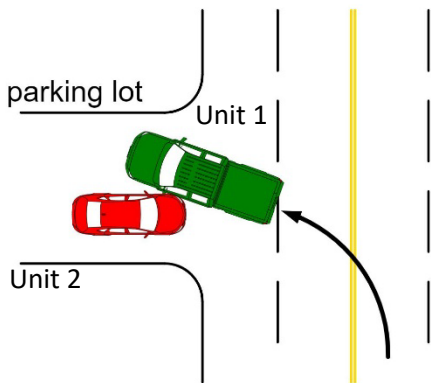


Unit 1 is traveling on the shoulder and attempts to re-enter the main lane of traffic, striking Unit 2. There is not a specific factor or ROW situation in the TRC that applies to this circumstance (vehicle merging from the shoulder).

Unit 1 is not changing lanes because the shoulder is not considered a lane of traffic. Factor [4 – Changed Lanes when Unsafe](#) does not apply.

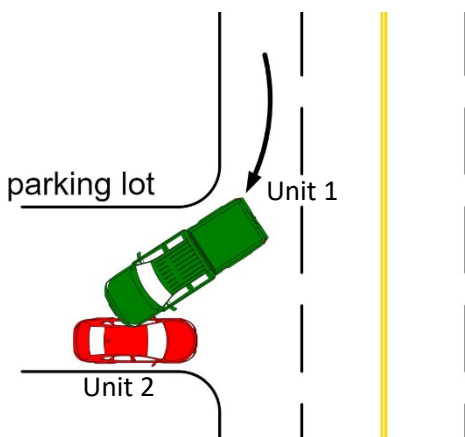
Unit 1 is moving left/deviating from a direct course when this movement cannot be made safely. The contributing factor is **66 – Turned when Unsafe.**

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	66		



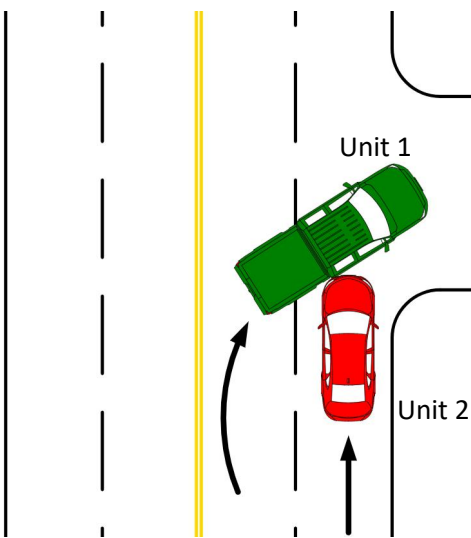
As Unit 1 makes a left turn into a parking lot, it turns too sharply and strikes Unit 2. Because Unit 1 is not turning at an intersection, the TRC does not prescribe a specific turning motion aside from the requirement to turn safely ([545.103](#)). For this reason, [Cut Corner on Left](#) would not apply. The correct contributing factor is **66 – Turned When Unsafe.**

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	66		



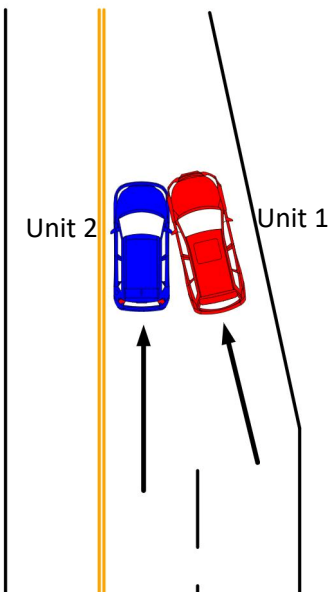
As Unit 1 makes a right turn into a parking lot, it swings wide in the turn and strikes Unit 2. Because Unit 1 is not turning at an intersection, the TRC does not prescribe a specific turning motion aside from the requirement to turn safely ([545.103](#)). For this reason, [Wide Right](#) does not apply. The correct contributing factor is **66 – Turned When Unsafe.**

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	66		



Unit 1 is attempting to turn right into a parking lot. Because Unit 1 is not turning at an intersection, the TRC does not prescribe a specific turn approach or motion aside from the requirement to turn safely (545.103). For this reason, [Turned from Wrong Lane](#) does not apply. The correct contributing factor is **66 – Turned When Unsafe**.

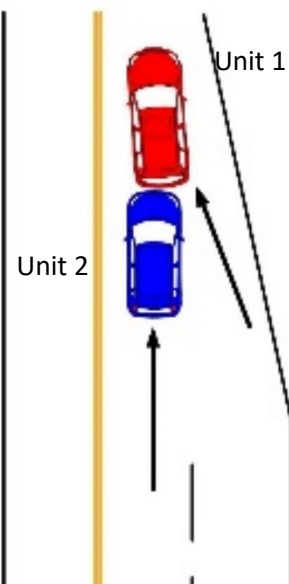
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	66	



Does factor [4 – Changed Lanes When Unsafe](#) apply in a crash where two lanes merge into one?

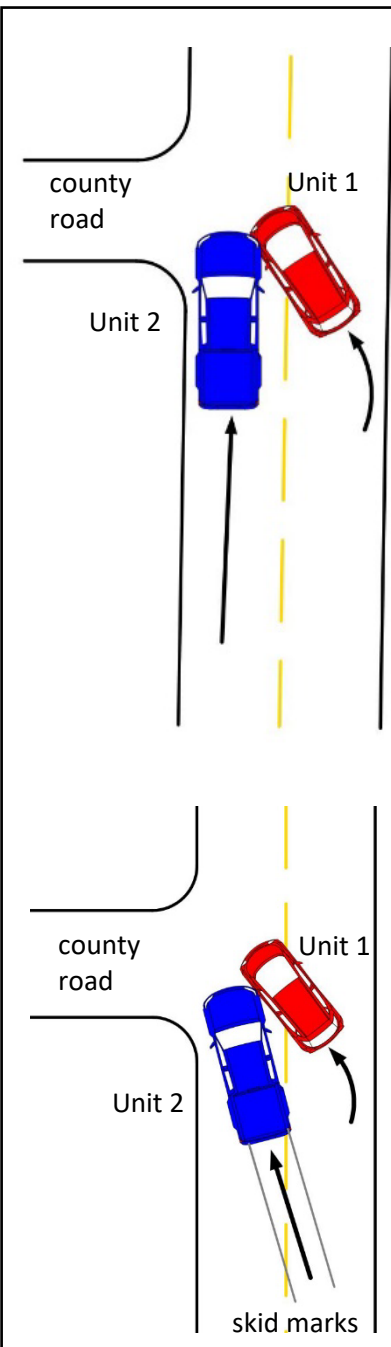
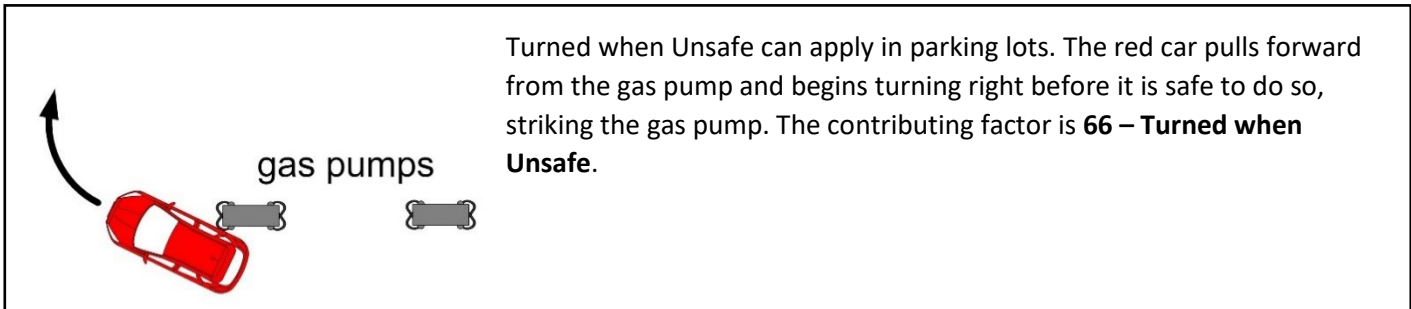
In this circumstance, the red SUV moved left and struck the blue vehicle as the lanes merged, however it did not cross lane lines. The best contributing factor for this circumstance is **66 – Turned When Unsafe**. Although the SUV was not actually turning, it was moving left on the roadway when this movement could not be made safely, and this qualifies for the factor of Turned When Unsafe.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	66	



Timing in this crash can also be important. If the red SUV has already made its movement to the left and the blue vehicle strikes it from behind, this crash may be attributed to the blue vehicle for **22 – Failed to Control Speed**. If the merge is appropriately marked with a “Right Lane Ends/Merge Left” warning sign, factor **25 – Failed to Heed Warning Sign or Traffic Control Device** could also be appropriate.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1		
	2	22	25



Unit 2 is attempting a pass and Unit 1 turns left. Is this [26 – Failed to Pass to the Left Safely](#) on Unit 2 or **66 – Turned when Unsafe** on Unit 1?

