

**NLWJC - Kagan**

**DPC - Box 007 - Folder 005**

**Consumer Safety - .08 Laws**

Leanne A. Shimabukuro 12/18/98 04:13:23 PM

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Jose Cerda III/OPD/EOP  
Subject: Drunk driving radio address update

EK:

**.08 BAC studies:** I've checked in with DOT, and contrary to their original assessment, they do not believe that they can finish clearing the two good .08 BAC studies that I mentioned yesterday before mid-January. I've also been told that there is another .08 study awaiting clearance -- and this one supposedly shows that the .08 law in North Carolina has had little impact. The alcohol industry is aware of this report, and is waiting for its release. If we release the other two without this one, they could raise a fuss. Since the reports will not be ready for the 12/26 radio address, DOT may try to release them all together sometime in mid- to late January -- allowing the NC study will be counterbalanced with two favorable .08 studies.

**Interim Final Rule on Drunk Driving Incentive Grants:** DOT is ready to issue an interim final rule on the alcohol-impaired driving incentive grant program -- an existing safety program which was revised in the omnibus highway bill (TEA-21) earlier this year. This interim rule sets forth some additional criteria by which states can qualify for grants from this \$35 million program-- including imposing graduated licenses for young drivers, testing BAC levels in fatal crashes, and establishing young adult (ages 21-34) drinking and driving programs. This isn't considered a big rule (and it's not terribly sexy), but if we're interested, the President could possibly announce that the rule is going to be published in the Federal Register. I've checked with OMB/OIRA, and they confirmed that they are fine with its release. **Please let me know if you think this is worth adding** and I will pursue with DOT. However, I'm beginning to wonder if the three strikes law applies to them!

**DOJ Underage Drinking Grants:** We are still set to announce the availability of \$25 million in DOJ underage drinking funds in the radio address

Let me know if you are interested in the interim rule, or if you are fine with just the underage drinking funding. My goal is to get all the press paper to you first thing Monday for clearance -- I'm planning to head out to California on Tuesday.

Thanks,  
Leanne

Leanne A. Shimabukuro 12/21/98 06:24:26

PVI

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Laura Emmett/WHO/EOP, Jose Cerda III/OPD/EOP

Subject: radio address paper

This is the draft drunk driving paper for the radio address. It contains the information on the proposed rule which Jose' raised at team leaders this morning.

Since this morning, I found out about yet another possible announcement -- the release of an HHS/SAHMSA first-time study: Driving After Alcohol and Drug Use. This has some interesting data, including an estimate that over 46 million drivers used alcohol or drugs within two hours prior to driving. HHS is going to confirm tomorrow morning whether they can release this for Saturday. They sounded pretty optimistic that it could be done. I've included language on this for the press paper, in case we can use the report. I can also draft up a version without it, in case it drops out.

Let me know if you have any questions.

Thanks,  
Leanne



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98 DEC 23 4:10:00  
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Draft 12/23/98 10 am  
Shih

**PRESIDENT WILLIAM J. CLINTON  
RADIO ADDRESS ON DRUNK DRIVING PREVENTION MONTH  
DECEMBER 26, 1998**

Good Morning. December is a month for families -- a season of celebration and anticipation -- especially for children. But, with the alcohol flowing freely at parties and millions of Americans taking to the road to see friends and relatives, the holiday season can also be a season of tragedy. Last December, 1,324 Americans lost their lives in alcohol-related crashes on our roads and highways. Who knows how many presents under the Christmas tree were left unopened -- presents for a child killed by a drunk driver.

Today, I want to talk about how we can work together to make our roads safer for our families. For a generation, drunk driving has been one of America's greatest public safety challenges. The sight of a car weaving through traffic is an all-too familiar and frightening one for too many Americans. Over the past decade, spurred to action by grassroots activists such as Mothers Against Drunk Driving, America has worked hard to keep drunk drivers off the roads with stronger laws, stricter enforcement, and increased public awareness.

And, with alcohol a factor in one-third of all fatal car crashes involving young people, we have focused our prevention efforts on young people. Three years ago, we helped states make it illegal for anyone under 21 to drive with any amount of alcohol in their system. We put young people on notice: Just one drink before driving, one beer, one glass of wine, one shot -- and you can lose your license.

There is good news to report. Last year, the number of people killed in alcohol-related crashes dropped to an all-time low. For the first time since we started keeping track in 1975, alcohol-related deaths accounted for less than 40 percent of all traffic deaths, and dropped by 5 percent among 15-20 year olds.

But we have much more to do. Ask any parent, any family, anyone who has lost a loved one to an alcohol-related crash -- one impaired driver is one too many. In a report I am releasing today, the Department of Health and Human Services estimates that in 1996, more than a quarter of all drivers -- 46.5 million -- used drugs, alcohol or both within two hours of driving.

I am happy to announce that the Justice and Transportation Departments will strengthen their efforts -- through grants and other incentives -- to help states curb underage drinking and keep more would-be drunk drivers from climbing into their cars.

The most common sense action we can take to make our roads even safer is to set the national impaired driving standard at .08 percent blood alcohol content. No one will ever doubt that a person with that much blood alcohol is unfit to drive after meeting Brenda Frazier. This Spring, at the White House, she described the horror of watching a drunk driver run over her nine-year old daughter at a school bus stop. The driver's blood alcohol content: .08 percent.

Last summer, Congress bowed to the special interests and killed this life-saving measure. I am determined to revive it this winter. In the meantime, I have asked Secretary Slater to work to make .08 the standard on federal property. I commend the 16 states and the District of Columbia who have already adopted the stricter standard.

But every American must take responsibility to stop drunk driving. I call on every American to tell your neighbors and teach your own children about the dangers of drunk driving. And as we gather this week to ring in a new year, stop and think before getting behind the wheel. If you've had too much to drink, hand your keys to a designated driver. Together, we can make sure the new year is indeed a safe and happy one for more Americans.

**Drunk Driving Radio Address  
August 15, 1998**

**Q. Can you explain what FARS is, and what other information is being released in it today?**

A. The Fatality Analysis Reporting System (FARS) was established by the Transportation Department's National Highway Traffic Safety Administration (NHTSA). The mission of FARS is to make vehicle crash information accessible so that traffic safety can be improved. Each year, FARS documents all traffic-related fatalities by collecting data from the 50 states and the District of Columbia. Some of the key findings from the 1997 FARS report include:

- Fewest Alcohol-Related Deaths Since 1975. The rate of alcohol-related crashes fell from nearly 41% in 1996 to 38.6% in 1997 -- the first time that the rate dropped below 40% and the fewest number of alcohol-related fatalities since the Transportation Department began record-keeping in 1975. And since 1982, the overall number of alcohol-related fatalities has dropped by more than one-third.
- Decline in Youth Killed by Drunk Drivers. The 1997 FARS data also shows that alcohol-related deaths among 16 to 20 year-olds dropped 5%, from 2,324 in 1996 to 2,209 in 1997.
- Alcohol a Large Factor in Fatal Crashes. Alcohol was involved in 7.0% of all crashes, but 38.6% of all fatal crashes. Three out of every 10 Americans will be involved in an alcohol-related crash some time in their lives.
- States with lowest alcohol related fatalities: Utah had the lowest percentage of alcohol-related fatalities (20.6%), followed by New York (27.4%). Kansas and Arkansas were the only other states with alcohol-related fatality rates under 30%.
- Modest Decline in Overall Number of Fatalities. Fatalities dropped slightly from 42,065 in 1996 to 41,967 in 1997 -- 98 fewer deaths. The rounded fatality rate remained at the historically low level of 1.7 deaths per 100 million vehicle miles traveled, despite increased travel and higher speed limits. Sixty-three percent of those killed on the highways were not wearing seat belts.

The Transportation Department/NHTSA will make the 1997 FARS database available today. The 1997 FARS data will also be posted on the NHTSA website next week.

**Q. Wasn't this data already released?**

A. The Transportation Department made preliminary FARS data available in May. There have been some small but positive changes in the final data, including a modest decrease

in the already ground-breaking alcohol fatality rate (from 39.3% to 38.6%) as well as a minor decline in the overall number traffic fatalities (from 42,000 to 41,967). The final FARS data will also provide significantly more detailed information than what was previously released.

**Q. Were there declines in alcohol-related fatalities in the states with .08 BAC laws?**

A. Among the 15 states with .08 BAC laws in 1997, two-thirds (10 states) continued to register declines in alcohol-related fatalities. These states have shown steady progress in reducing alcohol-related fatalities since passage of their .08 laws. One state -- Kansas-- had a dramatic reduction in alcohol-related fatalities in 1997 to 29.5% from 40.2% in 1996. Of the remaining non-.08 states, about half (18 states) saw decreases in alcohol related fatalities between 1996-97.

**Q. Why is the President continuing to push for .08 BAC legislation when the Congress recently dropped the measure out of the highway bill? Do you really believe it has a chance of passing when the Congress passed a large incentive grant program instead of sanctions for .08?**

A. While we hope the incentive grants will serve to encourage more states to pass life-saving .08 laws, they really don't go far enough. The President believes we must continue to push for a measure to ensure that all 50 states have .08 laws. Zero tolerance for youth drinking and driving is a good example. Before the President fought for and signed this into law in 1995, after years of incentive grants, only 24 states had such laws. Three years after he signed a law which required states to have zero tolerance or risk losing highway funds, all 50 states now have them. The same thing happened with the minimum drinking age, which has been credited with saving thousands of lives.

We could save an estimated 500 - 600 lives a year if every state had an .08 law -- which is why the President refuses to relent on this issue. He has led by example by calling for an .08 the standard on federal property, and will continue to push Congress to pass the Lautenberg/Lowey bill -- over the strong objections of the liquor lobby-- before it adjourns this year.

**Q. In March, the President signed a directive to Secretary Slater to, among other things, make .08 BAC the standard on federal property. What is the status?**

A. The Department of Transportation has been working with affected federal agencies to accomplish the President's directive. The National Park Service has initiated plans to conduct a rulemaking to amend its relevant regulation to lower the legal limit in park areas to .08 BAC. Similarly, the Department of Defense has initiated plans to amend all applicable internal directives and regulations to lower the legal limit on military

installations. The Joint Service Committee on Military Justice is developing legislation to amend their Uniform Code of Military Justice, which provides the impaired driving penalties for military personnel. And the U.S. Coast Guard is working to establish a .08 BAC standard on our nation's waterways to reduce the number of alcohol-related recreational boating casualties.

**Q. Is there any evidence that lowering the limit from .10 blood alcohol content (BAC) to .08 BAC has any real effect on reducing the number of alcohol-related crashes?**

A. Yes. To date, four studies have evaluated the effects of .08 BAC laws in the United States. Each study has shown that lowering the BAC limit to .08 was associated with significant reductions in alcohol-related fatal crashes. One key study of five states that lowered their BAC limit to .08 found that drunk driver fatalities were reduced by an average of 16%. And a Boston University study concluded that when all states lower their BAC limits to .08, alcohol-related deaths are expected to decrease by about 500 to 600 every year.



## Making Progress and Saving Lives August 15, 1998

In his radio address to the nation, President Clinton will: (1) announce that, in 1997, the rate and number of alcohol-related fatalities dropped to their lowest levels since record-keeping began in 1975; and (2) renew his challenge to Congress to save even more lives by setting a nationwide drunk driving standard of .08 blood alcohol content (BAC).

### *Drunk Driving: Reaching A Historic Low*

- Fewest Alcohol-Related Deaths Since 1975. According to the Transportation Department's Fatality Analysis Reporting System (FARS), the rate of alcohol-related crashes fell from nearly 41% in 1996 to 38.6% in 1997 -- the first time that the rate dropped below 40% and the fewest number of alcohol-related fatalities since the Transportation Department began record-keeping in 1975. Since 1982, the number of alcohol-related fatalities has dropped by more than a third.
- Decline in Youth Killed by Drunk Drivers. The 1997 FARS data also shows that alcohol-related deaths among 16 to 20 year-olds dropped 5%. Reducing the number of young people killed in alcohol-related crashes has been a cornerstone of the President's effort to combat drunk driving.

### *Working to Make .08 the Law of the Land*

- Fighting for a Tough National Standard. President Clinton continues to challenge Congress to enact legislation that makes .08 BAC the legal limit for impaired driving. It has been estimated that if all states had .08 laws, alcohol-related deaths would decrease by 500 to 600 per year. The President supports bipartisan legislation that would give states three years to enact .08 legislation, or risk losing highway funds. Sixteen states have already adopted .08 laws: UT, OR, ME, CA, VT, KS, NC, NM, NH, FL, VI, HI, AL, ID, IL, and WA.
- Taking Executive Action on .08. Although Congress failed to enact .08 legislation as part of omnibus transportation legislation it recently passed, the President continues to lead by example. On March 3, 1998, he directed the Secretary of Transportation to work with safety groups, States, Federal agencies, and others to develop a plan to: (1) make .08 BAC the standard on federal property; (2) work with tribes to make .08 the limit in Indian Country; and (3) launch an education campaign on the risks of drinking and driving. The Secretary recently submitted such a plan to the President, and he has accepted the Secretary's recommendations.

### *President Clinton: A Record of Leadership*

- Putting Safety First. Safety has always been President Clinton's highest transportation priority, and the decline in alcohol-related deaths announced today is a result of that commitment. This Administration's highway safety priorities include taking on drunk and aggressive driving, and increasing seat belt use.
- Zero Tolerance Now the Law in 50 States. In 1995, President Clinton fought for and signed legislation requiring states to have "zero alcohol tolerance" laws for youth by October 1, 1998, or risk losing highway funds. At that time, just 24 states and D.C. had zero tolerance laws. This past June, South Carolina became the 50th -- and final -- state to adopt a zero tolerance law.

