



May 26, 2021

The Honorable Timothy M. Kennedy, Chair
Senate Transportation Committee
New York State Legislature
Legislative Office Building, Room 829
Albany, New York 12248

Dear Chairman Kennedy:

As representatives of leading public health and safety organizations working to pass highway and auto safety laws that prevent unnecessary deaths and injuries and contain crash costs, we urge you to support Senate Bill (S.) 131 / Assembly Bill (A.) 7197. This legislation will lower the per se limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), deter drunk driving and save lives.

Drunk driving is a deadly and costly threat to New York families. In 2019, there were 931 fatalities on state roads and twenty-nine percent of those deaths (266) involved drunk driving above .08 percent BAC, according to the most recent data from the National Highway Traffic Safety Administration (NHTSA). Traffic crashes also cost New York taxpayers more than \$15.2 billion annually. Drunk driving is a serious problem that requires urgent attention and action. Advancing .05 percent BAC legislation will deter dangerous drinking and driving across all levels of impairment as well as curb needless highway deaths and injuries that threaten the safety of everyone – New York families and visitors.ⁱ

Laboratory evidence found that most adults are significantly impaired at .05 percent BAC.ⁱⁱ When behind the wheel of a car, driving skills are degraded resulting in reduced coordination, decreased ability to track moving objects, difficulty steering and diminished response to emergency driving situations.ⁱⁱⁱ The risk of being killed in a single-vehicle crash with BACs of .05 to .079 percent is up to 21 times higher than for drivers without measurable alcohol.^{iv}

In the U.S. in 2019, 10,142 people were killed in crashes involving alcohol-impaired drivers.^v The total comprehensive costs of drunk driving are more than \$200 billion annually.^{vi} Adjusted for inflation only, that amounts to \$243 billion in 2021 dollars.^{vii} Drunk driving crashes cost employers \$8 billion each year (expressed in 2019 dollars). More than 80 percent of drunk driving costs to employers, \$6.5 billion, are due to “off the job” alcohol use.^{viii}

Since the mid-1990s, the percentage of drunk driving fatalities has plateaued, indicating that progress has stagnated or even reversed.^{ix} It is time to implement countermeasures that have yet to be widely employed in our nation but are strongly supported by research, numerous members of the public health and safety community and our nation’s preeminent crash investigatory agency, the National Transportation Safety Board (NTSB).^x If all states adopted a .05 percent BAC or lower law, our nation would experience an 11 percent decline in fatal alcohol crashes and 1,790 lives would be saved.^{xi}

Opponents may state that lowering the BAC will reduce alcohol sales and endanger certain businesses but reducing BAC limits does not discourage alcohol consumption.^{xii} Additionally, studies show that when states lowered their BAC limits from .10 to .08 percent, there were no adverse impacts on the operation of the criminal justice system. Early data from Utah, which began enforcing a .05 percent BAC law on December 30, 2018, is promising. In 2019,

the number of alcohol-impaired driving fatalities dropped 37 percent (2018: 62, 2019: 39), and the percentage of traffic fatalities involving an alcohol-impaired driver dropped as well (2018: 24 percent and 2019: 16 percent). In 2019, alcohol consumption and tourism in the state went up and the total number of arrests for alcohol-impaired driving decreased.^{xiii} Moreover, more than 90 countries have already adopted .05 percent BAC or lower limits and affirm the safety benefits of the policy.^{xiv}

In New York State, a BAC of .05 to .079 percent is already evidence of impairment or driving while ability impaired (DWAI). Changing the law to lower the driving while impaired (DWI) limit to .05 percent simply unifies the DWAI and DWI laws and reinforces what the state has already noted, measurable impairment is evidenced at .05 percent BAC and presents a danger on the state's roads.

The data are clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling. We urge you to take this critical step to seriously address the death and injury toll of alcohol-impaired driving by advancing S. 131 / A. 7197. This legislation is also being advanced together with other lifesaving bills in the Crash Victim Rights and Safety Act (CVRSA). Each person killed in a preventable alcohol-related crash on New York roads forever changes the lives of families and communities. Thank you for consideration of our views.