It depends on the timing and the location.

If this crash occurs outside city limits, as long as the roadway is not marked as a no passing zone the blue truck can legally be on the left side of the roadway, even going through an intersection ([TRC 545.056](#)).

If the blue truck has moved onto the left side of the road and is in the process of making a legal pass before the red car begins turning, the red car makes an unsafe turn. It deviates from a direct course and turns into the truck's path while the truck is making a legal pass and the deviation cannot be made safely.

If the blue truck swerves onto the left side of the roadway in some type of evasive movement after the red car has already started its turn, the factor would be [22 – Failed to Control Speed](#) on the blue truck (diagram below). In this situation, the blue truck was not established in the passing lane prior to the red car beginning its turn. Its presence on the wrong side of the road was due to an evasive action, not an attempted pass.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	2	22	

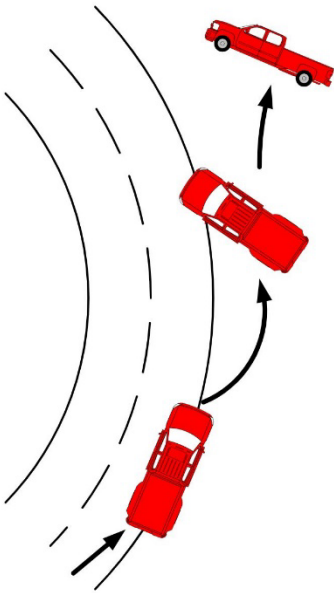
Factor [26 – Failed to Pass to the Left Safely](#) would be appropriate if the blue truck attempted a pass after the red car initiated its left turn. In such a circumstance, the blue truck would be infringing on the space of the turning vehicle.

67 - Intoxicated – Alcohol

CR-100: *When the intoxicated condition of the driver, pedestrian, or pedalcyclist, due to consuming alcoholic beverages, is a factor that contributes to the crash.*

- If the investigating officer believes the person’s condition contributed to the crash and meets the statutory definition of intoxication ([Penal Code 49.01](#)), this factor should be used, even if toxicology results are pending. **Example:** an officer arrests a driver for DWI based on probable cause of intoxication (performance on SFSTs). The driver submits a blood specimen for analysis. Factor **67 – Intoxicated – Alcohol** should be used instead of **45 – Had Been Drinking** even while toxicology is pending because the officer has already asserted that there is probable cause of intoxication without toxicology results (after all, he arrested the driver).
- If the investigator believes alcohol consumption was a factor but is unable to conduct SFSTs or otherwise establish concrete evidence of intoxication, the factor **45 – Had Been Drinking** should be used in the “May Have Contributed” column while toxicology is pending.
- This factor should not be used if a person is believed to be intoxicated but the investigating officer does not believe the intoxication contributed to the crash.
- This factor and factor [45 - Had Been Drinking](#) should not be indicated for one person. Select the best fit based on the circumstances and evidence.

Examples/Discussion:

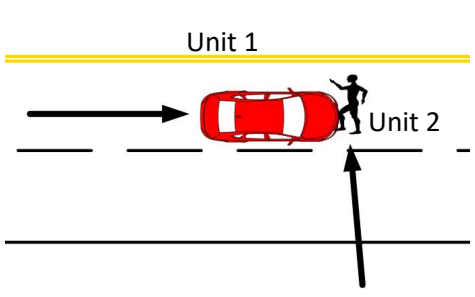


The driver of this truck fails to drive in a single lane and rolls over. The investigating officer administers SFSTs and determines the driver of the pickup is intoxicated. The driver is arrested for DWI and provides a blood specimen. Toxicology is pending.

The correct factors are **23 – Failed to Drive in a Single Lane** and **67 – Intoxicated - Alcohol**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	23	67	

If an officer feels there is probable cause to charge a driver with DWI, the factor of **67 – Intoxicated - Alcohol** would be applicable even before toxicology is available.

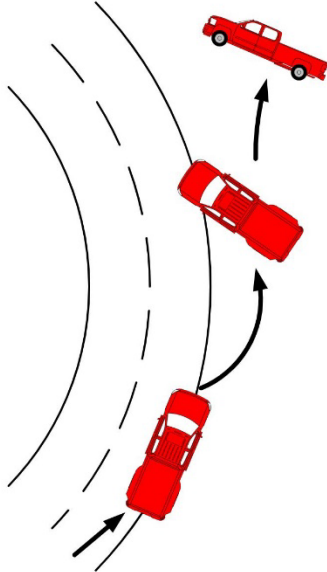


Unit 1

Unit 2

An intoxicated pedestrian is crossing the highway at a point other than a crosswalk. The correct factors are **59 – Pedestrian FYROW to Vehicle** and **67 – Intoxicated – Alcohol**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
2	59	67	

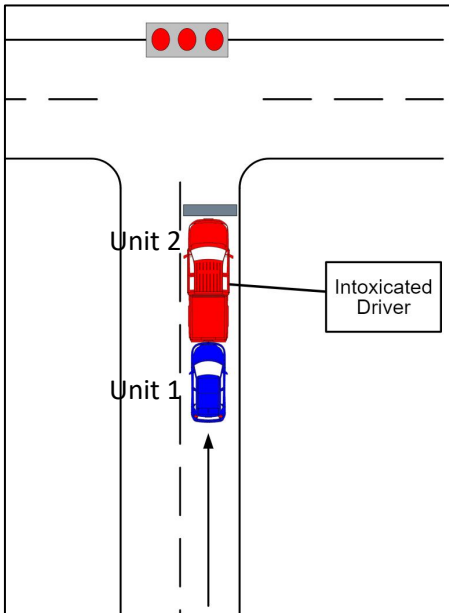


The driver of this truck fails to drive in a single lane and rolls over. The investigating officer is unable to administer SFSTs due to the driver's injuries. A blood specimen is obtained, however toxicology is pending. The officer observes an open container and believes the driver was drinking at the time of the crash.

The correct contributing factor is **23 – Failed to Drive in a Single Lane** and factor **45 – Had Been Drinking** should be placed in May Have Contributed.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				
	Unit #	Contributing			May Have Contrib.
	1	23			45

If toxicology results later indicate intoxication, the crash report can be supplemented with a contributing factor of **67 – Intoxicated - Alcohol** and factor 45 should be removed.



The driver of the red pickup is intoxicated and stationary at a red light. The driver of the blue vehicle fails to control speed and strikes the pickup from behind.

Although the driver of the pickup can be arrested for DWI and blood/alcohol test results should be indicated on the crash report, the contributing factor of **67 – Intoxicated – Alcohol** should not appear on the crash report because it did not play a role in why the crash occurred.

FACTORS & CONDITIONS	36 Contributing Factors			
	Unit #	Contributing		
1	22			
2	67			

Penal Code Reference [49.04](#) – Driving While Intoxicated

Penal Code Reference [49.07](#) – Intoxication Assault

Penal Code Reference [49.08](#) – Intoxication Manslaughter

Penal Code Reference [49.02](#) – Public Intoxication

68 - Intoxicated – Drug

CR-100: *When the driver, pedestrian, or pedalcyclist is under the influence of a drug and that factor contributes to the crash.*

- If the investigating officer believes the person’s condition contributed to the crash and meets the statutory definition of intoxication ([Penal Code 49.01](#)) due to the consumption of a controlled substance, drug, or dangerous drug, this factor should be used. The drug does not have to be an illegal drug.
- If the person consumed prescription or over-the-counter medication and the investigator feels the consumption contributed to the crash but not to a degree that would be considered “intoxication”, factor [62 – Taking Medication](#) would be more appropriate.
- If a person is believed to be under the influence of drugs but the investigating officer does not believe the drug influence contributed to the crash, this factor should not be used.