Cens pro - .08 laws



U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation

July 30, 1998

TO: STACIE  
~~STACEY~~ SPECTOR  
WH COMMUNICATIONS OFC.

Thanks again for the heads up about the economic numbers coming out tomorrow. On another front, as a result of the President's efforts, drunk driving fatalities have reached a record low. (We are holding -- for the moment -- release of the new numbers for CY '97.)

For the first time in the nation's history fewer than 40% of traffic deaths were alcohol related because 1) the President's signed the zero tolerance for minors law, 2) .08 DUI level laws we support and 3) aggressive education and enforcement efforts. Attached is a scheduling request sent over a couple weeks ago proposing an event to highlight this achievement.

Bill Schulz  
Bill Schulz

This could be something for a radio address, or an event w/ law enforcement w/i the next 2 weeks.

STACIE et al.

Ann L.  
PAUL  
RATHM  
Christa  
Gen P.  
DENA K.  
Fyfe. Things LBS?

July 17, 1998

**TO:**

Stephanie Street  
Director of Scheduling

**FROM:**

Thurgood Marshall, Jr.  
Secretary to the Cabinet

**REQUEST:**

Drunk driving prevention event and/or weekly radio address

**PURPOSE:**

President Clinton would participate in a drunk driving prevention event to announce the National Highway Traffic Safety Administration's Fatal Analysis Reporting System (FARS) report indicating that alcohol-related traffic fatalities have dropped to the historically low level of 38.6 percent of all fatal crashes. In addition teen alcohol deaths are down by 5%, and in ten of the 15 states with .08 BAC laws, alcohol-related fatalities continue to decline. *This is a sterling achievement in the administration's Partner's in Progress goal of 11,000 alcohol-related traffic fatalities by 2005.*

**BACKGROUND:**

Annually, the Department of Transportation/National Highway Traffic Safety Administration compiles data on all fatal traffic crashes within the 50 states, the District of Columbia, and Puerto Rico. The finalized version of the 1997 FARS indicates that alcohol-related traffic fatalities dropped to the lowest level since record keeping began in 1975. This historical drop underscores the success of the administration's effort to reduce impaired driving for all Americans, and for young people under age 21.

**PREVIOUS PARTICIPATION:**

With safety as President Clinton's highest transportation priority, he has been a strong and vocal proponent for drunk driving prevention. The President proclaims National Drunk and Drugged Driving Prevention Month each December, and has spoken to the issue of impaired driving in his weekly radio addresses. In March, the President called on the Congress to pass legislation helping to ensure that a blood alcohol content (BAC) of .08 becomes the national legal limit. The President also signed a directive setting a .08 BAC standard on Federal property, including national parks and on Department of Defense Installations. The President's 1995 call on all states to enact zero tolerance for young drivers is now reality with South Carolina becoming the 50<sup>th</sup> state to adopt zero tolerance in June, 1998. The Office of National Drug Control Policy and the President's new media campaign to motivate America's youth to

reject illegal drugs and substance abuse, including alcohol.

On Monday, July 20, 1998 Secretary of Health and Human Services, Donna Shalala and NHTSA Administrator Dr. Ricardo Martinez will participate in a SADD (Students Against Destructive Decisions) news event at the Capitol to announce the continued national push of the "2000 x 2000" campaign to reduce teen alcohol-related fatalities.

**DATE and TIME:**

Friday, July 24, to coincide with Monday's SADD conference, or TBD.

**DURATION:**

20 minutes

**LOCATION:**

TBD

**PARTICIPANTS:**

Secretary of Transportation Slater  
NHTSA Administrator Ricardo Martinez, M.D.  
White House Officials as appropriate

**OUTLINE OF EVENTS:**

Brief Remarks and Photo Opportunity

**REMARKS REQUIRED:**

Brief Remarks

**MEDIA COVERAGE:**

Media Coverage is highly desired. Any coverage would be determined by the interests and requirements of the White House and their news objectives, if any.

**PROPOSED ATTENDANCE:**

The President  
(The 1st Lady, The Vice President and/or Ms. Gore)

**RECOMMENDED BY:**

Secretary of Transportation Slater

**CONTACT:**

Jerry Malone  
Chief of Staff  
Office of the Secretary of Transportation  
(202) 366-1103

## STATEMENT OF THE PRESIDENT

The data released today by the Transportation Department shows that we are making real progress in protecting Americans from drunk drivers. Last year, the number of people killed in alcohol-related crashes dropped to an all-time low, representing a decline of over a third since 1982. For the first time since we started keeping these statistics in 1975, drunk driving deaths accounted for less than 40 percent of all traffic deaths. And alcohol-related fatalities among 16 to 20 year-olds dropped by 5 percent last year alone.

Our progress is the result of stronger laws, tougher enforcement, and increased public awareness. In particular, today's statistics show the importance of the legislation I fought for and signed three years ago to ensure zero tolerance for underage drinking and driving. But there is more we must do. We could save even more lives by passing a tough national standard of impaired driving at .08 blood alcohol content (BAC) -- and I continue to challenge the Congress to enact this life-saving measure. If we work together, we can spare thousands of families from the grief and anger of losing a loved one to a preventable drunk driving crash, and make our roads, highways, and communities safer for all Americans.

## **Making Progress and Saving Lives August 8, 1998**

In his radio address to the nation, President Clinton will: (1) announce that, in 1997, the rate and number of alcohol-related fatalities dropped to their lowest levels since record-keeping began in 1975; and (2) renew his challenge to Congress to save even more lives by setting a nationwide drunk driving standard of .08 blood alcohol content (BAC).

### **Drunk Driving: Reaching A Historic Low**

- **Fewest Alcohol-Related Deaths Since 1975.** According to the Transportation Department's Fatality Analysis Reporting System (FARS), the rate of alcohol-related crashes fell from nearly 41% in 1996 to 38.6% in 1997 -- the first time since the Transportation Department began record-keeping in 1975 that the rate dropped below 40%. And since 1986, the overall number of alcohol-related fatalities has dropped by a third.
- **Decline in Youth Killed by Drunk Drivers.** The 1997 FARS data also shows that alcohol-related deaths among 16 to 20 year-olds dropped 5%. Reducing the number of young people killed in alcohol-related crashes has been a cornerstone of the President's effort to combat drunk driving.

### **Working to Make .08 the Law of the Land**

- **Fighting for a Tough National Standard.** President Clinton continues to challenge Congress to enact legislation that makes .08 BAC the legal limit for impaired driving. The President strongly supports bipartisan legislation that would give states three years to enact .08 legislation, or risk losing highway funds. Sixteen states have already adopted .08 laws: Utah, Oregon, Maine, California, Vermont, Kansas, North Carolina, New Mexico, New Hampshire, Florida, Virginia, Hawaii, Alabama, Idaho, Illinois, and Washington.
- **Taking Executive Action on .08.** Although Congress failed to enact .08 legislation as part of omnibus transportation legislation it recently passed, the President continues to lead by example. On March 3, 1998, he directed the Secretary of Transportation to work with safety groups, the States, Federal agencies, and others to develop a plan to: (1) make .08 BAC the standard on federal property; (2) work with tribes to make .08 the limit in Indian Country; and (3) launch an education campaign on the risks of drinking and driving. The Secretary recently submitted such a plan to the President, and he has accepted the Secretary's recommendations.

### **President Clinton: A Record of Leadership**

- **Putting Safety First.** Safety has always been President Clinton's highest transportation priority, and the decline in alcohol-related deaths announced today is a result of that commitment. This Administration's highway safety priorities include taking on drunk and aggressive driving, and increasing seat belt use.
- **Zero Tolerance Now the Law in 50 States.** In 1995, President Clinton fought for and signed legislation requiring states to have "zero alcohol tolerance" laws for youth by October 1, 1998, or risk losing highway funds. At that time, just 24 states and D.C. had zero tolerance laws. This past June, South Carolina became the 50th -- and final -- state to adopt a zero tolerance law.



● Leanne A. Shimabukuro

06/03/98 08:31:10 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc: Jose Cerda III/OPD/EOP

Subject: .08 -- It's back!

**Update:** Lautenberg has expressed interest in bringing up his .08 amendment on appropriations. Begala and Stein both think this is a good idea. Leg affairs says our vote in the Senate Transportation approps committee isn't a sure thing and we may lose Byrd. Jose' notes that a full Senate vote may be better than going through the committee process. On the House side, the chairman of the transportation approps subcommittee (Wolf) is a strong supporter, so we may be able to get it in subcommittee. However, it would be a challenge surviving full approps and the Rules Committee to get it to the House floor. In any case, it shouldn't come up before the week of June 15th.

I'll be on a conference call with WH Leg, Lautenberg, and DOT in the next two days to discuss strategy. Let me know if you all have any ideas. Thanks!

We'll be talking more about this



● Leanne A. Shimabukuro

05/18/98 06:08:13 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Jose Cerda III/OPD/EOP

cc:

Subject: .08 update

Here's the latest on the conference:

Instead of sanctioning states for failing to enact .08 laws, the bill will provide \$500 million in incentive grants for states that have .08 laws and other safety laws. The incentive grants can be used for highway construction.

On other alcohol-related provisions (open containers and repeat offenders) the bill will contain a soft sanction for states that fail to pass conforming laws states. Up to 3% of highway construction funds can be diverted to highway safety construction (e.g., guard rails).

Re .08 message/statement: the leg and OMB folks want to say that the conference agreement does not go far enough on drunk driving-- and that we should have passed .08 as it came out of the Senate -- but we hope states take advantage of the incentive program and pass .08 laws. OMB is still hedging on whether we'll veto over spending levels. They want to wait until the conference is closer to conclusion so they can be sure of the final numbers.



Cons 7w - .08 laws



● Leanne A. Shimabukuro

05/12/98 10:44:07 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP  
cc: Elena Kagan/OPD/EOP, Jose Cerda III/OPD/EOP  
bcc:  
Subject: Re: .08 BAC-- VP event tomorrow

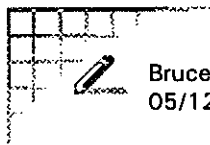
Unfortunately, I think it's a stretch --- even for us -- to make the argument that the decrease in 1997 is related to states adopting .08, particularly since few states have recently passed .08. There were only 4 states that adopted .08 between 1995-1997 -- and three of them were small states. I'm pretty sure DOT would be really uncomfortable making this leap.

I spoke with the VP's office earlier tonight, and they are ok with the event without either of these reports/announcements. Since the data on fatalities is coming out in the next week or so, we should give some additional thought to the release, and also make sure that it doesn't negatively impact us in the conference. Message-wise, I think the best way we could couch the data is to say that this shows some good news on drunk driving, but the numbers are still too high-- and we can bring down the numbers by another 600 per year (roughly doubling the gains in 1997) if we pass .08. We'll do some more thinking on this piece.

If you have thoughts on any of this, let me know.

Thanks,  
Leanne

Bruce N. Reed



Bruce N. Reed  
05/12/98 08:32:14 PM

Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP

**PRESIDENT CLINTON AND VICE PRESIDENT GORE:  
.08 -- A TOUGH LAW  
TO PROTECT ALL AMERICANS**

May 13, 1998

*"Lowering the drunk driving level to .08 means sending a message to those who would carelessly risk the lives of their loved ones and of innocent citizens. We say to them today: we will not let your arrogance endanger Americans. We will not let your irresponsibility harm the helpless. We will not let your recklessness cheat us of our loved ones."*

Vice President Al Gore  
May 13, 1998

Today, at a Bipartisan event, Vice President Al Gore publicly called on the full Congress to include the Lautenberg Amendment to the final highway bill, which helps to set a nationwide limit for impaired driving at .08 blood alcohol content (BAC). The Vice President was joined by Senators DeWine (R-OH) and Lautenberg (D-NJ), and by Representatives Lowey (D-NY) and Canady (R-FL), to make an urgent and strong push for this legislation.

**AN URGENT NEED FOR ACTION.** Every 30 minutes, someone dies because of a drunk driver. In 1996, of the 41,907 motor vehicle deaths, 41% -- or 17,126 -- were alcohol-related. Nearly 3,000 of these fatalities were young people under age 21. Over 80% of drivers involved in fatal crashes with positive BACs had levels exceeding .08 BAC.

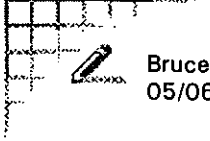
**THE .08 BAC STANDARD SAVES LIVES.** Research shows that the risk of being involved in a fatal car crash is 11 times greater at .08 than when a driver has no alcohol in their system. When all states lower their BAC limits to .08 BAC, alcohol-related deaths are expected to decrease by as many as 600 each year.

**MAKING .08 BAC THE NATIONWIDE STANDARD.** President Clinton and Vice President Gore endorse the Lautenberg Amendment, which helps set a national BAC limit of .08 percent for drivers age 21 and older. The bill would give states three years to enact laws to make .08 BAC the legal limit, or risk losing highway funds. Sixteen states have already adopted .08 BAC laws: Utah, Oregon, Maine, California, Vermont, Kansas, North Carolina, Washington, New Mexico, New Hampshire, Florida, Virginia, Hawaii, Alabama, Idaho and Illinois.

**TAKING EXECUTIVE ACTION ON .08 BAC.** President Clinton has already directed Transportation Secretary Slater to work with federal agencies, states, safety groups, and others to develop a plan to set a .08 BAC standard on federal property, such as national parks and military bases. The directive also instructs the Secretary to include in his plan other steps to promote the adoption of .08 BAC as the nationwide standard, including an education campaign to help the public understand the risks associated with drinking and driving, and working with tribes to adopt .08 in Indian Country.

