



March 29, 2023

The Honorable William B. Magnarelli, Chair
Assembly Transportation Committee
New York State Legislature
Legislative Office Building
Albany, New York 12248

Dear Chair Magnarelli:

As representatives of leading public health and safety organizations working to pass highway and auto safety laws that prevent deaths and injuries and contain crash costs, we urge you to support enactment of Senate Bill (S.) 776/ Assembly Bill (A.) 1627. This legislation will make New York's roads safer for all road users by lowering the blood alcohol concentration (BAC) while driving from .08 to .05 percent and lowering the limit for aggravated driving while intoxicated from .18 to .12 percent.

Traffic crashes are a deadly and costly threat to New York families and visitors. According to the most recent data from the National Highway Traffic Safety Administration (NHTSA), in the first nine months of 2022, 865 people were killed on New York roads, a nearly four percent increase from the same period in 2021.ⁱ The number of alcohol impaired driving fatalities in the state increased nearly 12 percent from 2019 (256 people killed) to 2020 (286 people killed), and accounted for 27 percent of total traffic fatalities in 2020, the most recent year of available data from NHTSA.ⁱⁱ The annual cost of traffic crashes in New York has surpassed \$23 billion, or \$1,214 per resident.ⁱⁱⁱ Advancing S. 776/ A. 1627 will deter drinking and driving at all levels, high as well as low BAC, and curb fatal and injury crashes which threaten all road users in the state.

A recent [study](#), *Evaluation of Utah's .05 BAC Per Se Law*, released by NHTSA in 2022, provides critical data on the success of Utah's .05 percent BAC law which was enacted in 2017. The study finds that Utah experienced a nearly 20 percent drop in traffic fatalities in 2019 (248), the first year that the law was in effect, compared to 2016 (281), the last year before the law was enacted.^{iv} This improvement in roadway safety occurred despite an increase in vehicle miles traveled (VMT) and outpaced neighboring states as well as the Nation as a whole.

Opponents may state that lowering the BAC will reduce alcohol sales and endanger certain businesses but reducing BAC limits does not discourage alcohol consumption.^v In fact, the Utah study found that state revenues from taxes related to the hospitality industry continued to rise, and tourism increased. 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. Once again, the Utah study provides clear data showing that arrests due to drunk driving did not spike nor was the criminal justice system overwhelmed. Moreover, more than 90 countries have already adopted .05 percent BAC or lower limits and affirmed the safety benefits of the policy.^{vi} This proven policy is an underused countermeasure in the U.S.

Research and laboratory evidence find that most adults are significantly impaired at .05 percent BAC.^{vii} 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.^{viii} The risk of being killed in a single-vehicle crash with BACs of .05 to .079 percent is seven to 21 times higher than for drivers without measurable alcohol.^{ix}

Impaired driving is identified as one of the top three leading factors resulting in the steep increase in traffic fatalities in the U.S. since 2020. 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.^x A national poll by the Texas Medical Center Health Policy Institute found 55 percent of Americans approve of lowering the BAC limit while driving to .05 percent.^{xi}

Each person killed in a preventable alcohol-related crash on New York roads forever changes the lives of families and communities. The data are clear, the lifesaving benefits are certain, public support is well-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 supporting S. 776/ A. 1627. Thank you for your 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 & UN 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

Shawn Hirst
Regional Executive Director
MADD NY|NJ|PA

Lorraine Martin, President & CEO
National Safety Council

Stephen Hargarten, MD, MPH, Founding President
Society for the Advancement of Violence and Injury
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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
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cc: Members of the Assembly Transportation Committee

ⁱ Early Estimate of Motor Vehicle Traffic Fatalities for the First 9 Months (January-September) of 2022, National Highway Traffic Safety Administration (NHTSA), December 2022, DOT HS 813 406 available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813406>

ⁱⁱ NHTSA, Traffic Safety Facts New York 2016-2020

ⁱⁱⁱ The Economic and Societal Impact of Motor Vehicle Crashes 2019 (Revised), NHTSA, February 2023, DOT HS 813 403, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>

^{iv} United States, Department of Transportation, NHTSA, Office of Behavioral Safety Research, *Evaluation of Utah's .05 BAC Per Se Law [Traffic Tech]*, DOT HS 813 234; February 2022.

^v NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

^{vi} 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.

^{vii} Ibid.

^{viii} MADD, *What is .08?* Available at: <http://www.madd.org/drunken-driving/about/understanding-08.html>

^{ix} 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.

^x 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>

^{xi} Governing.com, *How Drunk Is Too Drunk to Drive?* October 2018. Available at: <https://bit.ly/2Et1r6C>.