Examples/Discussion:

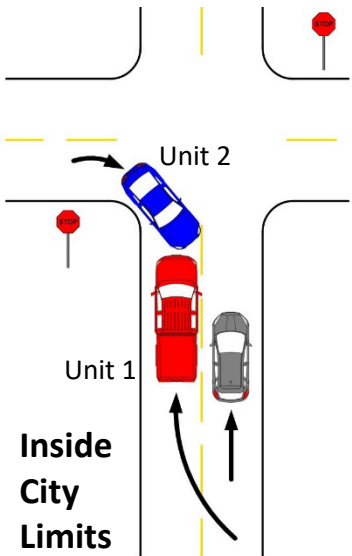
The examples and discussion for the [67 – Intoxicated – Alcohol](#) factor can be applied to this factor. The primary difference is that the intoxication comes from drugs rather than alcohol.

69 - Wrong Side – Approach or Intersection

CR-100: When a vehicle is illegally overtaking and passing another vehicle left of the center of the roadway, either approaching or traversing an intersection and the action contributes to the crash.

- [TRC 545.056](#) describes two circumstances where it is illegal to be left of the center of the roadway within 100’ of an intersection. **It is important to determine whether or not the intersection is within a municipality (inside city limits).**
 - **Within a Municipality** – it is illegal to drive left of the center of the roadway within 100’ of an intersection ([545.056\(a\)\(1\)](#))
 - **Outside City Limits** – it is only illegal to drive left of the center of the roadway within 100’ of an intersection if the roadway is marked as a no passing zone ([545.056\(a\)\(2\)](#)).
- This factor should only be used if a vehicle is overtaking and passing another. If the vehicle is otherwise on the wrong side of the road but not passing, consider factor [70 – Wrong Side Not Passing](#).

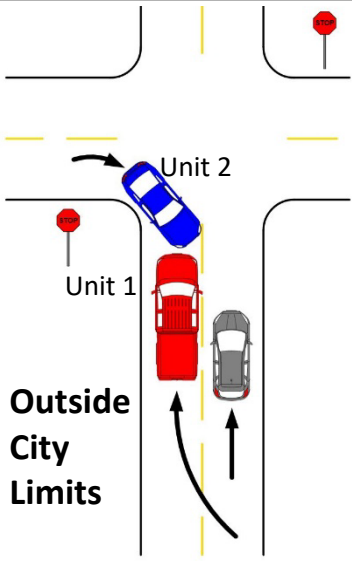
Examples/Discussion:



The blue car is attempting to turn left from a stop sign at the intersection. The red truck is passing the gray car in a marked passing zone, however because this crash occurred **inside city limits**, it is illegal for the red truck to be on the wrong side of the roadway within 100’ of the intersection. The blue car would not be required to yield ROW (the right of other vehicles to lawfully proceed) to a vehicle making an illegal pass at the time of the crash.

The contributing factor is **69 – Wrong Side - Approach or Intersection**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	69		



The blue car is attempting to turn left from a stop sign at the intersection. The red truck is passing the gray car in a marked passing zone **outside city limits**. Because the location is outside city limits and the roadway is marked as a passing zone, the red truck is making a legal pass. The blue car must yield ROW (the right of other vehicles to lawfully proceed) to vehicles the highway it is attempting to enter from the stop sign.

The contributing factor is **35 – Failed to Yield ROW – Stop Sign**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
2	35		

The blue car is attempting to turn left from a stop sign at the intersection. The red truck is passing the gray car in a marked no passing zone. This pass is illegal both inside and outside city limits.

The blue car is under no obligation to yield ROW to the red truck because the truck is not lawfully proceeding on the highway due to the illegal passing movement.

The contributing factor can be either **69 – Wrong Side - Approach or Intersection** or **57 - Passed in No Passing Lane**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	69	

or

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	57	

Note: when two different contributing factors describe the same motion or action, the investigator should select the one he or she feels is most applicable. For more information, see [List All Relevant Factors](#).

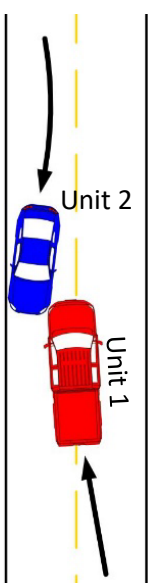
TRC Reference [545.056](#) – Drive On Wrong Side Road-No Passing Zone
 Drive On Wrong Side Road Approaching or Traversing Intersection

70 - Wrong Side – Not Passing

CR-100: When a vehicle is driven on the wrong side of the roadway not in the act of overtaking and passing another vehicle traveling in the same direction and the action contributes to the crash.

- Traffic is generally required to travel on the right side of the roadway unless avoiding an obstruction, legally passing another vehicle, or making a legal left turn. A vehicle that travels on the left side of the road in one of the excepted circumstances is still required to do so safely and while yielding appropriate right-of-way.
- This factor should not be used if a crash occurs when a vehicle is in the act of overtaking and passing at the time of the crash. For passing situations, see [26 – Failed to Pass to Left Safely](#), [53 – Overtake and Pass Insufficient Clearance](#), or [57 – Passed in No Passing Zone](#).

Examples/Discussion:



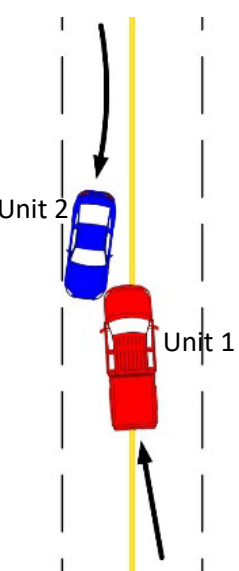
The diagram shows a two-lane road with a dashed center line. A blue car (Unit 2) is traveling south in the left lane. A red pickup (Unit 1) is traveling north in the right lane. A curved arrow indicates the red pickup has crossed the center line into the left lane, where it is striking the blue car.

The red pickup is not in the act of passing and it is driven on the wrong side of the roadway, striking the blue car. The driver states that he spilled his coffee and was attempting to clean it up when he crossed the center line.

The contributing factors are **70 – Wrong Side Not Passing** and [19 – Distraction in Vehicle](#).

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	70	19

What about factor [23 – Failed to Drive in Single Lane](#)? While this factor would not be incorrect or inaccurate, the factor of Wrong Side Not Passing is a little more specific to the circumstances of this crash given the fact that the vehicle traveled into oncoming traffic.



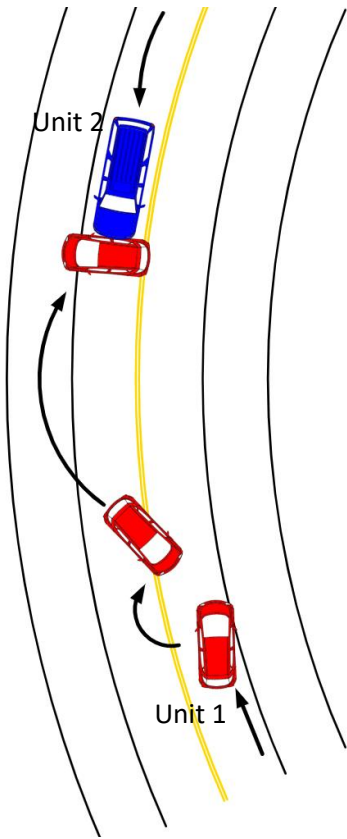
The diagram shows a two-lane road with a dashed center line. A blue car (Unit 2) is traveling south in the left lane. A red pickup (Unit 1) is traveling north in the right lane. A curved arrow indicates the red pickup has crossed the center line into the left lane, where it is striking the blue car.

The red pickup is not in the act of passing and it is driven on the wrong side of the roadway, striking the blue car. The driver of the red pickup is killed and the investigator is unable to determine why the vehicle crossed the center line.

The contributing factor is **70 – Wrong Side Not Passing**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	70	

What about [23 – Failed to Drive in Single Lane](#)? See note in above diagram.



The red car is traveling too fast for a wet roadway in a curve and spins out. It crosses the centerline and strikes an oncoming vehicle.

Is the most accurate factor **22 – Failed to Control Speed**, **60 – Unsafe Speed**, or **70 – Wrong Side – Not Passing**?

Although the red car did cross the centerline and strike another vehicle, the primary reason the crash occurred is because the red car was driving too fast for the roadway conditions. **Wrong Side – Not Passing** applies when a vehicle is driven on the wrong side of the roadway. Once the vehicle loses control and begins spinning, the operator is no longer necessarily “driving” the vehicle. The best contributing factor for explaining why this crash occurred is **60 – Unsafe Speed**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	60	

The contributing factors are not necessarily meant to describe what happened during the crash. They are meant to describe why the crash occurred.