**LEADING THE FIGHT AGAINST YOUTH DRINKING AND DRIVING.** The President and Vice President are committed to taking action to reduce the deaths and injuries brought about by alcohol use and driving by teens. The .08 BAC standard builds on the law President Clinton signed requiring all states to have "Zero Alcohol Tolerance" laws for youth by Oct. 1, 1998, or risk losing highway funds. To date, 49 states and the District of Columbia have enacted zero tolerance laws, which prohibit youths under age 21 to drive with any measurable amount of alcohol in their system.

Caus pro - .08 laws



Bruce N. Reed  
05/06/98 01:18:25 PM

Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP

cc: Elena Kagan/OPD/EOP, Christa Robinson/OPD/EOP, Jose Cerda III/OPD/EOP

Subject: Re: Follow up on .08/ drunk driving

Won't the DOT report be real news? Not so much that alcohol-related deaths dropped below 40%, but that \_\_\_-thousand Americans died last year from alcohol-related accidents on the highway.

DUI pro - .08 laws



● Leanne A. Shimabukuro

05/06/98 08:06:21 PM

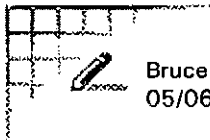
Record Type: Record

To: Bruce N. Reed/OPD/EOP  
cc: Elena Kagan/OPD/EOP, Christa Robinson/OPD/EOP, Jose Cerda III/OPD/EOP  
bcc:  
Subject: Re: Follow up on .08/ drunk driving 

According to DOT, this report usually does make news on the total # of fatalities. While the number is basically the same as last year's, it could be construed as a measure of progress since more cars are on the roads every year, and people are on the road longer. You're right-- it could eclipse a drunk driving message.


I was told today that the report should have state-by-state data on alcohol-related crashes. If the .08 states have seen increases in fatalities, it probably wouldn't be the best idea to release the report in conjunction with a .08 message. If the news on this front is good, then it could bolster our message. I'm trying to get this information now.

Bruce N. Reed



Bruce N. Reed  
05/06/98 01:18:25 PM

Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP  
cc: Elena Kagan/OPD/EOP, Christa Robinson/OPD/EOP, Jose Cerda III/OPD/EOP  
Subject: Re: Follow up on .08/ drunk driving 

Won't the DOT report be real news? Not so much that alcohol-related deaths dropped below 40%, but that \_\_\_-thousand Americans died last year from alcohol-related accidents on the highway.



● Leanne A. Shimabukuro

05/05/98 06:55:59 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Christa Robinson/OPD/EOP  
cc: Jose Cerda III/OPD/EOP  
Subject: Follow up on .08/ drunk driving

As a follow up on Bruce's request, I've listed some possible hooks for a .08 statement or event. We could release DOT's report back to the President on .08 in concert with any of these options:

**DOT Annual Report on Fatalities:** DOT is about to release their annual preliminary 1997 numbers on highway fatalities. While the overall number is about level from last year (about 42,000), the percentage of alcohol-related fatalities dropped slightly from 40.7% to 39.3%. While this is a modest decrease, **this is the first time the alcohol-related rate has ever fallen below 40% since they've collected this data.** I believe DOT could hold this report until we want to release it.

**10th Anniversary of Kentucky Crash:** On May 14, MADD is holding an event in Carrollton, Kentucky to commemorate the 10th anniversary of the worst drunk driving crash in U.S. history, where over 40 kids were killed when a drunk driver hit a school bus. MADD will be calling for .08 legislation at the event. The media attention should be pretty good; MADD has already arranged to go on all the morning shows the day of the event. Since the President will be abroad, this could be a VP event w/ a Presidential statement.

**Upcoming State Votes:**

**Zero Tolerance:** In the next couple of weeks, South Carolina will vote on zero tolerance for underage drinking and driving -- we don't have a firm date but probably not before May 15. South Carolina will be the final state to pass zero tolerance. We could do a message saying that this marks the final step for zero tolerance, and it is time to take the next step to stop drunk driving through enacting .08.

**.08 BAC:** D.C. and Rhode Island will both vote on .08 laws soon. Rhode Island's vote may be happening in the next day or two. DC hasn't scheduled their vote yet, but MADD expects it to be soon. Since we don't really know the timing here, these probably aren't our best options. FYI: Our state total of .08 states is now up to 16 -- Washington passed their law since the event.

Please let me know if any of these meet the threshold of excitement for another event or radio address. Thanks.

## **Drunk Driving: Setting a Nationwide Standard at .08 BAC**

Tomorrow, Bruce Reed and Paul Begala will host a meeting with Representative Lowey, National Highway Traffic Safety Administrator Martinez, and four state legislators who have sponsored .08 BAC drunk driving legislation in their states. This bipartisan group of legislators strongly support federal legislation to set a national impaired driving standard at .08 BAC. The state legislators are: Senator Thomas J. Wyss (R-Allen, Indiana), State Representative Matt Entenza (D-Ramsey, Minnesota), State Senator Ida Ruben (D-Montgomery, Maryland), and State Representative Rex Damschroder (R-Sandusky, Ohio).

### **Background**

- Last month, the President endorsed legislation proposed by Senator Lautenberg and Representative Lowey, which sets a national BAC limit of .08 percent for drivers age 21 and older. The bill would give states three years to enact laws to make .08 BAC the legal limit, or risk losing highway funds. Fifteen states have already adopted .08 BAC laws.
- The day after the President announced his support, the Senate passed the Lautenberg amendment to the omnibus highway bill with a strong bipartisan vote. Later in the month, the House Rules Committee decided not to permit a vote on the Lowey .08 BAC amendment to the highway bill. The conferees have started their meetings on the bill, but it is unclear how the .08 issue will be resolved.

### **Making .08 BAC the Nationwide Standard**

- As you know, the President has strongly supported the legislation proposed by Representative Lowey and Senator Lautenberg to set a nationwide standard for impaired driving at .08 BAC. We appreciate hearing from you on your strong support for federal action to set a national .08 BAC standard.
- The President has repeatedly highlighted the importance of the .08 BAC issue, through an event in the East Room with law enforcement, MADD, and highway safety advocates, to urging the House of Representatives to allow a vote on the Lowey amendment. The President expressed his disappointment with the House version of the highway bill and strongly believes that the .08 legislation should be included in the final legislation.
- This is a reasonable measure that is not intended to stop people from drinking. Its purpose is to insist that people drink responsibly, if they intend to drive.
- It has been estimated that we could save 600 lives a year once every state enacts .08 BAC as their impaired driving standard. Saving lives and promoting responsibility should not be partisan issues.
- I urge you to continue your vocal support for national leadership on this issue and to encourage your colleagues to join the effort.



● Leanne A. Shimabukuro

05/01/98 04:35:09 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Elena Kagan/OPD/EOP, Jose Cerda III/OPD/EOP

Subject: Drunk driving

Update: I spoke with Lautenberg's office on the issue of a Senate .08 letter to conferees. Their current position is that a letter signed by fewer than the 62 Senators who voted for the Lautenberg amendment would signal to conferees that the Senate has weakened since the vote -- and they aren't confident that they could get this many to sign.

The conferees aren't stacked too well on this issue; even some of the House Dem conferees are against the .08 amendment. Lautenberg's staff think the resolution of the .08 amendment will turn on internal conferee politics, and -- even more than keeping up the public pressure on the issue generally -- the key is to target certain House Republican and Dem conferees who are vulnerable on the issue. I am contacting leg affairs about this piece.

Begala was interested in the .08 report back to the President and told me to hold onto it in case we can get another event on the schedule to release it. Lautenberg's office thinks the .08 issue may be resolved in conference before the President returns from Europe, so if we do an event or message, it should be before he leaves.

Cons pro - .08 laws



● Leanne A. Shimabukuro

04/28/98 04:18:18 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP

cc: Jose Cerda III/OPD/EOP, Laura Emmett/WHO/EOP, Christa Robinson/OPD/EOP

Subject: .08 BAC -- update

Update: Tomorrow, Erskine will meet with Rep. Lowey and a group of 4 state legislators (OH, IN, MD, MN) who are strongly supporting national legislation on .08 BAC. The President will do a drop by to thank them for their support, and the legislators will have an opportunity to talk to press after the meeting. Lowey and Canady will hold a separate press event with the state legislators on the Hill.

Begala said he would like to hold the .08 BAC report back to the President for a possible event. DOT is fine with waiting.

Leanne



THE WHITE HOUSE  
WASHINGTON

4/22/98

Paul/Rahm -

This is the latest draft of the Transportation Department's report back to the President's directive on .08 BAC on federal property. It's kind of soft, but let me know if you are interested in releasing it to make news on .08 or to push on Conferees (their first meeting is today).

Thanks,  
Leanne  
65574

CC: Jose, Elena

~~1st page to Leanne~~

Leanne -  
What did we decide  
to do on this?

Elena

**DRAFT    DRAFT    DRAFT    DRAFT    DRAFT    DRAFT**

**STATEMENT BY THE PRESIDENT**

**March 30, 1998**

Although my trip to Africa precludes me from joining Congresswoman Nita Lowey, Congressman \_\_\_ Kennedy and others gathered in the Roosevelt Room, I want to state once more my strong support for legislation to put the brakes on drunk driving.

Setting a uniform limit for impaired driving at .08 blood alcohol content (BAC) will help us crack down on drunk driving nationwide. At a time when crime all across America is going down, we still lose an American to drunk driving every 30 minutes -- every half hour a family is shattered, a child, a parent, a neighbor, is lost forever.

By establishing a strong but sensible limit on blood alcohol content, we could save as many as 600 lives a year. And a uniform drunk driving standard would still allow adults to drink responsibly and moderately -- since the .08 BAC standard is not reached until a 170-pound man has had more than four drinks in an hour, and three for a typical woman.

This should not be a partisan issue. Indeed, the bipartisan work of Congresswoman Lowey and Congressmen Ben Gilman in the House and Senators Lautenberg and DeWine in the Senate, proves that when leaders from both parties come together, we can set aside political differences to save lives and serve America. It is my fervent hope that the majority of the House will join the large bipartisan majority in the Senate, and send me legislation that will save lives, make our streets safe, our drivers sober, and our laws more sensible

Congress of the United States  
Washington, DC 20515

## *Drunk Driving and .08 BAC:*

# WHY THE INCENTIVE APPROACH DOESN'T WORK

March 27, 1998

Dear Colleague:

The House is poised at a crucial moment in the fight to make our nation's roads safer from drunk drivers. Next week, we will have the opportunity to follow the Senate's strong bipartisan vote to ensure that all 50 states adopt a DWI standard of .08 Blood Alcohol Content.

Some of our colleagues argue that, in deference to state's rights, we should use incentives. We wish incentives could do the job, but it is clear they do not.

Our bill uses the very same sanctions method as contained in the 1984 Minimum Drinking Age law and the 1995 Zero Tolerance law. No state has ever lost federal highway dollars under those laws, and they have saved thousands of lives.

We have to ask why those who oppose the .08 BAC standard support the incentive approach in H.R. 2400? The answer is that they know incentives don't work.

The incentives contained in H.R. 2400 are minimal at best and will do little to strengthen our drunk driving laws. Under the bill, if a state enacts 5 of 8 alcohol-related highway safety measures -- one of which is adoption of a .08 law -- it qualifies for a small incentive grant. H.R. 2400 says to the states: "We'll give you a small incentive, and you can still get the incentive, measly as it is, even if you don't adopt a .08 law." What kind of an incentive is that?

When Ronald Reagan signed the 1984 Minimum Drinking bill into law, he addressed the incentives vs. sanctions argument. Reagan said the problem of drunk driving:

*"is bigger than individual states. It's a grave national problem and it touches all our lives. With the problem so clear-cut...we have no misgivings about this judicious use of Federal power."*

Our legislation employs the very same "judicious Federal power" as the 1984 law. It says if you're drunk in one state, that same standard should apply in all 50 states. The bill leaves it up to the states, however, to determine the penalties for DWI convictions.

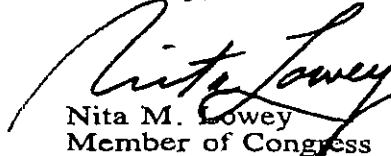
The Senate adopted this measure on an overwhelming bipartisan vote of 62-32. We have the opportunity to save hundreds of lives and prevent tens of thousands of injuries each and every year. This isn't a debate about states rights. This debate is about the most effective way to make our highways safer. Make no mistake, a vote for incentives is a vote for the status quo.

For more information on our legislation, please contact David Lindsay (Rep. Canady - ext.51252), Jeff Forest (Rep. Castle - ext.54165) or Tod Preston (Rep. Lowey - ext.56506).

Sincerely,



Charles T. Canady  
Member of Congress



Nita M. Lowey  
Member of Congress



Michael N. Castle  
Member of Congress

# **SUPPORTERS OF LOWEY-CANADY AMENDMENT**

## **TO H.R. 2400**

**Alliance of American Insurers**  
**American Academy of Pediatrics**  
**American Automobile Manufacturers Assoc.**  
**American College of Emergency Physicians**  
**American Medical Association**  
**American Public Health Association**  
**Advocates for Highway and Auto Safety**  
**Center for Science in the Public Interest**  
**Citizens for Reliable and Safe Highways**  
**Coalition for American Trauma Care**  
**Consumer Federation of America**  
**Emergency Nurses Association**  
**Independent Insurance Agents of America**  
**International Assoc. of Fire Chiefs**  
**Mothers Against Drunk Driving**  
**National Council on Alcoholism & Drug Dependence**  
**National Fire Protection Association**  
**National Highway Traffic Safety Administration**  
**National Safety Council**  
**National Transportation Safety Board**  
**Parents Against Tired Truckers**  
**Police Foundation**  
**SAFETEA Coalition**

# DRUNK DRIVING AND .08 BAC: INCENTIVES VS. SANCTIONS

## STATES WON'T LOSE MONEY

- No state has ever lost federal highway dollars under the identical sanctions measures in the 1984 Minimum Drinking Age law and the 1995 Zero Tolerance law. Moreover, these laws have been great success stories, saving thousands of lives.

