



ADVOCATES FOR HIGHWAY & AUTO SAFETY



September 21, 2023

The Honorable William B. Magnarelli, Chair  
Assembly Transportation Committee  
New York State Legislature  
Legislative Office Building, Room 829  
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 unnecessary deaths and injuries and contain crash costs, we urge you to support Assembly Bill (A.) 1627/ Senate Bill (S.) 776. 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 2021, there were 1,157 fatalities on state roads and thirty four percent of those deaths (388) involved drunk driving above .08 percent BAC, according to the most recent data from the National Highway Traffic Safety Administration (NHTSA).<sup>i</sup> Traffic crashes also cause \$24 billion of economic damage to New York annually.<sup>ii</sup> 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 New York families and visitors to the Empire State.<sup>iii</sup>

Laboratory evidence found that most adults are significantly impaired at .05 percent BAC.<sup>iv</sup> 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.<sup>v</sup> 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.<sup>vi</sup>

In the U.S. in 2021, 13,384 people were killed in crashes involving alcohol-impaired drivers.<sup>vii</sup> According to a 2019 analysis the total comprehensive costs of drunk driving were \$296 billion annually.<sup>viii</sup> Adjusted for inflation only that amounts to \$361 billion in current dollars.<sup>ix</sup> A 2019 report found that drunk driving crashes cost employers \$8 billion each year with 81 percent of those costs coming crashes while “off the job.”<sup>x</sup> Adjusted for inflation only those numbers are \$9.9 billion and \$8.1 billion respectively in current dollars.<sup>xi</sup>

Approximately 30 percent of all traffic fatalities nationwide involve an alcohol-impaired driver, indicating progress on curbing drunk driving must be accelerated. 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).<sup>xii</sup> 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.<sup>xiii</sup>

Opponents may state that lowering the BAC will reduce alcohol sales and endanger certain businesses but reducing BAC limits does not discourage alcohol consumption.<sup>xiv</sup> 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.<sup>xv</sup> Moreover, more than 90 countries have adopted .05 percent BAC or lower limits and affirm the safety benefits of the policy.<sup>xvi</sup>

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 A. 1627/S. 776. Every person killed in an alcohol-related crash on New York roads is preventable and forever changes the lives of families and communities. Thank you for your consideration.

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

Tess Rowland, National President  
Mothers Against Drunk Driving (MADD)

Lorraine Martin, President & CEO  
National Safety Council

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

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  
(including NYS)  
National Highway Traffic Safety Administration  
Co-founder, .05 Saves Lives Coalition

Stephen Hargarten, MD, MPH, Founding President  
Society for the Advancement of Violence and Injury  
Research

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

American Medical Association  
American Public Health Association  
Association for the Advancement of Automotive Medicine  
Governors Highway Safety Association  
National Academies of Sciences, Engineering and  
Medicine  
National Road Safety Foundation

National Transportation Safety Board  
Safe States Alliance  
Society for Public Health Education  
Transportation Alternatives  
World Health Organization

cc: Assembly Transportation Committee Members

<sup>i</sup> State Traffic Safety Information for New York (2021), NHSTA, available at <https://cdan.dot.gov/stsi.htm>.

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

<sup>iii</sup> NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

<sup>iv</sup> *Ibid.*

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

<sup>vi</sup> 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.

<sup>vii</sup> Overview of Motor Vehicle Crashes in 2021, NHTSA, DOT HS 813 435, available at <https://crashstats.nhtsa.dot.gov/Api/Public/Publication/813435>.

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

<sup>ix</sup> CPI Inflation Calculator, US Bureau of Labor Statistics, [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm).

<sup>x</sup> 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/>.

<sup>xi</sup> CPI Inflation Calculator, US Bureau of Labor Statistics, [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm).

<sup>xii</sup> 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/>.

<sup>xiii</sup> 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/2E5pfiq>.

<sup>xiv</sup> NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

<sup>xv</sup> 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/>. *17<sup>th</sup> 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>.

<sup>xvi</sup> 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.