TRC Reference [545.051](#) – Wrong Side Road – Not Passing
Wrong Side, Four Or More Lane, Two-Way Roadway

71 - Wrong Way – One Way Road

CR-100: When a vehicle is driven the wrong way on a one-way roadway or the wrong way on a divided highway and the action contributes to the crash.

- One-way roadways allow for traffic to move only in one direction. When a vehicle is traveling the wrong direction on a one way roadway and causes a crash, this factor applies.
- The direction of travel around a rotary traffic island is one-way to the right ([TRC 545.059](#)). A vehicle that causes a crash traveling the wrong way around a rotary traffic island can be assigned this factor.

Example/Discussion:

The blue car makes a right turn and begins traveling the wrong direction on a one-way roadway. It crashes head-on into the red pickup.

The contributing factor is **71 – Wrong Way – One Way Road**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	71		

If the investigator is able to establish evidence of why the vehicle was traveling the wrong way ([Driver Inattention](#), [Intoxicated – Alcohol](#), [Distraction in Vehicle](#), etc.) the secondary factor should also be shown.

The blue car travels the wrong way around the one way rotary traffic island and causes a crash. The contributing factor is **71 – Wrong Way – One Way Road**.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	71		

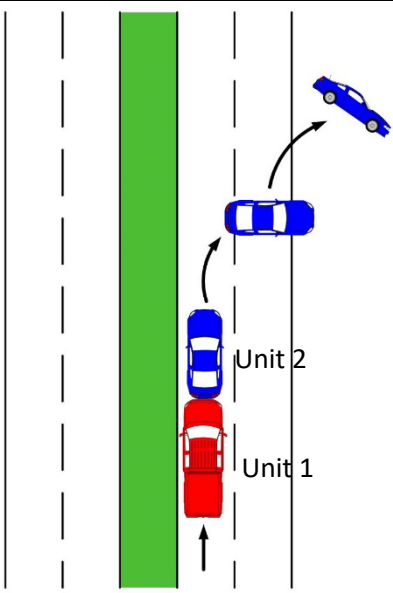
**TRC Reference [545.059](#) – Drive Wrong Way On One-Way Roadway
Drive To Left Of Rotary Traffic Island**

73 - Road Rage

CR-100: An assault with a motor vehicle or other dangerous weapon by the operator or passenger(s) of another motor vehicle or an assault precipitated by an incident that occurred on a roadway.

- Per the CR-100 and CR-102, for a crash event to be reportable to TXDOT the crash must involve an unstabilized situation. If a crash is caused by deliberate intent (suicide, homicide, and other harmful events under human control), the situation is not considered unstabilized and a crash report is not generated for TXDOT. The event should be investigated as a suicide, assault, etc.
- Unintended consequences of deliberate intent, however, may be considered an unstabilized situation and can result in a reportable crash. When deciding whether or not to report a road rage crash on a CR-3, the investigator must determine the actor’s intent and intended consequences (see examples).

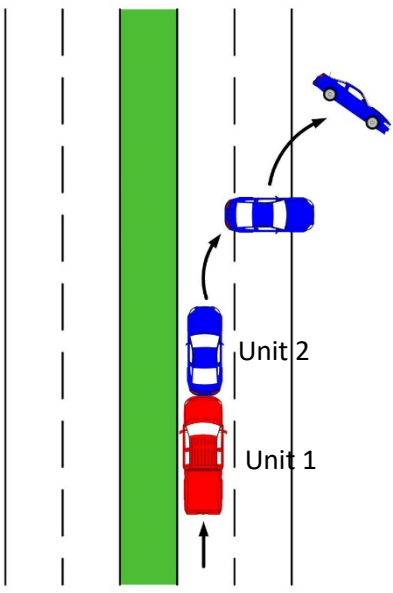
Examples/Discussion:



The driver of the red truck is angry that the blue car is driving in the left lane not passing. He begins tailgating closely. The drivers exchange obscene gestures. The driver of the red truck decides to intentionally bump the blue car. This causes the blue car to spin out, lose control, and overturn.

Although the driver of the red pickup deliberately struck the blue car (an assault), he did not intend for the vehicle to spin out and overturn, thus there was an unintended consequence to the deliberate action. This unintended consequence means the event became an unstabilized situation and is reportable to TXDOT. The assault with a vehicle should be thoroughly investigated and proper charges should be filed.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	73		

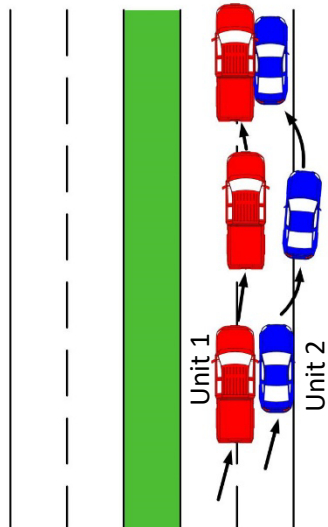


The driver of the blue vehicle is angry because the driver of the red pickup is tailgating him. He decides to brake check the red pickup and he slams on his brakes. The driver of the red pickup is unable to respond quickly enough and strikes the blue vehicle.

Although the driver of the blue vehicle deliberately slammed on his brakes, he did not intend to actually cause a crash, thus there was an unintended consequence to the deliberate action. This unintended consequence means the event became an unstabilized situation and is reportable to TXDOT.

Depending on the circumstances and timing, Unit 1 could also incur a factor for **44- Followed too Closely**.

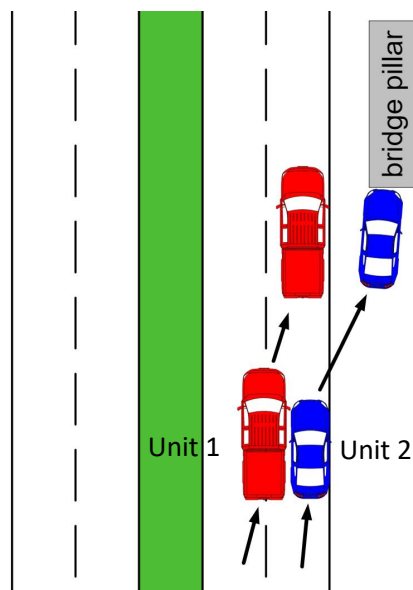
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	44		
2	73		



The driver of the blue car cuts the red pickup off in traffic. The driver of the red pickup becomes irate and begins driving aggressively. The blue car moves to the right lane to let the red pickup go by. The driver of the red pickup decides to swerve towards to blue car to scare the driver. The driver of the blue car swerves off the roadway to the right and then corrects back onto the roadway, striking the red pickup.

Although the driver of the red pickup intentionally swerved toward the blue car, his intent was to scare the driver, not actually cause a crash. The crash was an unintended consequence. The crash is reportable and the contributing factor is **73 – Road Rage** ([Changed Lane When Unsafe](#) could also be appropriate).

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	73	



The driver of the blue car and the driver of the red pickup know each other. They were involved in a physical altercation at a residence and the driver of the blue car left the scene. The driver of the red pickup catches up to the blue car and intentionally pushes the blue car off the roadway and into a bridge pillar. The driver of the blue car is killed.

The entirety of the crash event was a deliberate action and there were no unintended consequences (the driver of the red pickup intended to cause the blue car to crash/strike the pillar).

This is not considered a reportable crash because of the driver of the red pickup’s deliberate intent. There were no unintended consequences that would meet the definition of an unstabilized situation.

This event should be investigated as a murder.

Legal References – depending on the nature of the crash and the actions of the parties involved, charges for assaultive offenses in the Penal Code may be appropriate.

- Penal Code Reference [19.01](#) – **Murder**
- Penal Code Reference [19.04](#) – **Manslaughter**
- Penal Code Reference [19.05](#) – **Criminally Negligent Homicide**
- Penal Code Reference [22.01](#) – **Assault**
- Penal Code Reference [22.02](#) – **Aggravated Assault**
- Penal Code Reference [22.05](#) – **Deadly Conduct**
- TRC Reference [545.401](#) – **Reckless Driving**

74 - Cell/Mobile Device Use - Talking

CR-100: When the driver's actions, while using or handling a cell/mobile device for talking, are such that lack of observance and/or control of the vehicle occur to the extent that it contributes to the crash. Also, includes the use of a hands free device.