## INCENTIVES DON'T WORK

- Opponents say the issue isn't .08 -- that the question is incentives vs. sanctions. But why does the liquor industry support the incentive approach in the bill if it opposes the .08 standard? Because they know incentives don't work.

## INCENTIVES IN H.R. 2400 ARE INADEQUATE

- The incentives contained in H.R. 2400 are minimal at best and will do little to strengthen our drunk driving laws. H.R. 2400 says to states that if you enact 5 of 8 highway safety measures -- one of which is adoption of a .08 law -- we will give you a small incentive grant. H.R. 2400 says to the states: "We'll give you a small incentive, and you can still get the incentive, measly as it is, even if you don't adopt a .08 law."

## STATES HAVE PLENTY OF TIME TO ACT

- Under the *Lowey-Canady-Castle-Gilman* amendment, states would have until the beginning of FY2002 to adopt a .08 law before they risked losing 5% of their federal highway funds and 10% in subsequent years.

## STATES CAN GET MONEY BACK

- However, if a state did fail to meet that deadline and "lost" part of their federal funds, that money would be held in reserve and given back to that state if it adopted a .08 law within 2 years. So, in effect, states wouldn't really lose funds if they acted within 5 years.

## STATES RETAIN FLEXIBILITY

- This measure leaves it up to the states to determine the penalties for DWI.

## **POLL SHOWS AMERICANS SUPPORT .08 BAC LIMIT**

### **KEY FINDINGS OF ALLSTATE'S SURVEY ON DRUNK DRIVING IN AMERICA**

- Nearly seven out of 10 respondents would favor lowering the illegal blood-alcohol limit to .08 percent.
- On average, males thought they would need to consume 2.1 drinks in one hour on an empty stomach to reach a blood-alcohol level of .08, and females believed they would need 1.6 drinks. The actual amount needed for a 170-pound male is at least four drinks in one hour, and at least three drinks in one hour for a 137-pound female. (National Highway Traffic Safety Administration) A drink is a 12-ounce glass of beer, a five-ounce glass of wine or an eight-ounce mixed drink containing one ounce of hard liquor.
- Drunk driving is considered the No. 1 highway safety problem by a majority of Americans (52.9 percent). Excessive speeding was next on the list (18.6 percent).
- 30.9 percent of respondents admitted to driving after having had too much to drink. Significantly more men (41.3 percent) than women (20.9 percent) said they had driven after having too much to drink.
- 96.9 percent say they would ask a party guest or someone they know who had too much to drink not to drive.
- One-third of the respondents feel that laws and law enforcement have been "only slightly effective" or "not effective at" all in addressing the issue of drunk driving.

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*The poll was conducted by the research firm Market Facts for Allstate Insurance in support of MADD's 1997 Tie One On For Safety campaign. Responses were collected from 1,000 Americans who were questioned by phone between November 3 and November 5, 1997. The margin of error is plus or minus 3.1 percent.*

Cons pro - .08 laws

## STATEMENT BY THE PRESIDENT

March 30, 1998

Although my trip to Africa precludes me from joining Congresswoman Nita Lowey, Congressman Charles Canady and others gathered in the Roosevelt Room, I want to state once more my strong support for legislation to put the brakes on drunk driving.

Setting a uniform limit for impaired driving at .08 blood alcohol content (BAC) will help us crack down on drunk driving nationwide. At a time when crime all across America is going down, we still lose an American to drunk driving every 30 minutes -- every half hour a family is shattered, a child, a parent, a neighbor, is lost forever.

By establishing a strong but sensible limit on blood alcohol content, we could save as many as 600 lives a year. And a uniform drunk driving standard would still allow adults to drink responsibly and moderately -- since the .08 BAC standard is not reached until a 170-pound man has had more than four drinks in an hour, and three for a typical woman.

This should not be a partisan issue. Indeed, the bipartisan work of Congresswoman Lowey and Congressman Canady and Senators Lautenberg and DeWine, proves that when leaders from both parties come together, we can set aside political differences to save lives and serve America. It is my fervent hope that the majority of the House will join the large bipartisan majority in the Senate, and send me legislation that will make our streets safe, our drivers sober, and our laws more sensible.



06:23:30 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Michelle Crisci/WHO/EOP, Eleanor S. Parker/WHO/EOP, Bruce N. Reed/OPD/EOP

cc: Jose Cerda III/OPD/EOP

Subject: .08 BAC

I have heard from WH Leg Affairs that it looks unlikely that the House rule on ISTEPA will permit a vote on the Lowey .08 BAC amendment. The Rules Committee is scheduled to vote on the rule at 8:00pm tonight.

On a separate but related matter, the Justice Department is prepared to announce formula grants (\$360,000 to each state) to combat underage drinking. If we want to beat up on the House for failing to vote on .08, the grants could give us an additional opportunity to do it. The Department is holding the announcement until Friday, but we could probably get them to hold on longer if necessary.

At the very least, we could get a quote in the DOJ release or do our own statement. If we want to further highlight, we could have the VP announce, or do a radio address. Please let me know if there is interest in any of these options.

Thanks,  
Leanne



*Cur & Revs - .08 law*

**DRAFT      DRAFT      DRAFT      DRAFT      DRAFT      DRAFT**

March 27, 1998

Hon. Nita Lowey  
United States House of Representatives  
Washington, DC

Dear Nita:

Although my trip to Africa precludes me from joining you, I want to state once more my strong support for the historic journey you are on: a journey to make our streets safe, our drivers sober, and our laws more sensible.

Your proposal to establish a nationwide crackdown on drunk driving by setting a uniform limit for impaired driving at .08 blood alcohol content (BAC) truly is an idea whose time has come. At a time when crime all across America is going down, we still lose an American to drunk driving every 30 minutes -- every half hour a family is shattered, a child, a parent, a neighbor, is lost forever.

By setting a strong but sensible limit on blood alcohol content, we could save as many as 600 lives a year. And a uniform drunk driving standard will still allow adults to drink responsibly and moderately -- since your .08 BAC standard is not reached until a 170-pound man has had more than four drinks in an hour, and three for a typical woman.

This should by no means be a partisan issue. Indeed, your bipartisan work with Benjamin Gillman, as well as the partnership between Frank Lautenberg and Mike Dewine in the Senate, proves that when leaders from both parties come together, we can set aside political differences to save lives and serve America. It is my fervent hope that the majority of your colleagues in the House will join the large bipartisan majority in the Senate, and send me legislation to put the brakes on drunk driving.

Sincerely,

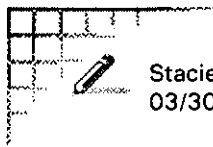


Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc: Jose Cerda III/OPD/EOP  
Subject: .08 event with Shalala, Holder and Lowey

FYI on the program:

----- Forwarded by Leanne A. Shimabukuro/OPD/EOP on 03/30/98 12:28 PM -----



Stacie Spector  
03/30/98 12:18:05 PM

Record Type: Record

To: Kris M Balderston/WHO/EOP, Elisa Millsap/WHO/EOP  
cc: Leanne A. Shimabukuro/OPD/EOP, Eleanor S. Parker/WHO/EOP, Lori L. Anderson/WHO/EOP, Kevin S. Moran/WHO/EOP  
Subject: 2:15 briefing

We will be briefing the Program speaking participants at 2:15pm in Mike McCurry's office. Begala will be leading the briefing.

Reminder: The program will be:

- Eric Holder
- Millie Webb (real person story)
- Congresswoman Lowey
- Congressman Canady
- Secretary Shalala (will read statement from the President)

Kris and Elisa, will you be responsible for your agency and hill speakers so they get to Mike's office by 2:15?

Leanne, can you touch base with Todd at Lowey's office and confirm when Millie Webb will be here so she can participate in the briefing if she would like? Can you be the point person for her?

Thanks.

clms 70-108 laws

THE WHITE HOUSE  
WASHINGTON

Date 3/31

To: JOHN ROSSA, RAHM, ELENA KAGAN!

From: The Staff Secretary

ANY OBJECTION?

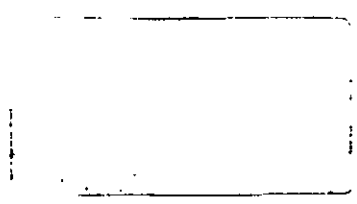
LEG AFF WANTS TO GET

UP TO THE HILL BY

1:00 PM

- SEAN

OK



# URGENT DRAFT

'98 MAR 31 PM12:07

Dear Mr. Chairman:

On March 28, 1998, I sent a letter to the Leadership addressing my concerns regarding H.R. 2400, the Building Efficient Surface Transportation and Equity Act of 1998. As the House prepares to consider this bill, it is my fervent hope that the Lowey-Canady .08 provision be adopted.

As the crime rate continues to drop nationwide, we still lose an American to drunk driving every thirty minutes -- every half hour a family is shattered and a child, parent or neighbor is lost forever. Setting a uniform limit for impaired driving at .08 blood alcohol content (BAC) will help us crack down on the drunk driving epidemic and put a stop to these needless deaths. In addition, a uniform standard will also allow adults to drink responsibly and moderately.

Attempts should not be made to deviate from this sensible standard. This should not be a partisan issue, but rather an opportunity for the House to act in a bipartisan fashion to save lives and serve America. I look forward to continuing to work together to make the .08 standard a reality.

Sincerely,

The Honorable Bud Shuster  
Chairman  
Committee on Transportation and Infrastructure  
House of Representatives  
Washington, D.C. 20515

Approved by:  
omb  
DOT  
Stein

Camp pro - .08 laws

**PRESIDENT CLINTON:  
.08  
A TOUGH LAW THAT SAVES LIVES**

March 3, 1998

*"Lowering the legal limit to .08 will not prevent adults from enjoying alcoholic beverages -- provided they do so responsibly. In fact, lowering the legal limit will remind responsible Americans to take even greater care when they use alcohol. But to people who would disregard the lethal threat they pose when they drink and drive, lowering the legal limit sends a strong message: we will not tolerate irresponsible acts that endanger our children and nation."*

President Bill Clinton  
March 3, 1998

Today, President Clinton calls for legislation setting a nationwide limit for impaired driving at .08 blood alcohol content (BAC) and signs an Executive Memorandum directing Transportation Secretary Slater to develop a plan in 45 days to promote the adoption of .08 BAC on all federal property.

Every 30 minutes, someone dies because of a drunk driver. In 1996, of the 41,907 motor vehicle deaths, 41% -- or 17,126 -- were alcohol-related. Nearly 3,000 of these fatalities were young people under age 21. Over 80% of drivers involved in fatal crashes with positive BACs had levels exceeding .08 BAC. Moreover, alcohol-related crashes cost society \$45 billion every year, not counting the pain and suffering endured by its victims.

**The .08 BAC Standard Saves Lives.** A recent study of five states that lowered their limit to .08 BAC found drunk driver fatalities were reduced by an average of 16%. When all states lower their BAC limits to .08 BAC, alcohol-related deaths are expected to decrease by 600 each year.

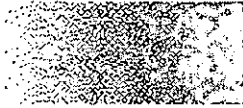
**Making .08 BAC The Nationwide Standard.** President Clinton endorsed the "Safe and Sober Streets Act," which sets a national BAC limit of .08 percent for drivers age 21 and older. The bill would give states three years to enact laws to make .08 BAC the legal limit, or risk losing highway funds. Fifteen states have already adopted .08 BAC laws: Utah, Oregon, Maine, California, Vermont, Kansas, North Carolina, New Mexico, New Hampshire, Florida, Virginia, Hawaii, Alabama, Idaho and Illinois.

**Taking Executive Action On .08 BAC.** President Clinton is directing Transportation Secretary Slater to work with Federal agencies, States, safety groups, and others to develop a plan to set a .08 BAC standard on federal property, such as national parks and military bases. The directive also instructs the Secretary to include in his plan other steps to promote the adoption of .08 BAC as the nationwide standard,

including an education campaign to help the public understand the risks associated with drinking and driving.

**Leading The Fight Against Youth Drinking And Driving.** The President is committed to taking action to reduce the deaths and injuries brought about by alcohol use and driving by teens. The .08 BAC standard builds on the law President Clinton signed requiring all states to have "Zero Alcohol Tolerance" laws for youth by Oct. 1, 1998, or risk losing highway funds. To date, 46 states and the District of Columbia have enacted zero tolerance laws, which prohibit youths under age 21 to drive with any measurable amount of alcohol in their system.

Cons pro - .05 laws



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Barry J. Toiv

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03/04/98 05:22:15 PM

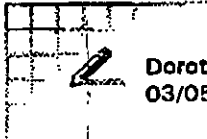
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Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Laura Emmett/WHO/EOP  
Subject: DUI

The call to Kathy Kiely of the New York daily News can be made tomorrow. Chuck Brain relates the following: the House legislative situation is similar to what it was in the senate. the committee bill contains incentives rather than a penalty. Lowey and allies will seek to turn it into penalties, just as Lautenberg did in the Senate. We think our legislative prospects are good (Chuck thinks it's slightly better than 50-50.) Kathy's number is 467-6670.

cons pro -  
.08 law



Dorothy Robyn  
03/05/98 09:12:36 AM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Jonathan A. Kaplan/OPD/EOP, Brian A. Barreto/OPD/EOP  
Subject: Dorgan amendment on open alcohol containers

Sen. Dorgan (who is leaning yes on supporting our position on DOT's DBE program) yesterday asked Secretary Slater for a letter supporting an amendment he, Lautenberg and Bumpers will offer today urging states to adopt laws prohibiting open containers of alcohol in motor vehicles. This amendment would carry the same sanctions as the .08 BAC amendment.