Sincerely,

Catherine Chase, President
Advocates for Highway and Auto Safety

Amy Cohen, Co-Founder
Families for Safe Streets

Natalie A. Draisin, Director
North American Office & United Nations
Representative
FIA Foundation

Janette Fennell, Founder and President
Kids and Car Safety

Marcus Kowal and Mishel Eder, Co-Founders
Liam's Life Foundation
Parents of Liam Mikael Kowal

Alex Otte, National President
Mothers Against Drunk Driving (MADD)

Lorraine Martin, President & CEO
National Safety Council

Tim Seeley, Executive Director
Northeastern NY Safety & Health Council

William Aiken, Vice President
Remove Intoxicated Drivers (RID-USA, Inc.)

Marco Conner, Co-Deputy Director
Transportation Alternatives

Leah Shahum, Founder and Director
Vision Zero Network

Honorable T. Bella Dinh-Zarr, Former Vice Chair
National Transportation Safety Board
Co-founder, *.05 Saves Lives* Coalition

Thomas M. Louizou, Former Regional Administrator
National Highway Traffic Safety Administration
Co-founder, *.05 Saves Lives* Coalition

Additional organizations that are not signers but recommend or support .05 percent BAC policy:

American Medical Association (AMA)
American Public Health Association (APHA)
Association for the Advancement of Automotive
Medicine (AAAM)
National Academies of Sciences, Engineering and
Medicine (NASEM)

National Road Safety Foundation
National Transportation Safety Board (NTSB)
Safe States Alliance
Society for Public Health Education
World Health Organization (WHO)

cc: Senate Transportation Committee Members

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- ⁱ NTSB, *.05 BAC Safety Briefing Facts*, February 2017.
- ⁱⁱ Ibid.
- ⁱⁱⁱ MADD, *What is .08?* Available at: <http://www.madd.org/drunk-driving/about/understanding-08.html>
- ^{iv} Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014.
- ^v Traffic Safety Facts Research Note: Overview of Motor Vehicle Crashes in 2019, NHTSA, Dec. 2020, DOT HS 812 864.
- ^{vi} The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013 available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013>.
- ^{vii} CPI Inflation Calculator, US Bureau of Labor Statistics, https://www.bls.gov/data/inflation_calculator.htm
- ^{viii} Cost of Motor Vehicle Crashes to Employers 2019; Network of Employers for Traffic Safety, available at <https://trafficsafety.org/road-safety-resources/public-resources/cost-of-motor-vehicle-crashes-to-employers-2019/>.
- ^{ix} NASEM, *Getting To Zero Alcohol-Impaired Driving Fatalities - .05% BAC Safety Brief*, 2018.
- ^x Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014. NTSB Safety Compass, *Drink or Drive Pick One*: <https://safetycompass.wordpress.com/2019/04/29/drink-or-drive-pick-one/>
- ^{xi} NORC: Fell JC & Scherer M, Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from 0.08 to 0.05 Grams per Deciliter in the United States, 2017. Available at: <https://bit.ly/2E5pliq>
- ^{xii} NTSB, *.05 BAC Safety Briefing Facts*, February 2017.
- ^{xiii} Leaver, Jennifer, *The State of Utah's Travel and Tourism Industry 2019*, Kem C. Gardner Policy Institute University of Utah, September 2020. Utah Department of Alcoholic Beverage Control, Annual Reports 2018, 2019 and 2020, available at: <https://abc.utah.gov/about-dabc/annual-reports/>. *17th Annual DUI Report to the Utah Legislature*, Utah Commission on Criminal and Juvenile Justice, 2019. Available at: <https://le.utah.gov/interim/2019/pdf/00004834.pdf>.
- ^{xiv} Fell, James C., *The Merits of Adopting a 0.05 Administrative Blood Alcohol Concentration Limit for Driving*, *Am J Public Health*. 2016 June; 106(6): 977–978.