75 - Cell/Mobile Device Use - Texting

CR-100: When the driver's actions, while using or handling a cell/mobile device for texting, are such that lack of observance and/or control of the vehicle occur to the extent that it contributes to the crash. Also, includes the use of a hands free device.

76 - Cell/Mobile Device Use - Other

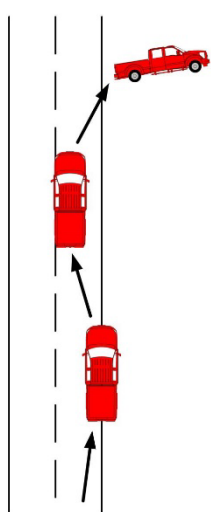
CR-100: When the driver's actions, while using or handling a cell/mobile device for uses such as internet, gaming, or emailing, are such that lack of observance and/or control of the vehicle occur to the extent that it contributes to the crash. Also, includes the use of a hands free device.

77 - Cell/Mobile Device Use - Unknown

CR-100: When the driver's actions, while using or handling a cell/mobile device for undetermined reasons, are such that lack of observance and/or control of the vehicle occur to the extent that it contributes to the crash. Also, includes the use of a hands free device.

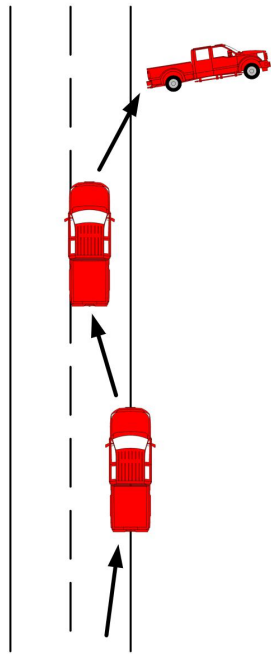
- When the investigator believes cell phone use was a contributing factor in a crash, he or she should attempt to determine how the cell phone was being used at the time of the crash so the most accurate factor can be utilized. If the exact usage cannot be determined, use factor 77 for "unknown".
- There will usually be a second factor in a cell phone related crash. The cell phone distraction causes the driver to do something that results in a crash (failed to control speed, disregard stop sign or light, etc.).
- If cell phone use is suspected but there is no evidence to confirm use, do not use the "May Have Contributed" field. Remember, "May Have Contributed" means the factor was present but may or may not have contributed to the crash (see [May Have Contributed](#) information in this document).
- Not all the activities described in the cell phone factors are a violation of the law (see TRC references).

Examples/Discussion:



This vehicle fails to drive in a single lane and crashes. The driver does not want to let the investigator examine his cell phone. The investigator suspects the driver ran off the road because he was texting. The investigator subpoenas the driver's cell phone records and determines the driver was sending and receiving text messages at the time of the crash. When confronted with this evidence, the driver acknowledges that he accidentally ran off the road while reading a text message.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	23	75	



This vehicle fails to drive in a single lane and crashes. The driver is killed and there are no other passengers. The investigator locates a cell phone at the scene and gets a court order for a forensic analysis of the phone. The analysis indicates the phone's internet browser was being used at the time of the crash.

The investigator has confirmed that the cell phone was in use at the time of the crash, however because the driver is deceased and there are no witnesses, the investigator cannot say with certainty that the cell phone use caused the driver to run off the road.

The contributing factor for the crash is [23 – Failed to Drive in Single Lane](#). The factor **76 – Cell Phone Use – Other** should be placed in “May Have Contributed” because it was present, but the driver may have run off the road for other reasons.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				
	Unit #	Contributing			May Have Contrib.
1	23				76

TRC Reference [545.4251](#) – Use Of Portable Wireless Communication Device For Electronic Messaging
 Use Of Portable Wireless Communication Device For Electronic Messaging with Previous Conviction
 Use Of Portable Wireless Communication Device For Electronic Messaging Causing Death/SBI To Another Person

TRC Reference [545.424](#) - Wireless Communication Device Use Restriction: Operate Motor Vehicle By Person Under 18 Using Wireless Communication Device

TRC Reference [545.425](#) - Wireless Communication Device While Within A School Crossing Zone

78 - Failed to Slow or Move Over for Vehicles Displaying Emergency Lights

CR-100: When a vehicle approaching a vehicle described by Texas Transportation Code 545.157(a) fails to vacate the closest lane or slow to a speed 20 miles per hour less than the posted speed limit and the action contributes to the crash.

- Vacating the nearest lane **OR** slowing to 20 MPH below the speed limit both meet the requirements of the law – it is the driver’s choice. A vehicle that can vacate the nearest lane is not required to do so as long as the driver slows down by 20 MPH.
- This factor should only be assigned if the investigator has evidence that neither of the requirements were met. The mere fact that a vehicle strikes another vehicle protected by [TRC 545.157](#) does not automatically mean factor 78 applies.
- The following **six** vehicles are protected by the “Move Over/Slow Down” law and therefore this factor could apply ([TRC 545.157](#)):
 - (1) Stationary emergency vehicle using emergency lights.
 - (2) Stationary tow trucks using red flashing lights.
 - (3) TxDOT vehicles and highway construction and maintenance vehicles not separated from the roadway by a traffic channelizing device and using amber flashing lights (required). May also be using blue flashing lights (permitted). **NOTE:** this vehicle is not required to be stationary.
 - (4) Service vehicles operated by or for a utility and using amber flashing lights (required). May also be using blue flashing lights (permitted). **NOTE:** this vehicle is not required to be stationary.
 - (5) Stationary garbage trucks while collecting waste. **NOTE:** There are no specific lighting requirements. Garbage trucks should display flashing amber lights and may display blue lights, but these lights are not required for this section to apply.
 - (6) Vehicles operated by or pursuant to a contract with a toll project entity using amber flashing lights (required). May also be using blue flashing lights (permitted). This would include “Hero” program vehicles and other service and maintenance vehicles under toll project contract.

Examples/Discussion:

The speed limit on the roadway is 70 MPH. The red car is traveling 50 MPH but the driver is not paying attention.

Factor 78 does not apply to this crash because the driver was traveling at least 20 MPH below the posted speed limit and was therefore in compliance with 545.157. The contributing factor is [22 – Failed to Control Speed](#) because the driver struck another vehicle that was on the highway in compliance with the law.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	22		

The speed limit on the roadway is 70 MPH. The red car is traveling 60 MPH based on CDR analysis.

Factor 78 applies to this crash because the driver of the red car did not vacate the nearest lane or reduce speed to at least 20 MPH below the speed limit.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	78		

The fire truck is traveling 30 MPH with its emergency lights activated. The driver of the blue van approaches from behind at 70 MPH and rear-ends the fire truck.

Factor 78 does not apply to this crash because the fire truck was not stationary and therefore Move Over/Slow Down was not in effect. The contributing factor would be [22 – Failed to Control Speed](#) because the driver of the blue van struck another vehicle that was on the highway in compliance with the law.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	22		

The speed limit on the roadway is 70 MPH. The red car is traveling 60 MPH based on CDR analysis.

Factor 78 applies to this crash because the driver of the blue car did not vacate the nearest lane or reduce speed to at least 20 MPH below the speed limit. The TXDOT vehicle is not required to be stationary for Move Over/Slow Down to apply. It only needs its amber lights flashing ([545.157](#)).

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	78	

The blue truck is traveling 70 MPH and vacates the lane nearest the stationary emergency vehicle, however the vehicle strikes an icy patch and loses control. The vehicle spins out on the roadway and strikes the stationary patrol vehicle. Factor 78 would not be an applicable factor in this crash. The crash occurred because the approaching motorist was traveling at an unsafe speed for the roadway conditions - factor [60 – Unsafe Speed](#). The vehicle was in compliance with 545.157 at the time it lost control because it had vacated the nearest lane.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
	1	60	

TRC Reference [545.157](#) - Failed To Slow Or Move Over For Certain Stationary Vehicles
Failed To Slow Or Move Over For Certain Stationary Vehicles W/Bodily Injury

79 – Drove on Improved Shoulder

CR-100: *When a vehicle is illegally driven on the improved shoulder not in the act of passing and the action contributes to the crash. For illegal passing on the improved shoulder, see Factor 58.*

- This factor should be used when a vehicle is illegally driving on the improved (paved) shoulder but not passing at the time of the crash.

When is driving on the improved shoulder illegal?

[TRC 545.058](#) describes **seven** times a vehicle is permitted to drive on the right improved shoulder and **three** times a vehicle is permitted to drive on the left improved shoulder. Driving on the improved shoulder outside of these circumstances is illegal.