DOT Asst. Secretary for Legis. Affairs Steve Palmer called me last evening requesting WH sign off on such a letter by 9 am this morning. Michael Deich, Chuck Kieffer and I made a command decision to approve DOT's request. I could not reach anyone from OIRA or DPC at that late hour.

I will circulate the bill language, letter from MADD, etc.

Message Sent To:

- Gene B. Sperling/OPD/EOP
- Sally Katzen/OPD/EOP
- Jake Siewert/OPD/EOP
- Donald R. Arbuckle/OMB/EOP
- Bruce N. Reed/OPD/EOP
- Jerold R. Mande/OSTP/EOP



Cuns pro -  
.08 laws



03:26:26 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP  
cc: Jose Cerda III/OPD/EOP, Laura Emmett/WHO/EOP  
Subject: drunk driving directive

BR/EK:

Per Bruce's suggestion, I've written a draft directive for our .08 BAC/drunken driving event which is loosely modeled on the safety belt directive we did in January 1997. The directive basically asks Sec. Slater to develop a plan to implement .08 BAC on federal lands (it is anticipated that this would cover national parks and military installations). While discussions about the proposal have been met with less than sheer excitement from DOT and much foot dragging (how rare!), I continue to hold out hope that we could do this for Tuesday. None of the WH communications hacks know about this, so if you want to pull the plug, it shouldn't be a problem. Please let me know if you want to continue to move forward on the directive, and if so, review the attached draft and send me edits or comments.

Thanks!!  
LS



08.DIR

THE WHITE HOUSE  
WASHINGTON

March 2, 1998

**SAFE AND SOBER STREETS EVENT**

**DATE:** March 3, 1998  
**LOCATION:** East Room  
**BRIEFING TIME:** 1:00 pm - 1:20 pm  
**EVENT TIME:** 1:45 pm - 2:45 pm  
**FROM:** Bruce Reed

**I. PURPOSE**

To urge Congress to pass legislation to set a nationwide limit for impaired driving at .08 blood alcohol content (BAC), and to sign an Executive Memorandum directing Transportation Secretary Slater to develop a plan in 45 days to promote the adoption of .08 BAC on federal property.

**II. BACKGROUND**

You will speak to approximately 100 advocates for a national .08 blood alcohol content policy, including Mothers Against Drunk Driving, Advocates for Highway and Auto Safety, National District Attorneys Association, Members of Congress, insurance companies, and health associations. Also seated in the front row will be ten middle school students who were friends of Ashley Frazier, a young Maryland girl killed by a drunk driver with a .08 blood alcohol level. Ashley's mother will be introducing you at this event and will give her account of the accident that she witnessed, and how impaired she perceived the driver to be.

In 1996, of the 41,907 motor vehicle deaths, 41% -- or 17,126 -- were alcohol-related. Nearly 3,000 of these fatalities were young people under age 21. Over 80% of drivers involved in fatal crashes with positive BACs had levels exceeding .08 BAC.

To reach .08 BAC, an average male weighing 170 pounds must have more than four drinks in an hour on an empty stomach and the average 137-pound female would need to have three drinks in the same period.

**Making .08 BAC the Nationwide Standard**

You will be endorsing the "Safe and Sober Streets Act" proposed by Senator Lautenberg and Representative Lowey, which sets a national BAC limit of .08 percent for drivers age 21 and older. The bill would give states three years to enact laws to make .08 BAC the legal limit, or risk losing highway funds. Fifteen states have already adopted .08 BAC laws: Utah, Oregon, Maine, California, Vermont, Kansas, North Carolina, New Mexico,

New Hampshire, Florida, Virginia, Hawaii, Alabama, Idaho and Illinois.

A recent study of five states that lowered their limit to .08 BAC found alcohol-related fatalities were reduced by an average of 16%. When all states lower their BAC limits to .08 BAC, alcohol-related deaths are expected to decrease by 600 per year.

**Taking Executive Action on .08 BAC**

You will sign a directive to Transportation Secretary Slater to work with Federal agencies, states, safety groups, and others to develop a plan to set a .08 BAC standard on federal property, such as national parks and military bases. The directive also instructs the Secretary to include in his plan other steps to promote the adoption of .08 BAC as the nationwide standard, including an education campaign to help the public understand the risks associated with drinking and driving.

This event builds on your efforts to crack down on teenage drunk driving. Two years ago you signed a law requiring states to have a "Zero Alcohol Tolerance" for youth by Oct. 1, 1998, or risk losing highway funds. To date, 46 states and the District of Columbia have enacted zero tolerance laws, which prohibit youths under age 21 to drive with any measurable amount of alcohol in their system.

**III. PARTICIPANTS**

**Briefing Participants:**

Secretary Slater  
Rahm Emanuel  
Bruce Reed

**Event Participants:**

Secretary Slater  
Attorney General Reno (tentative)  
Senator Frank Lautenberg  
Senator Mike DeWine  
Representative Nita Lowey  
Chief Ed Flynn, Arlington, VA  
Brenda Frazier, Mother whose daughter was killed by a drunk driver

**IV. PRESS PLAN**

Open Press.

**V. SEQUENCE OF EVENTS**

- YOU will be announced into the East Room accompanied by Chief Ed Flynn, Members of Congress, Secretary Slater, and the Attorney General.
- Secretary Slater will make welcoming remarks and introduce Senator DeWine.

- Senator DeWine will make remarks and introduce Rep. Lowey.
- Rep. Lowey will make remarks and introduce Chief Ed Flynn.
- Chief Flynn will make remarks and introduce Senator Lautenberg.
- Senator Lautenberg will make remarks and introduce Brenda Frazier.
- Brenda Frazier will make remarks and introduce **YOU**.
- **YOU** will make remarks.
- Following your remarks, you will proceed to the signing table and sign the Executive Memorandum. (\***YOU** could invite stage participants and children seated in the front row who were friends of Ashley Frazier to stand behind**YOU**.)
- **YOU** will work a ropeline and then depart.

## **VI. REMARKS**

Remarks Provided by Speechwriting.

**Drunk Driving Event  
Questions and Answers  
March 3, 1998**

**Q. What did the President announce today?**

A. Today, President Clinton: (1) urged Congress to pass the "Safe and Sober Streets Act" to set a nationwide limit for impaired driving at .08 blood alcohol content; and (2) directed Transportation Secretary Slater to develop a plan in 45 days to promote the adoption of .08 BAC on federal property.

Making .08 BAC the Limit in All 50 States. The President urged the Senate to pass an amendment to comprehensive transportation legislation (ISTEA reauthorization) to set a nationwide limit for impaired driving at .08 blood alcohol content (BAC) for adult drivers. The President endorsed the "Safe and Sober Streets Act," proposed by Senator Lautenberg and Representative Lowey, which sets a national BAC limit of .08 percent for drivers age 21 and older. The bill would give states three years to enact laws to make .08 BAC the legal limit, or risk losing highway construction funds. The Lautenberg/Lowey legislation would withhold 5 percent of highway construction funds from those states that do not pass a .08 BAC law within three years, and 10 percent in subsequent years.

Taking Executive Action on .08 BAC. The President signed a directive to Transportation Secretary Slater to work with Federal agencies, States, safety groups, and others to develop a plan to set a .08 BAC standard on federal property, such as national parks and military bases. The directive also instructs the Secretary to include in his plan other steps to promote the adoption of .08 BAC as the nationwide standard, including an education campaign to help the public understand the risks associated with drinking and driving.

**Q. Is there any evidence that lowering the limit from .10 blood alcohol content (BAC) to .08 BAC has any real effect on reducing the number of alcohol-related crashes?**

A. Yes. To date, four studies have evaluated the effects of .08 BAC laws in the United States. Each study has shown that lowering the BAC limit to .08 was associated with significant reductions in alcohol-related fatal crashes. One key study of five states that lowered their BAC limit to .08 found that drunk driver fatalities were reduced by an average of 16%. When all states lower their BAC limits to .08, alcohol-related deaths are expected to decrease by about 600 every year.

**Q. Aren't .08 laws really targeting social drinkers instead of the drivers with really high BAC in their systems?**

A. Let's be clear -- .08 BAC is not social drinking. It is a reasonable limit that isn't reached

with a couple of beers after work or a glass or two of wine with dinner. An average man weighing 170 pounds would have to consume four drinks in an hour on an empty stomach to reach .08 BAC. A typical female weighing 137 pounds would have to consume 3 drinks in an hour on an empty stomach to reach .08 BAC. And at .08 BAC, drivers are impaired with respect to critical driving tasks such as braking, steering, lane changing, and exercising judgment -- even experienced drinkers. Research indicates that the relative risk of being killed in a single vehicle crash at .08 BAC is at least 11 times higher than it is for drivers with no alcohol in their system.

Moreover, studies have shown that .08 BAC laws affect all drivers that drink -- even those who reach very high BACs (.15 BAC or higher). In a study of five states which lowered their BAC limit to .08, drunk driver fatalities were reduced by an average of 16%, and fatal crashes involving drivers with extremely high BACs (above .15) were reduced even more.

This measure is not intended to stop people from drinking. Its purpose is to insist that people drink responsibly, if they intend to drive.

**Q. Which states have already enacted .08 BAC laws?**

A. Fifteen states have already enacted .08 BAC laws: Alabama, California, Florida, Hawaii, Idaho, Illinois, Kansas, Maine, New Hampshire, New Mexico, North Carolina, Oregon, Utah, Vermont and Virginia. Last year, .08 BAC bills were introduced in another 21 states but were not enacted.

**Q. Why focus on lowering the illegal BAC from .10 to .08 instead of pushing for harsher sanctions for drivers with extremely high BAC levels (e.g., .15 or above)? Aren't these the drivers that are the majority of drinking drivers arrested and involved in fatal crashes?**

A. Some states, such as Florida have both .08 BAC laws on the books as well as tough mandatory minimum jail sentences for drivers with BACs over .15. Both laws are rational and make sense. We are not saying states need to choose between having one, or the other -- they can have both. There is strong evidence which shows that .08 laws reduce alcohol-related fatalities and affects drivers at all BAC levels. In a study of five states which lowered their BAC limit to .08, alcohol-related fatal crashes were reduced an average of 16% and fatal crashes involving drivers with BACs above .15 decreased by 18%.

**Q: Isn't this just another example of President Clinton placing an unwanted mandate on the states?**

A: President Clinton believes that government can be catalyst for new ideas -- and this is one such example. His approach on this issue is strongly supported by Democrats and Republicans, as well as law enforcement, victims groups such as MADD, and the medical community. Moreover, this approach to making our roads safer mirrors that taken by President Reagan when he signed into law a requirement on states to raise their minimum drinking age to 21, or risk losing as much as 10 percent of their federal highway funds.

Cons Pro -  
.08 laws

THE WHITE HOUSE  
WASHINGTON

March 2, 1998

SAFE AND SOBER STREETS EVENT

DATE: March 3, 1998  
LOCATION: East Room  
BRIEFING TIME: 1:00 pm - 1:20 pm  
EVENT TIME: 1:45 pm - 2:45 pm  
FROM: Bruce Reed

I. PURPOSE

To urge Congress to pass legislation to set a nationwide limit for impaired driving at .08 blood alcohol content (BAC), and to sign an Executive Memorandum directing Transportation Secretary Slater to develop a plan in 45 days to promote the adoption of .08 BAC on federal property.

II. BACKGROUND

You will speak to approximately 100 advocates for a national .08 blood alcohol content policy, including Mothers Against Drunk Driving, Advocates for Highway and Auto Safety, National District Attorneys Association, Members of Congress, insurance companies, and health associations. Also seated in the front row will be ten middle school students who were friends of Ashley Frazier, a young Maryland girl killed by a drunk driver with a .08 blood alcohol level. Ashley's mother will be introducing you at this event and will give her account of the accident that she witnessed, and how impaired she perceived the driver to be.

In 1996, of the 41,907 motor vehicle deaths, 41% -- or 17,126 -- were alcohol-related. Nearly 3,000 of these fatalities were young people under age 21. Over 80% of drivers involved in fatal crashes with positive BACs had levels exceeding .08 BAC.

To reach .08 BAC, an average male weighing 170 pounds must have more than four drinks in an hour on an empty stomach and the average 137-pound female would need to have three drinks in the same period.

Making .08 BAC the Nationwide Standard

You will be endorsing the "Safe and Sober Streets Act" proposed by Senator Lautenberg and Representative Lowey, which sets a national BAC limit of .08 percent for drivers age 21 and older. The bill would give states three years to enact laws to make .08 BAC the legal limit, or risk losing highway funds. Fifteen states have already adopted .08 BAC laws: Utah, Oregon, Maine, California, Vermont, Kansas, North Carolina, New Mexico,



New Hampshire, Florida, Virginia, Hawaii, Alabama, Idaho and Illinois.

A recent study of five states that lowered their limit to .08 BAC found alcohol-related fatalities were reduced by an average of 16%. When all states lower their BAC limits to .08 BAC, alcohol-related deaths are expected to decrease by 600 per year.

**Taking Executive Action on .08 BAC**

You will sign a directive to Transportation Secretary Slater to work with Federal agencies, states, safety groups, and others to develop a plan to set a .08 BAC standard on federal property, such as national parks and military bases. The directive also instructs the Secretary to include in his plan other steps to promote the adoption of .08 BAC as the nationwide standard, including an education campaign to help the public understand the risks associated with drinking and driving.

This event builds on your efforts to crack down on teenage drunk driving. Two years ago you signed a law requiring states to have a "Zero Alcohol Tolerance" for youth by Oct. 1, 1998, or risk losing highway funds. To date, 46 states and the District of Columbia have enacted zero tolerance laws, which prohibit youths under age 21 to drive with any measurable amount of alcohol in their system.

