



April 15, 2019

The Honorable William B. Magnarelli, Chair
Assembly Transportation Committee
New York State Legislature
Legislative Office Building, Room 829
Albany, New York 12248

Dear Chairman 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 (AB) 3208/Senate Bill (SB) 5117. This legislation will lower the 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 2017, there were 999 fatalities on the state's roads and thirty-four percent of those deaths (342) were alcohol-related (National Highway Traffic Safety Administration (NHTSA)). Traffic crashes also cost New York taxpayers over \$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

The average male (170 pounds) does not reach the current legal limit for alcohol impaired driving until having consumed a substantial amount of alcohol, approximately five alcohol drinks within two hours.ⁱⁱ However, laboratory evidence found that most adults are significantly impaired at .05 percent BAC.ⁱⁱⁱ 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.^{iv} 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.^v

In 2017, nearly 11,000 people died in crashes caused by impaired driving across the nation.^{vi} According to 2010 NHTSA data, these tragic yet preventable crashes resulted in \$201 billion in comprehensive costs to society. Traffic crashes also impact businesses. Motor vehicle crashes cost U.S. employers up to \$47.4 billion annually in direct expenses. Drunk driving crashes cost employers \$6 billion each year. Nearly 83 percent of drunk driving costs to employers, \$5 billion, are due to “off the job” alcohol use.^{vii}

Since the mid-1990s, the percentage of drunk driving fatalities has plateaued, indicating that progress has stagnated or even reversed.^{viii} It is time to implement proven countermeasures that have yet to be widely employed in our nation but are strongly supported by the public.^{ix} 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 survey conducted by the AAA Foundation found that 63 percent of Americans support .05 percent BAC laws.^{xi} A Texas Medical Center Health Policy Institute national poll found 55 percent of Americans approve lowering the BAC limit while driving to .05 percent (2018).^{xii}

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.

Reducing BAC limits does not discourage alcohol consumption.^{xiii} It does deter deadly drinking and driving. Moreover, 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. The data are clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling.

Each person killed in a preventable alcohol-related crash on New York roads forever changes the lives of families and communities. We urge you to take this critical step to seriously address the death and injury toll of alcohol-impaired driving by advancing AB 3208/ SB 5117. Thank you for consideration of our views.

Sincerely,

Catherine Chase, President
Advocates for Highway and Auto Safety

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

Janette Fennell, Founder and President
KidsAndCars.org

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

Nick Smith, Interim President & CEO
National Safety Council

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

Leah Shahum, Executive Director
Vision Zero Network

Additional organizations that recommend .05 percent BAC Policy:

American Medical Association (AMA)
Association for the Advancement of Automotive Medicine (AAAM)
National Academies of Sciences, Engineering and Medicine (NASEM)
National Transportation Safety Board (NTSB)
World Health Organization (WHO)

ⁱ NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

ⁱⁱ Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, Pacific Institute for Research and Evaluation. June 2014. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4448946/pdf/nihms692693.pdf>

ⁱⁱⁱ Ibid.

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

^v 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.

^{vi} NHTSA, *Alcohol Impaired Driving 2017 Data*, DOT HS 812 630, November 2018.

^{vii} Network of Employers for Traffic Safety (NETS) *Cost of Motor Vehicle Crashes to Employers – 2015*, June 2016.

^{viii} NASEM, *Getting To Zero Alcohol-Impaired Driving Fatalities - .05% BAC Safety Brief*, 2018.

^{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} AAA *2014 Impaired Driving Fact Sheet* Available at: <https://bit.ly/2zWoymq>.

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

^{xiii} NTSB, *.05 BAC Safety Briefing Facts*, February 2017.