Driving on the **right** improved shoulder is only permitted if it is done safely in one of the following seven circumstances:

- (1) To stop, stand or park.
- (2) To accelerate before entering the main traveled traffic lane.
- (3) To decelerate before making a right turn.
- (4) To pass another vehicle that is slowing or stopped on the main traveled portion of the highway, disabled, or preparing to make a left turn.
- (5) To allow another vehicle traveling faster to pass.
- (6) As permitted or required by an official traffic control device.
- (7) To avoid a collision.

Driving on the **left** improved shoulder is only permitted in one of the following three circumstances:

- (1) To slow or stop when the vehicle is disabled and traffic or other circumstances prohibit the safe movement to the right shoulder.
- (2) As permitted or required by an official traffic control device.
- (3) To avoid a collision.

The prohibitions on driving on the improved shoulder do not apply to:

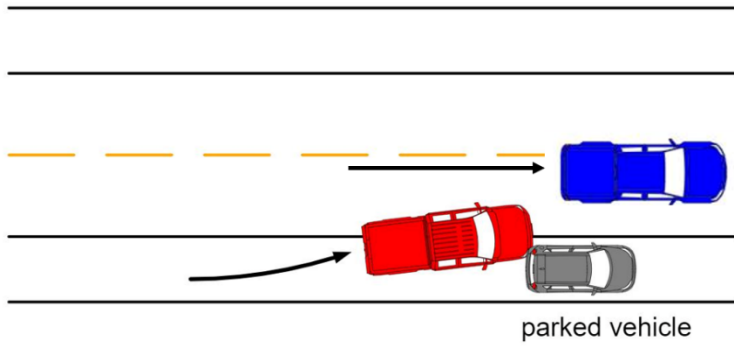
- (1) authorized emergency vehicles responding to calls
- (2) police patrols
- (3) bicycles
- (4) slow moving vehicles as defined by 547.001 (vehicle designed for max speed of 25 MPH or vehicle pulled by an animal).

Examples/Discussion:

The diagram shows a road with a dashed yellow center line and solid black edge lines. A red pickup truck is shown driving on the right-hand improved shoulder, moving over a 'hill crest'. An arrow points to the truck. A grey car is parked on the shoulder to the right of the truck, labeled 'parked vehicle'.

The red pickup is driving on the improved shoulder coming over a hill crest and it strikes a vehicle parked on the shoulder. The pickup is not engaged in one of the permitted actions on an improved shoulder ([545.058](#)), therefore it is illegally driving on the improved shoulder.

36 Contributing Factors			
FACTORS & CONDITIONS	Unit #	Contributing	
	1	79	



The driver of the red pickup is driving on the improved shoulder to allow a faster moving vehicle to pass – an activity permitted by [545.058](#). Because red pickup is not illegally driving on the improved shoulder, factor **79 – Drove on Improved Shoulder** is not a good fit. **22 – Failed to Control** speed is the best option.

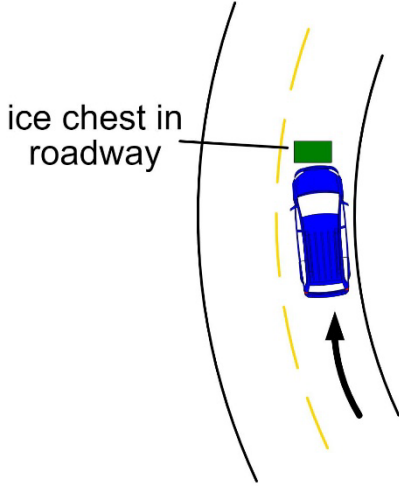
36 Contributing Factors				
FACTORS & CONDITIONS	<i>Unit #</i>	<i>Contributing</i>		
	1	22		

98 - Other (Explain in Narrative)

CR-100: Additional other factors must be explained in the narrative.

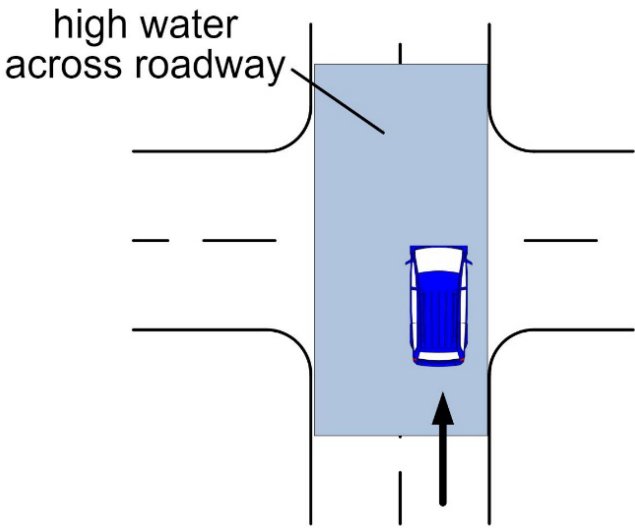
- At times, the circumstances of a crash do not fit any of the other contributing factors – most often this factor is used when a vehicle strikes debris in the roadway or incurs engine damage by driving into high water.
- This factor can also be used when there are extenuating circumstances that are too complicated to attributed to the established contributing factors.
- Parking lot crashes where right-of-way is ambiguous and not controlled by the Transportation Code are often assigned a factor of **98 – Other**.
- The circumstances of the crash should always be explained in the narrative.

Examples/Discussion:



The blue vehicle strikes an ice chest in the roadway. There is not a specific contributing factor for “debris in roadway”, therefore the factor **98 – Other** applies.

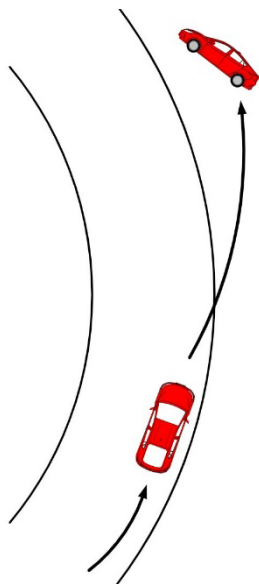
FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	98		



The blue vehicle is driven into high water. Water is pulled into the air intake. The vehicle stalls and the engine is damaged.

There is not a specific factor for “drove into high water”, therefore factor **98 – Other** applies.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	98		

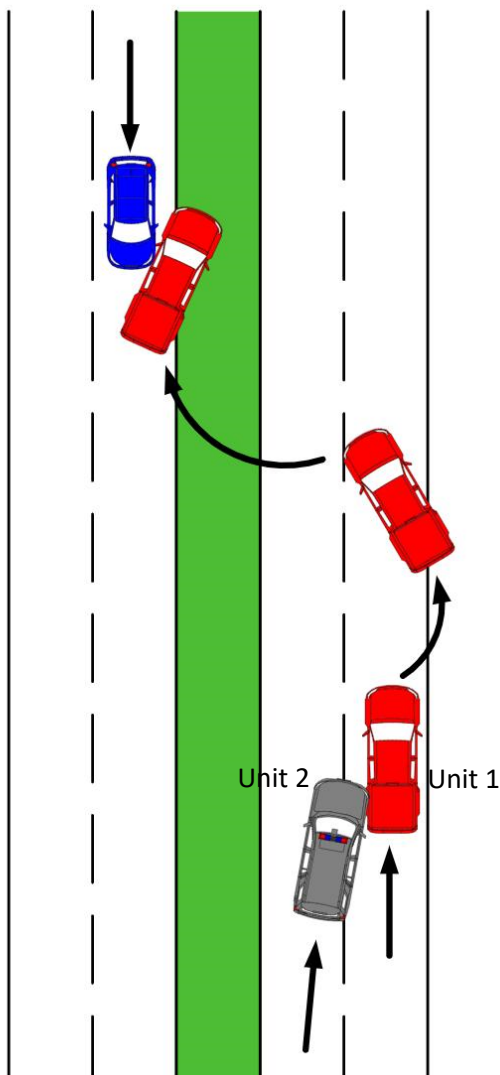


This vehicle runs off the roadway on a unlaned road. The driver is killed and the investigator is not able to determine why the vehicle ran off the roadway. Factor **23 – Failed to Drive in Single Lane** is not applicable because the roadway does not have marked lanes.

Show factor **98 – Other** and explain that the vehicle left the roadway and crashed for unknown reasons.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	98		

If the investigator is able to determine why the vehicle left the roadway (Cell Phone Use, Driver Inattention, Fatigued/Asleep, etc.) a second factor should be indicated to describe the circumstance.