**III. PARTICIPANTS**

Briefing Participants:

Secretary Slater  
Rahm Emanuel  
Bruce Reed

Event Participants:

Secretary Slater  
Attorney General Reno (tentative)  
Senator Frank Lautenberg  
Senator Mike DeWine  
Representative Nita Lowey  
Chief Ed Flynn, Arlington, VA  
Brenda Frazier, Mother whose daughter was killed by a drunk driver

**IV. PRESS PLAN**

Open Press.

**V. SEQUENCE OF EVENTS**

- YOU will be announced into the East Room accompanied by Chief Ed Flynn, Members of Congress, Secretary Slater, and the Attorney General.
- Secretary Slater will make welcoming remarks and introduce Senator DeWine.

Secy Slater to  
DeWine to  
Lowey to  
← Chief Flynn to  
Lautenberg to (parent)  
Frazier to  
you - remarks + sign

how it's worked in VA  
had since 1994

- Senator DeWine will make remarks and introduce Rep. Lowey.
- Rep. Lowey will make remarks and introduce Chief Ed Flynn.
- Chief Flynn will make remarks and introduce Senator Lautenberg.
- Senator Lautenberg will make remarks and introduce Brenda Frazier.
- Brenda Frazier will make remarks and introduce YOU.
- YOU will make remarks.
- Following your remarks, you will proceed to the signing table and sign the Executive Memorandum. (\*YOU could invite stage participants and children seated in the front row who were friends of Ashley Frazier to stand behindYOU.)
- YOU will work a ropeline and then depart.


## VI. REMARKS

Remarks Provided by Speechwriting.

▶ Jordan Tamagni  
03/03/98 11:45:31 AM

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Record Type: Record

To: Laura Emmett/WHO/EOP  
cc: Leanne A. Shimabukuro/OPD/EOP  
Subject: Re: Today's Speech 

Draft 3/3/98 10:30am

**PRESIDENT WILLIAM J. CLINTON  
REMARKS FOR DRUNK DRIVING EVENT  
THE EAST ROOM  
March 3, 1998**

Acknowledgments: Sec. Slater; Sen. Lautenberg; Rep. Lowey; Sen. Dewine; Arlington Police Chief Ed Flynn; Brenda Frazier; AG Reno; Surgeon General Satcher; Mothers Against Drunk Driving; Students Against Drunk Driving.

**INSERT ON IRAQ -- TK**

I want to thank Brenda Frazier for being with us today. Hearing her story, and seeing that beautiful photograph of Ashley reminds me of a public service ad that chilled me to the bone: a simple snapshot of a young child, smiling for the camera, her entire life before her ... and then a caption that told the tragic story of a young life cut short by drunken driving -- a tragedy all the more heartbreaking because it was preventable ... all the more terrible because it is so common.

There is not a community or a family in America that hasn't been touched in some way by a tragedy caused by drunk driving. We've just heard Brenda's story ... Senator Dorgan who is here with us today lost his mother, Dorothy, to a drunk driver ... And the statistics we just heard prove what too many Americans already know: Drunk driving is a national problem. And it requires a national solution.

In 1984, President Ronald Reagan signed into law legislation to help make 21 the national drinking age in 1984 -- a bill Senator Lautenberg fought for in the Congress because <sup>^</sup>they knew that drunk driving threatened our young people most of all. Eleven years later, I was proud to sign into law "zero tolerance" legislation that is helping to make it illegal for a person under 21 to drive in any state after drinking any measurable amount of alcohol -- no matter what the legal limit is for adults.

The Safe and Sober Streets Act takes the next important step by helping to lower the legal limit to .08 [*point-oh-eight*] in every state -- the same level that has caused hundreds of fatal accidents in the last year alone. I urge the Congress to pass this bill with the full bipartisan support it deserves. As soon as they do, I will sign it into law.

*an act -  
that will  
prevent  
thousands  
every year.*

But we don't have to wait for that day to save lives. Today, I am ordering Secretary Slater to report back to me in 45 days with a plan to make .08 the legal limit on federal property -- from our national parks to our military bases. This will help us lead the way to making .08 the law of the land -- all over the land.

Let me be clear: lowering the legal limit to .08 will not prevent adults from enjoying alcoholic beverages -- provided they do so responsibly. In fact, lowering the legal limit will remind responsible Americans to take even greater care when they drink alcohol. But to people who disregard the lethal threat they pose when they drink and drive, lowering the legal limit sends a strong message: we will not tolerate irresponsible acts that endanger our children and our nation.

7?

I will continue to do everything I can to protect our young people from harm -- fighting to keep guns, drugs, and alcohol out of our schools and our children's lives, and fighting to shield our children from the deadly harm of tobacco.

And with the steps we take today, we will build on our progress, and help to ensure that the lives of Ashley Frazier, Dorothy Dorgan, and the thousands of other lives cut short by drunk driving will not have been lost in vain.

And now, I'd like to ask Ashley's classmates, members of my Cabinet, and the Members of Congress here with us today to join me as I sign the Presidential Directive that will help us save lives and keep our families strong.

**PRESIDENT CLINTON:  
.08  
A TOUGH LAW THAT SAVES LIVES**

March 3, 1998

*"Lowering the legal limit to .08 will not prevent adults from enjoying alcoholic beverages -- provided they do so responsibly. In fact, lowering the legal limit will remind responsible Americans to take even greater care when they use alcohol. But to people who would disregard the lethal threat they pose when they drink and drive, lowering the legal limit sends a strong message: we will not tolerate irresponsible acts that endanger our children and nation."*

President Bill Clinton  
March 3, 1998

Today, President Clinton calls for legislation setting a nationwide limit for impaired driving at .08 blood alcohol content (BAC) and signs an Executive Memorandum directing Transportation Secretary Slater to develop a plan in 45 days to promote the adoption of .08 BAC on all federal property.

Every 30 minutes, someone dies because of a drunk driver. In 1996, of the 41,907 motor vehicle deaths, 41% -- or 17,126 -- were alcohol-related. Nearly 3,000 of these fatalities were young people under age 21. Over 80% of drivers involved in fatal crashes with positive BACs had levels exceeding .08 BAC. Moreover, alcohol-related crashes cost society \$45 billion every year, not counting the pain and suffering endured by its victims.

**THE .08 BAC STANDARD SAVES LIVES.** A recent study of five states that lowered their limit to .08 BAC found drunk driver fatalities were reduced by an average of 16%. When all states lower their BAC limits to .08 BAC, alcohol-related deaths are expected to decrease by 600 each year.

**MAKING .08 BAC THE NATIONWIDE STANDARD.** President Clinton endorsed the "Safe and Sober Streets Act," which sets a national BAC limit of .08 percent for drivers age 21 and older. The bill would give states three years to enact laws to make .08 BAC the legal limit, or risk losing highway funds. Fifteen states have already adopted .08 BAC laws: Utah, Oregon, Maine, California, Vermont, Kansas, North Carolina, New Mexico, New Hampshire, Florida, Virginia, Hawaii, Alabama, Idaho and Illinois.

**TAKING EXECUTIVE ACTION ON .08 BAC.** President Clinton is directing Transportation Secretary Slater to work with Federal agencies, States, safety groups, and others to develop a plan to set a .08 BAC standard on federal property, such as national parks and military bases. The directive also instructs the Secretary to include in his plan other steps to promote the adoption of .08 BAC as the nationwide standard, including an education campaign to help the public understand the risks associated with drinking and driving.

**LEADING THE FIGHT AGAINST YOUTH DRINKING AND DRIVING.** The President is committed to taking action to reduce the deaths and injuries brought about by alcohol use and driving by teens. The .08 BAC standard builds on the law President Clinton signed requiring all states to have "Zero Alcohol Tolerance" laws for youth by Oct. 1, 1998, or risk losing highway funds. To date, 46 states and the District of Columbia have enacted zero tolerance laws, which prohibit youths under age 21 to drive with any measurable amount of alcohol in their system.

## **PRESIDENT CLINTON'S SAFE AND SOBER STREETS EVENT**

**The East Room**

***March 3, 1998***

Today, President Clinton will urge Congress to pass legislation to set a nationwide limit for impaired driving at .08 blood alcohol content (BAC), and sign an Executive Memorandum directing Transportation Secretary Rodney Slater to develop a plan in 45 days to set the adoption of .08 BAC as the standard on federal property. *(See attached fact sheet)*

The President will be addressing approximately 100 advocates for a national .08 blood alcohol content policy, including Mothers Against Drunk Driving, Advocates for Highway and Auto Safety, National District Attorneys Association, members of Congress, insurance companies, and health associations.

The President will be joined by Rodney Slater, Secretary of Transportation; Rahm Emanuel, Senior Advisor to the President; Bruce Reed, Assistant to the President for Domestic Policy; Attorney General Janet Reno; Senator Frank Lautenberg (D-NJ); Senator Mike DeWine (R-OH); Representative Nita Lowey (D-NY); Police Chief Ed Flynn of Arlington, Virginia; New Jersey State Chair of MADD and Police Chief Frank Winters of Clayton, New Jersey; and Mrs. Brenda Frazier, mother of Ashley Frazier, a young girl from Westminster, Maryland, killed by a drunk driver with a .08 blood alcohol level, on December 22, 1995.

Other Congressional members attending include: Senator Jack Reed (D-RI), Senator John Chafee (R-RI); Senator Paul Wellstone (D-MN); Senator Byron L. Dorgan (D-ND); Senator Carol Mosely-Braun (D-IL); Senator Fritz Hollings (D-SC); Rep. Juanita Millender-MacDonald (D-CA); Representative Charles Schumer (D-NY); Representative James McGovern (D-MA).

### **Order of Speakers:**

Secretary Rodney Slater  
Senator DeWine  
Representative Lowey  
Police Chief Ed Flynn  
Senator Lautenberg  
Brenda Frazier  
President Clinton

The President will deliver brief remarks after which he will proceed to the signing table to sign the Executive Memorandum.

###

**President Clinton: Supporting Safe and Sober Streets**  
*March 3, 1998*

Today, President Clinton: (1) urged the Congress to pass legislation to set a nationwide limit for impaired driving at .08 blood alcohol content (BAC) for adult drivers; and (2) directed Transportation Secretary Rodney Slater to develop a plan in 45 days to set the adoption of .08 BAC as the standard on federal property, including military bases and in national parks.

**Setting Limits and Saving Lives**

**Drunk Driving Kills.** Every 30 minutes, someone dies because of a drunk driver. In 1996, of the 41,907 motor vehicle deaths, 41% -- or 17,126 -- were alcohol-related. Nearly 3,000 of these fatalities were young people under age 21. Over 80% of drivers involved in fatal crashes with positive BACs had levels exceeding .08 BAC. Moreover, alcohol-related crashes cost society \$45 billion every year, not counting the pain and suffering endured by its victims.

**Setting a Nationwide .08 BAC Standard Can Save Lives.** Most states currently have .10 BAC as the standard. A recent study conducted by Boston University of five states (California, Maine, Oregon, Utah, and Vermont) that lowered their limit to .08 BAC found drunk driver fatalities were reduced by an average of 16%. The study predicts that if all states lower their BAC limits to .08, alcohol-related deaths will decrease by 600 each year.

**Drivers are Impaired at .08 BAC.** Reaching .08 BAC is not just a couple of drinks after work. An average male weighing 170 pounds must have more than four drinks in an hour on an empty stomach to reach .08 BAC. The average 137-pound female would need to have three drinks in the same period. At .08 BAC, drivers have difficulty with critical driving tasks, such as braking, steering, lane changing, and exercising judgment. Research indicates that the relative risk of being killed in a single vehicle crash at .08 BAC is at least 11 times higher than it is for drivers with no alcohol in their system.

**Calling for Action to Make .08 BAC the Nationwide Standard**

**Making .08 the Legal BAC Limit in All 50 States.** The President today endorsed the "Safe and Sober Streets Act" proposed by Senator Frank Lautenberg (D-NJ) and Representative Nita Lowey (D-NY), which sets a national BAC limit of .08 percent for drivers age 21 and older. The bill would give states three years to enact laws to make .08 BAC the legal limit, or risk losing highway construction funds. The Lautenberg/Lowey legislation would withhold 5 percent of highway construction funds from those states that do not pass a .08 BAC law within three years, and 10 percent subsequently. Fifteen states have already adopted .08 BAC laws: Utah, Oregon, Maine, California, Vermont, Kansas, North Carolina, New Mexico, New Hampshire, Florida, Virginia, Hawaii, Alabama, Idaho and Illinois.

**Taking Executive Action on .08 BAC.** The President today signed a directive to Transportation Secretary Slater to work with Federal agencies, States, safety groups, and others to develop a plan to set a .08 BAC standard on federal property, such as national parks and military bases. Currently, military bases have a standard of .10 BAC and federal lands are governed by the law of their respective states. The directive also instructs the Secretary to include in his plan other steps to promote the adoption of .08 BAC as the nationwide standard, including an education campaign to help the public understand the risks associated with drinking and driving.

**A Record of Leadership in the Fight Against Youth Drinking and Driving**

**"Zero Tolerance" Laws for Underage Drinking.** Calling for action to reduce the deaths and injuries brought about by alcohol use and driving by teens, the President signed a law in November, 1995, which required states to have "Zero Alcohol Tolerance" laws for youth by Oct. 1, 1998, or risk losing highway funds. To date, 46 states and the District of Columbia have enacted zero tolerance laws, which prohibit youths under age 21 to drive with any measurable amount of alcohol in their system.



**Drunk Driving Event  
Questions and Answers  
March 3, 1998**

**Q. What did the President announce today?**

A. Today, President Clinton: (1) urged Congress to pass the "Safe and Sober Streets Act" to set a nationwide limit for impaired driving at .08 blood alcohol content; and (2) directed Transportation Secretary Slater to develop a plan in 45 days to promote the adoption of .08 BAC on federal property.

Making .08 BAC the Limit in All 50 States. The President urged the Senate to pass an amendment to comprehensive transportation legislation (ISTEA reauthorization) to set a nationwide limit for impaired driving at .08 blood alcohol content (BAC) for adult drivers. The President endorsed the "Safe and Sober Streets Act," proposed by Senator Lautenberg and Representative Lowey, which sets a national BAC limit of .08 percent for drivers age 21 and older. The bill would give states three years to enact laws to make .08 BAC the legal limit, or risk losing highway construction funds. The Lautenberg/Lowey legislation would withhold 5 percent of highway construction funds from those states that do not pass a .08 BAC law within three years, and 10 percent in subsequent years.

Taking Executive Action on .08 BAC. The President signed a directive to Transportation Secretary Slater to work with Federal agencies, States, safety groups, and others to develop a plan to set a .08 BAC standard on federal property, such as national parks and military bases. The directive also instructs the Secretary to include in his plan other steps to promote the adoption of .08 BAC as the nationwide standard, including an education campaign to help the public understand the risks associated with drinking and driving.

**Q. Is there any evidence that lowering the limit from .10 blood alcohol content (BAC) to .08 BAC has any real effect on reducing the number of alcohol-related crashes?**

A. Yes. To date, four studies have evaluated the effects of .08 BAC laws in the United States. Each study has shown that lowering the BAC limit to .08 was associated with significant reductions in alcohol-related fatal crashes. One key study of five states that lowered their BAC limit to .08 found that drunk driver fatalities were reduced by an average of 16%. When all states lower their BAC limits to .08, alcohol-related deaths are expected to decrease by about 600 every year.

**Q. Aren't .08 laws really targeting social drinkers instead of the drivers with really high BAC in their systems?**

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Moreover, studies have shown that .08 BAC laws affect all drivers that drink -- even those who reach very high BACs (.15 BAC or higher). In a study of five states which lowered their BAC limit to .08, drunk driver fatalities were reduced by an average of 16%, and fatal crashes involving drivers with extremely high BACs (above .15) were reduced even more.

This measure is not intended to stop people from drinking. Its purpose is to insist that people drink responsibly, if they intend to drive.

**Q. Which states have already enacted .08 BAC laws?**

A. Fifteen states have already enacted .08 BAC laws: Alabama, California, Florida, Hawaii, Idaho, Illinois, Kansas, Maine, New Hampshire, New Mexico, North Carolina, Oregon, Utah, Vermont and Virginia. Last year, .08 BAC bills were introduced in another 21 states but were not enacted.

**Q. Why focus on lowering the illegal BAC from .10 to .08 instead of pushing for harsher sanctions for drivers with extremely high BAC levels (e.g., .15 or above)? Aren't these the drivers that are the majority of drinking drivers arrested and involved in fatal crashes?**

A. Some states, such as Florida have both .08 BAC laws on the books as well as tough mandatory minimum jail sentences for drivers with BACs over .15. Both laws are rational and make sense. We are not saying states need to choose between having one, or the other -- they can have both. There is strong evidence which shows that .08 laws reduce alcohol-related fatalities and affects drivers at all BAC levels. In a study of five states which lowered their BAC limit to .08, alcohol-related fatal crashes were reduced an average of 16% and fatal crashes involving drivers with BACs above .15 decreased by 18%.

**Q: Isn't this just another example of President Clinton placing an unwanted mandate on the states?**

A: President Clinton believes that government can be catalyst for new ideas -- and this is one such example. His approach on this issue is strongly supported by Democrats and Republicans, as well as law enforcement, victims groups such as MADD, and the medical community. Moreover, this approach to making our roads safer mirrors that taken by President Reagan when he signed into law a requirement on states to raise their minimum drinking age to 21, or risk losing as much as 10 percent of their federal highway funds.

FINAL

THE WHITE HOUSE

WASHINGTON

March 3, 1998

MEMORANDUM FOR THE SECRETARY OF TRANSPORTATION

SUBJECT: Standards to Prevent Drinking and Driving

We have made progress in improving highway safety through a variety of innovative and aggressive initiatives, including our "Buckle Up America" campaign to increase safety belt usage and improve child passenger safety, and the formation of a ground-breaking public-private partnership on airbags. We have also taken important steps to reduce the deaths and injuries brought about by alcohol use and driving. In November 1995, I signed into law legislation to help ensure that States adopt "Zero Alcohol Tolerance" laws by October 1998 for young drivers. To date, 46 States and the District of Columbia have enacted such laws.

However, drunk driving remains a serious highway safety problem. Over 40 percent of all motor vehicle deaths in 1996 -- 17,126 -- were alcohol-related, and nearly 3,000 of these fatalities were young people under the age of 21. Moreover, alcohol-related automobile accidents cost our society \$45 billion every year, not including the pain and suffering endured by the victims.

We must do more to prevent the many tragic and unnecessary alcohol-related deaths and injuries that occur on our Nation's roads. That is why my Administration has called on the Congress to pass legislation helping to ensure that a blood alcohol content (BAC) of .08 becomes the national legal limit. Research shows that, at a BAC level of .08, drivers are impaired with regard to critical driving tasks such as braking, steering, lane changing, and exercising good judgment. The risk of being involved in a crash increases substantially when drivers have a BAC level of .08 or above. In fact, the relative risk of a driver being killed in a single-vehicle crash at .08 BAC has been estimated to be at least 11 times higher than it is for drivers who have no alcohol in their system. Yet 33 States and the District of Columbia continue to use .10 BAC as the legal limit. It is estimated that if all States were to lower their limits to .08 BAC, there would be 600 fewer alcohol-related traffic deaths every year.

Also has to change laws to be in conformity w/ Lautenberg.

(2 states - .10 MA + SC - presumptive law - rebuttable - not actually intoxicated!)

I hope the Congress will enact legislation as soon as possible to help to ensure State passage of .08 BAC laws. Even before the Congress acts, however, we can take action to promote .08 BAC as the appropriate standard across the country, including on Federal property.

I therefore direct you, working with appropriate Federal agencies, the Congress, the States, safety groups, and other concerned Americans, to report back to me within 45 days with a plan to promote the adoption of a .08 BAC legal limit. Among other things, the plan should consider:

- (1) setting a .08 BAC standard on Federal property, including in national parks and on Department of Defense installations, and ensuring strong enforcement and publicity of this standard;
- (2) encouraging tribal governments to adopt, enforce, and publicize a .08 BAC standard on highways in Indian Country that are subject to their jurisdiction; and
- (3) developing an educational campaign to help the public understand the risks associated with combining alcohol consumption and driving.

Low-land country

↳ doesn't apply to

.08 to .10

~~↳ how many law enforcement? how much?~~

↳ 928 deaths in fatal crashes

~~how many accidents are fed prof? 70% of deaths are 100% in fatalities~~

Boston Univ Study - save 600 lives each yr

This law: Bill - 3 years to adopt .08 BAC - makes per se illegal 4th yr. - lose 5% of highway construction funds

Total - 12.5 billion

subseq. years - 10%

can recoup it you pass by yr 6 beyond that, lose them forever.

80% at least a million for every million state

essentially .02

Zero tolerance - Under 21, illegal w/ any measurable amt of alcohol also a condition on highway funds

5% of highway funds / yr. / 10% in subseq years

46 states have adopted + DC

Pres 75 - called him in radio address - 24 states

expect other 4 to pass

have until Oct 1, this year

Directives how many accidents?

army facilities - 10

leadership by example

national parks - whatever law of state is.

↳ GW Parkway

tribes - they will work w/ tribes.

(would be mandate?)

Seatbelt directive - plan to expand seatbelt usage thru

fed govt -> milit bars / national parks  
mandatory seatbelt rule (rule being issued)

Cons pro —  
.08 laws

DRAFT

DRAFT

### STATEMENT OF THE PRESIDENT

I applaud the Senate for taking action today to protect our children from drunk drivers. Today's vote to make .08 percent BAC the legal limit in all 50 states sends a powerful message: we will not tolerate the irresponsible acts of those who chose to endanger the lives of all Americans by drinking and driving. Thanks to the bipartisan leadership of Senators Lautenberg and DeWine, we can do more to prevent needless alcohol-related crashes in the future and honor the memory of the thousands of lives cut short by drunk drivers. I challenge the House of Representatives to follow the Senate's lead and quickly pass this important life-saving measure.



U.S. Department of  
Transportation

Consumer protection -  
.08 laws

# News:

cc: IGA  
Deputies  
DPC  
NEC

Office of the Assistant Secretary for Public Affairs  
Washington, D.C. 20590  
<http://www.dot.gov/briefing.htm>

## FOR IMMEDIATE RELEASE

Thursday, October 23, 1997

DOT 169-97

Contact: Bill Adams

Telephone: 202-366-5580

### **TRANSPORTATION SECRETARY SLATER URGES STATES TO ADOPT TOUGHER DRUNK DRIVING LAWS**

Continuing President Clinton's commitment to safety as his highest transportation priority, U.S. Secretary of Transportation Rodney E. Slater today urged aggressive action by states to reduce the number of alcohol-related highway crashes and announced his support for a federal legislative proposal that would encourage states to lower threshold for drunk driving to a blood alcohol concentration (BAC) of .08.

"In 1995 alone, more than 17,000 people died in alcohol-related highway crashes," Secretary Slater said. "We cannot allow such needless tragedy to continue. This proposed measure would enable law enforcement officers to take drivers off the road when they are too drunk to drive safely."

He applauded New Jersey Senator Frank R. Lautenberg, Ohio Senator Mike DeWine, New York Representative Nita M. Lowey and Mothers Against Drunk Driving (MADD) for focusing national attention on drunk driving.

The Lautenberg-Lowey proposal is designed to strongly encourage states to enact .08 BAC laws by Oct. 1, 2000 or have a portion of their federal highway construction funds withheld. Secretary Slater believes that states will see the benefit in this legislation because, if it is adopted, lives will be saved and injuries prevented.

According to a Boston University study, states that enacted .08 BAC laws saw an average of 16 percent reduction in the number of alcohol-related fatal crashes, and an 18 percent reduction in fatal crashes involving drivers who were excessively drunk with a BAC exceeding .15. Drivers with a BAC at .08 are 11 times more likely to be killed than drivers who had not been drinking.

Fifteen states have thus far enacted laws setting the threshold for drunk driving at .08. With the exception of Massachusetts and South Carolina, which have different legal provisions, the threshold for drunk driving in all remaining states is .10 BAC.

###





U.S. Department of Transportation

Office of the Secretary of Transportation

CC: IGA Deputies  
Jon Kaplan, NEC  
Elena Kagan, DPC  
400 Seventh St., S.W.  
Washington, D.C. 20590

# FAX TRANSMISSION COVER SHEET

DATE: 10/23/97

TO: Mr. Thurgood Marshall, JR and  
MR. M. IBARRA

FAX NO: \_\_\_\_\_  
456 7067

FROM: **JERRY L. MALONE**  
Deputy Chief of Staff  
Office: (202) 366-6800  
Fax: (202) 366-3956

Number of pages transmitted, including cover sheet: 18

**Message:**

Attached are the talking points on  
08 that you requested



U.S. Department of  
Transportation

Office of the Secretary  
of Transportation

# Memorandum

Subject: Press Conference with Senator Lautenberg  
and Others

Date: October 22, 1997

From:   
Steven O. Palmer, Assistant Secretary  
for Governmental Affairs

Reply to  
Attn. of:

To: The Secretary

EVENT: Press Conference with Senator Frank Lautenberg, Representative  
Nita Lowey and others to endorse their legislation of 0.08 BAC

DATE: Thursday, October 23, 1997

TIME: 9:30 a.m.

DURATION: 45 Minutes

LOCATION: 116 Dirksen Senate Office Building

You are joining Senators Lautenberg and DeWine and Representatives Lowey and Rothman in a press conference on Capitol Hill to announce the Administration's support for "The Safe and Sober Streets Act of 1997", legislation that would lower the standard for drunk driving to .08 BAC.

As you are aware, the Lautenberg/Lowey bill would withhold 5 percent of highway construction funds from those states that do not pass a 0.08 BAC law within three years. You have previously indicated that you support the 0.08 concept, this is the first time you are supporting sanctions on states that do not pass a 0.08 law.

The press conference will begin with opening remarks from Senator Lautenberg and introductions of those present that have had an influence on this legislation. The Senator will then introduce you for your remarks. You will be followed by Mr. and Mrs. Randy Frazier whose daughter Ashley, was killed by a drunk driver.

Page Two

Senator Lautenberg's office has invited all of the co-sponsors of the legislation to attend. It is expected that representatives from Mothers Against Drunk Driving and Advocates for Highway and Auto Safety will attend to show support and answer questions following the press conference.

Attached is a press release issued by Senator Lautenberg announcing the press conference, Questions and Answers and Talking Points.

Attachments

### Secretary's Talking Points -- .08 BAC

- **At .08 BAC, all drivers are impaired.** This includes: reduced reaction times, decreased eye movement control, and reduced information processing skill and judgement. The risk of being in a crash rises gradually with each increase in BAC level, but rises rapidly after a driver reaches or exceeds .08 BAC.
- **This measure will save lives.** A study of five states which lowered their BAC limit to .08 found:
  - Alcohol-related fatal crashes were reduced an average of 16%, and
  - Fatal crashes involving drivers who were extremely drunk -- with BAC's above 0.15 -- were reduced even further, 18%.

When all states lower their BAC limits to .08, alcohol-related deaths are expected to decrease 500-600 per year.