The red pickup is evading arrest. The pursuing police officer attempts to end the pursuit using the Precision Immobilization Technique (PIT). The police officer intentionally strikes the back left of the red pickup to make it spin out.

Instead of spinning out to the right, the driver of the red pickup attempts to steer left and loses control. The pickup crosses the center median and strikes the blue car.

Is this a reportable crash? Yes. Although the police officer intentionally struck the red pickup, the subsequent collision with the blue car was an unintended consequence. Per the CR-102, an unintended consequence of a deliberate act can constitute a reportable crash.

The contributing factors are **43 – Fleeing or Evading Police** and **98 – Other** for the red pickup and **98 – Other** for the police officer.

98 – Other is used in this circumstance because there is not a more specific contributing factor for a vehicle that loses control during a PIT maneuver. The circumstances should be explained in the narrative.

FACTORS & CONDITIONS	36 Contributing Factors		
	Unit #	Contributing	
1	43	98	
2	98		

VEHICLE DEFECTS

5 - Defective or No Headlamps

CR-100: When a vehicle is not equipped with headlamps or when headlamps are defective to any extent that they contribute to the crash. Consideration should be given to the time of day or conditions requiring use and proper mounting.

- If headlamps were defective during a time lamps are required to be lit, this factor should be used in conjunction with factor [21 – Drove Without Headlights](#).
- A motor vehicle’s required lights must be activated under either of the following two conditions:
 - (1) at nighttime (Reference [541.401\(5\)](#) - ½ hour after sunset to ½ hour before sunrise); **or**
 - (2) when light is insufficient or atmospheric conditions are unfavorable so that a person or vehicle on the highway is not clearly discernible at a distance of 1,000 feet ahead.

Example/Discussion:

It is 10 PM and dark. The headlamps on Unit 1 are defective. The driver of Unit 2 does not see Unit 1 approaching due to the lack of headlamps.

Unit 2 pulls away from the stop sign and is struck by Unit 1. The correct contributing factors are **21 – Drove Without Headlights** and vehicle defect **5 – Defective or No Headlamps**.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				37 Vehicle Defects (Investigator's Opinion)			
	Unit #	Contributing		May Have Contrib.	Contributing		May Have Contrib.	
1	21				5			

What if only one headlamp was defective?

With one headlamp working, Unit 2 should have seen and yielded to Unit 1. In this case, the contributing factor would be **35 – Failed to Yield ROW – Stop Sign** for Unit 2.

TRC Reference [547.302](#) – it is a violation to drive without lights at nighttime or when atmospheric conditions limit visibility to less than 1000’. The arrest title is **Drove Without Lights When Required**.

TRC Reference [547.321](#) – **No/Defective Head Lamps**

TRC Reference [547.3215](#) – **Defective/Non-Compliant Headlamps, FMVSS 571.108**

6 - Defective or No Stop Lamps

CR-100: *When the lack or malfunction of stop lamps contributes to the crash.*

- A vehicle operator is required to signal stops ([TRC 545.105](#)). If the stop lamps are defective and no other stop signal is given by the operator (i.e. a hand signal), this factor should be used in conjunction with factor [28 – Failed to Signal or Gave Wrong Signal](#).

Example/Discussion:

Slowing down to turn
with no stop lamps

—Unit 1—Unit 2—

The lack of stop lamps has a significant impact on Unit 1’s ability to respond appropriately to the slowing vehicle, so Failed to Control Speed would not be appropriate for Unit 1.

If the driver of Unit 2 did not give any type of signal for the stop/turn because the stop lamps were defective, the appropriate factors are **28 – Failed to Signal** and Vehicle Defect **6 – Defective or Not Stop Lamps**.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investigator's Opinion)				
	Unit #	Contributing		May Have Contrib.		Contributing		May Have Contrib.		
2	28					6				

TRC Reference [545.105](#) – Fail to Signal Stop

TRC Reference [547.323](#) – No Stop Lamps

TRC Reference [547.3215](#) – Defective/Non-Compliant Stop Lamps, FMVSS 571.108

TRC Reference [547.3215](#) – Defective/Non-Compliant High-Mounted Stop Lamp, FMVSS 571.108

7 - Defective or No Tail Lamps

CR-100: *When the lack or malfunction of tail lamps contributes to the crash. Consideration should be given to factors in the crash such as time of day and lighting conditions and not statute requirements.*

- This factor should be used when defective tail lamps contribute to the crash by preventing a motorist from seeing the vehicle appropriately.
- Vehicles are also required to be equipped with reflectors on the rear. Prior to showing a factor for defective tail lamps, you should feel that the reflectors on the rear of the vehicle were insufficient for proper visibility given the circumstances of the crash.

TRC Reference [547.322](#) – Defective Tail Lamp

TRC Reference [547.3215](#) – Defective/Non-Compliant Taillamps, FMVSS 571.108

8 - Defective or No Turn Signal Lamps

CR-100: *When the lack of or malfunction of turn signals contributes to the crash.*

- A vehicle operator is required to signal turns, lane changes, and starts from parked positions ([TRC 545.104](#)). If the turn signal lamps are defective and no other turning signal is given by the operator (i.e. a hand signal), this factor should be used in conjunction with factor [28 – Failed to Signal or Gave Wrong Signal](#).

Example/Discussion:

The blue pickup is slowing down to turn left as the red car approaches. The blue pickup's left turn signal is defective, so the red car does not realize it is turning. The red car attempts a pass just as the blue pickup attempts its left turn. Vehicle defect factor **8 – Defective or No Turn Signal Lamp** applies to the blue pickup.

Assuming the driver of the blue pickup did not signal the turn by hand signal, the factor **28 – Failed to Signal** also applies.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investig		
	Unit #	Contributing		May Have Contrib.		Contributing		
1	28					8		

TRC Reference [545.104](#) – Fail to Signal Turn, Lane Change, or Start from Parked Position

TRC Reference [545.106](#) – Fail to Signal with Turn Indicator

TRC Reference [547.324](#) – Defective Turn Signal Lamp

TRC Reference [547.3215](#) – Defective/Non-Compliant Turn Signal Lamps, FMVSS 571.108

9 - Defective or No Trailer Brakes

CR-100: *Applies to brakes on trailers, semi-trailers, and pole trailers. When the lack of this equipment or malfunction contributes to the crash. Do not select this section when the vehicle's stopping ability had no bearing on the crash.*

- TRC [547.401](#) and [547.402](#) require brakes on trailers with the following exceptions:
 - (1) No brakes required if the trailer's gross weight is 4,500 pounds or less.
 - (2) No brakes required if the trailer's gross weight is between 4,500 and 15,000 pounds if not drawn at a speed of more than 30 MPH.
 - (3) If a trailer's gross weight is heavier than 4,500 pounds but not heavier than 15,000 pounds and the trailer is drawn at a speed of more than 30 miles per hour brakes are only required on both wheels of the rear axle.
- The "gross weight" is utilized for the above trailer brake exceptions. This means the actual weight of the trailer and its load. This can be difficult to determine following a crash, however if trailer brakes (or the lack thereof) are suspected in playing a role in the crash, investigators should have the trailer and its load weighed (contact CVE personnel with scales for assistance).
- Brakes must be maintained in good working condition

TRC Reference [547.401](#) – **No/Defective Brakes On Vehicle
Brakes Not On All Wheels When Required**

TRC Reference [547.402](#) – **Brakes Not Maintained in Good Working Order**

10 - Defective or No Vehicle Brakes

CR-100: *When the lack of or malfunction of brakes on motor vehicles or motorcycles contributes to the crash. Also applies in the case of inadequate parking brakes resulting in a collision.*

- TRC [547.401](#) and [547.402](#) require brakes on all wheels of most vehicles and the brakes must be maintained in good working condition.

TRC Reference [547.401](#) – **No/Defective Brakes On Vehicle
Brakes Not On All Wheels When Required**

TRC Reference [547.402](#) – **Brakes Not Maintained in Good Working Order**

11 - Defective Steering Mechanism

CR-100: *When there is a malfunction of either manual or power steering and the malfunction contributes to the crash.*

- There is not a specific arrest title or violation of the Texas Transportation Code for a malfunctioning or defective steering mechanism. Sudden mechanical failures generally do not constitute law violations, however if the investigator believes the operator had knowledge of a faulty steering mechanism and chose to drive, anyway, enforcement for driving a vehicle in unsafe condition may be appropriate.

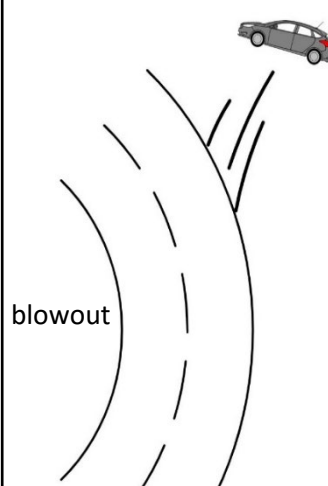
TRC Reference [547.004](#) – **Drive/Permit To Drive Vehicle In Unsafe Condition So As To Endanger Any Person**

12 - Defective or Slick Tires

CR-100: When a lack of tire traction due to excessive tread wear or a blow out of a tire contributes to the crash.

- This factor can be used when a crash is caused by lack of traction from either a slick tire or a tire blowout.
- There is not a specific arrest title or violation of the Texas Transportation Code for slick tires. Sudden tire failure generally does not constitute a law violation, however if the investigator believes the operator had knowledge of poor tire tread and chose to operate the vehicle (particularly during times the lack of tire tread is dangerous – i.e. wet roadways), enforcement for driving a vehicle in unsafe condition may be appropriate.
- A crash caused by a sudden tire failure is generally only assigned this factor. A crash caused by a vehicle losing control due to slick tires may also be assigned another factor such as [60 – Unsafe Speed](#).

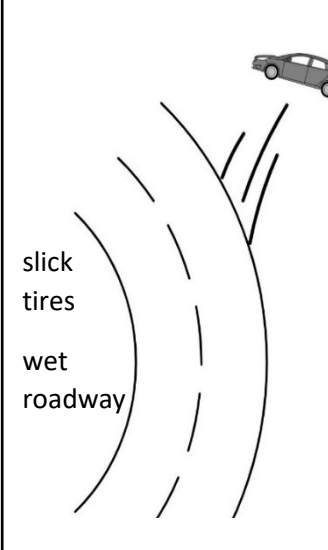
Examples/Discussion:



blowout

As this vehicle travels through a curve, it experiences a blowout. The sudden loss of traction and control due to the blowout causes the vehicle to veer off the roadway and overturn. Due to the sudden and unexpected nature of the tire failure, vehicle defect factor **12 – Defective or Slick Tires** is the only contributing factor.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investig)		
	Unit #	Contributing		May Have Contrib.		Contributing		
1						12		



slick tires
wet roadway

The vehicle loses control and slides off the roadway as it travels through a curve on a wet roadway. The investigation reveals a tire tread depth of 1/32 on each tire and the investigator feels that the vehicle would not have crashed if it had better tire tread or if it were going slower through the curve.

Vehicle defect factor **12 – Defective or Slick Tires** is a contributing factor, however a factor of **60 – Unsafe Speed** is also appropriate. The slick tires were not a sudden or unexpected condition. The vehicle operator is responsible for selecting a reasonable and prudent speed given the driving conditions.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investig)		
	Unit #	Contributing		May Have Contrib.		Contributing		
1	60					12		

TRC Reference [547.004](#) – Drive/Permit To Drive Vehicle In Unsafe Condition So As To Endanger Any Person

13 - Defective Trailer Hitch

CR-100: When malfunction or poorly designed hitch contributes to the crash. Does not apply when the separation of a trailer and towing unit occurred as a result of an impact that the hitch mechanism could not be expected to withstand.

- [TRC 545.409](#) requires that the drawbar or other connecting device between a towing vehicle and a towed vehicle be strong enough to pull all the weight drawn.
- If safety chains were not used when required, a second factor of **98 – Other** can be applied if the lack of safety chains contributed to the crash. Requirements for safety chains can be found in [TRC 545.410](#) - safety chains are not required on: 1) trailers used for agricultural purposes; 2) commercial motor vehicles subject to federal regulation’ 3) 5th wheel/gooseneck trailers; or 4) trailers equipped with safety chains manufactured prior to 8/14/94).

Example/Discussion:

The diagram illustrates a crash scenario on a two-lane road with a yellow center line. Unit 1 (a blue car) is towing Unit 2 (a grey trailer). Unit 1 is moving from left to right. Unit 2 has detached and crossed the center line, striking Unit 3 (a red car) which is moving from right to left. Arrows indicate the direction of travel for each unit.

Unit 1 is towing Unit 2 and the trailer hitch fails. Unit 1 is not utilizing safety chains or the safety chains fail and the trailer crosses the center line and strikes Unit 3.

Vehicle defect factor **13 – Defective Trailer Hitch** describes why the trailer became detached. Because safety chains were not utilized when required, a second vehicle defect factor of **98 – Other** can be utilized to describe the lack of appropriate safety chains (prior to showing safety chains as a factor in this manner, ensure the vehicle is required to be equipped with safety chains – see exceptions above).

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investigator's Opinion)				
	Unit #	Contributing		May Have Contrib.		Contributing		May Have Contrib.		
	1						13	98		

TRC Reference [545.409](#) – Defective Drawbar/Hitch
Drawbar Or Other Connection Over 15 Feet

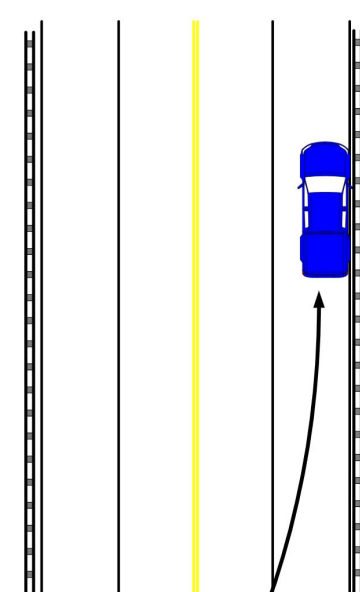
TRC Reference [545.410](#) – Safety Chain Requirement

98 - Other (Explain in Narrative)

CR-100: Additional other Vehicle Defects must be explained in the narrative.

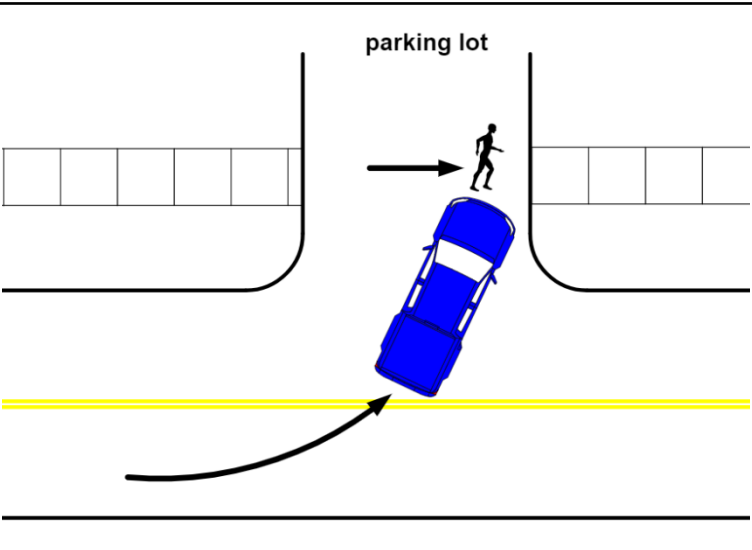
- Use this factor when some type of defect or equipment malfunction contributed to the crash that does not fit any of the other vehicle defect options.
- The circumstances of the crash should be explained in the narrative.

Examples/Discussion:



A vehicle is traveling 50 MPH in heavy rain. The vehicle’s windshield wipers fail. The driver begins to slow down but cannot see anything through the windshield. The driver pulls to the side of the roadway, however poor visibility and a lack of functioning windshield wipers cause the driver to sideswipe a guardrail as he pulls over. The contributing factor is vehicle defect **98 – Other** and the circumstances should be explained in the narrative ([48 – Impaired Visibility](#) would also be appropriate).

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investigator's Opinion)				
	Unit #	Contributing		May Have Contrib.		Contributing				
	1	48				98				



The blue pickup is turning into a parking lot entrance and fails to yield ROW to the pedestrian crossing on the sidewalk area extending across the entrance (factor **36 – Failed to Yield ROW – To Pedestrian**).

It is nighttime and the blue pickup has illegally dark window tint on its side windows. The investigator determines the truck operator could not see the pedestrian crossing due to the dark window tint. Vehicle defect factor **98 – Other** should be used and the defect should be explained in the narrative.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investigator's Opinion)				
	Unit #	Contributing		May Have Contrib.		Contributing		May Have Contrib.		
	1	36				98				