- **A .08 BAC standard is consistent with other developed countries.** Canada, Great Britain and many others have a .08 standard, while France, the Scandinavian countries - Norway, Finland, and Sweden - and others have an even more restrictive standard (.02-.05)
- This measure is not intended to stop people from drinking. Its purpose is to insist that people drink responsibly, if they intend to drive.
- **This measure will not prevent people from enjoying a meal with a few drinks or a bottle of wine.**
  - A 170-pound male typically would have to consume more than four drinks in one hour on an empty stomach to reach a BAC of .08.
  - A 135-pound female would need *three drinks* in the same time period to have the same effect.
  - Eating while drinking delays and reduces the effect of alcohol.
  - A typical man and woman could split a full bottle of wine during a one hour dinner without exceeding the .08 BAC standard.

**Key Facts to be Used in Discussion**

- To date, 15 states have enacted these laws, while bills to consider the measure were introduced in 21 other states last year but not enacted.
- Over 17,000 people die each year in alcohol-related crashes. This is needless tragedy.
- States which enacted 0.08 BAC laws experienced an average 16% reduction in alcohol-related fatal crashes, and an even larger 18% reduction in fatal crashes involving drivers who were excessively drunk, i.e., their BAC's were above 0.15.
- Alcohol-related crashes cost society \$45 billion every year, not including pain, suffering, and lost quality of life.
- Setting the BAC limit at 0.08 is a reasonable response to the problem of impaired driving. At 0.08, everyone is impaired to the point that driving skills are impaired.
- This measure is not intended, nor will it prohibit responsible social drinking. A 170-pound male typically would have to consume more than four drinks in one hour on an empty stomach to reach a BAC of 0.08. A 135-pound female would need three drinks in the same time to have the same effect. This measure will not prevent reasonable people from enjoying a meal with a few drinks or a bottle of wine.
- Several national surveys have found that most Americans will not drive after having two or three drinks in one hour.
- We recognize this is a tough measure but feel States will recognize the benefits and will move quickly to enact these laws in time to avoid the sanction.

### **Facts About Drinking and Driving**

**Question:** Is drunk driving still such a problem that we need to take additional actions?

**Answer:** Yes, drunk driving is still a substantial highway safety problem. Over 17,000 people die each year in alcohol-related crashes. Alcohol-related crashes cost society \$45 billion every year, not including pain, suffering, and lost quality of life. Between 1985-1995, alcohol-related deaths dropped 28 percent. Recently, however, they began to head back up. Between 1994 and 1995, alcohol-related crashes rose 4 percent, the first increase in a decade. In 1995, 41 percent (17,274) of the 41,798 motor vehicle deaths were attributable to alcohol use. Between 1995-1996, alcohol-related deaths dropped 1 percent to 17,126.

### **.08 BAC FACTS**

**Question:** Why is establishing the level at .08 BAC important? Why not leave it at the present .10 BAC level?

**Answer:** At .08 BAC, all drivers, even experienced ones, show impairment in driving ability. This includes: reduced reaction times, decreased eye movement control, and reduced information processing skill and judgement. The risk of being in a crash rises gradually with each increase in BAC level, but rises rapidly after a driver reaches or exceeds .08 BAC.

### **.08 BAC Facts**

**Question:** How much does a person have to drink to "fail" a .08 BAC test?

**Answer:** A 170-pound male typically would have to consume more than four drinks in one hour on an empty stomach to reach a BAC of .08. A 135-pound female would need three drinks in the same time to have the same effect. A "drink" in this context is .54 ounces of alcohol, the amount typically found in a shot of distilled spirits, one can of beer, or a glass of wine



**.08 BAC FACTS**

**Question:** Do other countries have a .08 BAC level?

**Answer:** Yes, and some have even lower levels.

Austria	.08
Australia	.05-.08
Canada	.08
Finland	.05
Great Britain	.08
Netherlands	.05
Norway	.05
Sweden	.02
Switzerland	.08

**.08 BAC FACTS**

**Question:** Who supports lowering the level to .08 BAC?

**Answer:** This list is long:

- \* Advocates for Highway Safety
- \* American Alliance for Rights and Responsibilities
- \* American Association of Neurological Surgeons
- \* American Coalition for Traffic Safety
- \* American Medical Association
- \* Association for the Advancement of Automotive Medicine
- \* Federal Highway Administration
- \* International Association of Chiefs of Police
- \* National Association of Governor's Highway Safety Representatives
- \* National Committee on Uniform Traffic Laws and Ordinances
- \* National Institute for Alcohol Abuse and Alcoholism
- \* National Sheriff's Association
- \* Operation Lifesaver
- \* Students Against Drunk Drivers (SADD)
- \* US Surgeon General
- \* Allstate Insurance
- \* American Association of Motor Vehicle Administrators
- \* American Automobile Association
- \* American Automobile Manufacturers Association
- \* American Insurance Institute
- \* American Trucking Association
- \* Center for Substance Abuse and Prevention, USDHHS
- \* Insurance Information Institute
- \* Kemper Insurance Group
- \* Mothers Against Drunk Driving (MADD)
- \* National Commission Against Drunk Driving
- \* National Highway Traffic Safety Administration
- \* National Safety Council
- \* Nationwide Insurance
- \* Remove Intoxicated Drivers
- \* USAA Insurance
- \* US Department of Justice

### **.08 BAC Facts**

**Question:** Are .08 BAC laws effective?

**Answer:** In a study of five states which lowered their BAC limit to .08 (California, Maine, Oregon, Utah, and Vermont), alcohol-related fatal crashes were reduced an average of 16%, and fatal crashes involving drivers who were excessively drunk, i.e., their BAC's were above 0.15, were reduced even further, 18%. If all states lowered their BAC limits to .08, alcohol-related deaths would decrease 500-600 per year.

**.08 BAC Facts**

**Question:** Do the states around Washington D.C. have .08 BAC laws?

**Answer:** Virginia is a .08 BAC state. Both Maryland and West Virginia had .08 BAC initiatives introduced in 1997, but did not pass them.

### **Myths About .08 BAC**

**Question:** People don't want these laws. If they did, why don't more states pass them without the need for Federal action?

**Answer:** The general public is very concerned about this issue. According to a Gallup Poll conducted for the Mothers Against Drunk Driving (MADD), 97 percent of Americans believe drunk driving is a major highway safety problem. Several national surveys have found that most Americans would not drive after having two or three drinks in one hour. Simply stated, the alcoholic beverage and hospitality industries think this measure will threaten their businesses. They act very effectively at the committee-level in state legislatures to enlist the support of key committee chairpersons and members to bottle up or kill in committee .08 legislative initiatives. Using this tactic, legislators never have the opportunity to vote on these measures. When they are brought to a full vote, they typically pass by overwhelming margins.

### **Myths About .08 BAC**

**Question:** Is this a de facto return to Prohibition? Will people still be able to drink legally?

**Answer:** This measure is not intended to stop people from drinking. Its purpose is to insist that people drink responsibly, if they intend to drive. This measure will not prevent reasonable people from enjoying a meal with a few drinks or a bottle of wine. A 170-pound male typically would have to consume more than four drinks in one hour on an empty stomach to reach a BAC of .08. A 135-pound female would need three drinks in the same time to have the same effect.

### **Myths About .08 BAC**

**Question:** Will .08 BAC legislation put the alcoholic beverages and hospitality industries out of business?

**Answer:** There is no evidence that per capita consumption of alcohol was affected in any way in the five states that NHTSA studied relative to this question. Even a four-state analysis by several alcohol industry organizations showed virtually no affect on overall consumption. In Maine, overall alcohol consumption dipped slightly in 1988, the year .08 went into effect in that state, but restaurant sales actually increased 11 percent. Smart business owners know that demonstrating concern for their patrons' safety is good business practice that encourages customer loyalty.

### Federal Sanctions and Highway Safety Measures

**Question:** Sanctions, such as those proposed in the Lautenberg-Lowey Amendment, were last imposed in 1984, when they were used to encourage states to pass laws making it illegal for those under 21 to purchase or possess alcoholic beverages. What were the effects of those sanction?

**Answer:** The situation in 1984 was similar to that now. Eighteen states had enacted age 21 drinking laws and progress was slow in the remaining 32. The National Minimum Drinking Age Law was passed on July 1, and signed by the President on July 17, 1984 (Public Law 98-363). It required the Secretary of Transportation to withhold a portion of Federal-aid highway funds from any State whose laws did not prohibit the purchase or public possession of any alcoholic beverage by a person who is less than 21 years of age. The penalty was to be effective 10-1-86 (5% of funds, increasing to 10% on 10-1-87). After the enactment of the sanction provision, progress in passing the laws was as follows:

<u>Period Law Passed</u>	<u># of States</u>	<u>CUM # of States*</u>
prior 7-1-84	18	18
7-2-84 to 12-31-84	2	20
1985	12	32
1-1-86 to 9-30-86	7	39
10-1-86 to 12-31-86	5	44
1987	5	49
1988	2	51

\* includes D.C.

Despite the fact that 12 states had not passed the legislation by the deadline, efforts to do so were underway in most. Wyoming and South Dakota did have a portion of their construction funds withheld until they adopted Age 21 laws in 1988, at which time all the withheld monies were released to them.



**State Legislative Actions on .08 BAC**

**Question:** How many states have .08 BAC laws or have recently considered the issue?

**Answer:** Fifteen states now have .08 BAC laws. Idaho and Illinois adopted them this year. The fifteen are:

Alabama	California	Florida
Hawaii	Idaho	Illinois
Kansas	Maine	New Hamp.
New Mexico	North Carolina	Oregon
Utah	Vermont	Virginia

Twenty-one other states had .08 BAC initiatives introduced this past year, but did not act on them. Most died in committee.

4/2 MADD

1. May 10-13 - Nat Youth Summit - Wash  
435 h.s. students talking abt alc abuse  
Gen. Med's office asked to participate  
(Mrs. Gene not able to)

2. May 9 - Redhook May  
Women of MADD lunch  
May issue - Wood also left.  
E. Doh / N. Levy  
(FL invited - declined)

3. June 19-22 - MADD Party 25 people  
Evening reception 19th  
Briefing - I.T. Rm - Admin zone  
off'ls - in last few yrs. - Malala / DOT  
Want to have up over?

Majorly  
via. cons and  
.08 legis - Cantelmo / Levy  
O'Brien

4. Legislation

- a. ISEEA - .08 - 17-20 states have it anyway  
this yr. Idaho recently passed
- b. Victims Fund - April 12 hearing
- c. Alcohol advertising - 3 purged
  - i. leg - crim'n (e.g. keys) - hold pub hearings - on  
alco. advert.

keep spotlight on industry - deference  
ii) Announce petition w/ FCC allowing for  
counter-advert.

Used to be w/ tobacco

Don't know where that is.

iii) Project

"Rating The Ads" - here's 3 ads -  
responsibility - shouldn't be an  
e.g. boys

File

Consumer Safety -

.08 laws



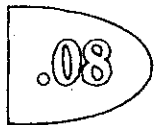
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# SETTING LIMITS, SAVING LIVES

THE CASE FOR .08 BAC LAWS

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SECTION 1

# Introduction

**EVERY 30 MINUTES SOMEONE IN THIS COUNTRY DIES IN AN ALCOHOL-RELATED CRASH. IN THE TIME IT TAKES YOU TO READ THIS BOOKLET, SOMEONE ELSE WILL DIE NEEDLESSLY.**

## *Overview of the Problem*

Impaired driving is the most frequently committed violent crime in America. Every 30 minutes, someone in this country dies in an alcohol-related crash. In the time it takes you to read this booklet, someone else will die needlessly.

For many years, we were making good progress. Due to the tireless efforts of many organizations and citizens around the country, alcohol-related traffic deaths decreased significantly. In the last decade, alcohol-related fatalities dropped from 24,050 in 1986 to 17,274 in 1995, according to the National Highway Traffic Safety Administration (NHTSA).

This 28% drop in alcohol-related deaths is generally attributed to:

- **STRONGER LAWS,**
- **TOUGHER ENFORCEMENT, AND**
- **GOOD CONSUMER EDUCATION.**

Americans better understand the impaired driving problem, fewer are driving after drinking, and more are getting caught when they do.

Unfortunately, alcohol-related crashes may be headed back up. Fatalities in alcohol-related crashes rose by 4% from 1994 to 1995, the first increase in a decade. In 1995, 41% of the 41,798 motor vehicle crash deaths were attributed to alcohol use.

Alcohol involvement is still the single greatest factor in motor vehicle deaths and injuries, and it's a deadly involvement. Only 4% of all crashes involve the use of alcohol, but 41% of fatal crashes do.

17,274 deaths in one year is 17,274 grieving families too many. But the carnage doesn't end there. In addition to these tragic deaths, another one million people are injured in alcohol-related traffic crashes annually. And these crashes cost society over \$45 billion every year for things like:

- **EMERGENCY AND ACUTE HEALTH CARE COSTS,**
- **LONG-TERM CARE AND REHABILITATION,**
- **POLICE AND JUDICIAL SERVICES,**
- **INSURANCE,**
- **DISABILITY AND WORKERS' COMPENSATION,**
- **LOST PRODUCTIVITY, AND**
- **SOCIAL SERVICES FOR THOSE WHO CANNOT RETURN TO WORK AND SUPPORT THEIR FAMILIES.**

Just one alcohol-related fatality is estimated to cost society \$950,000. Each alcohol-related injury averages \$20,000. Eventually, we all bear the costs of these deadly actions, through taxpayer supported services and programs, higher insurance costs and even higher prices on goods and services, since employers pick up about half the costs associated with motor vehicle crashes.

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## We Know What Works

We know what works to reduce the incidence of impaired driving—a combination of:

- EFFECTIVE LAWS,
- STRONG ENFORCEMENT, AND
- HIGHLY VISIBLE PUBLIC INFORMATION AND EDUCATION.

The successes of the past two decades can be attributed to all of these factors combining to change people's behavior. We've made some real progress, thanks to grassroots organizations, citizen activists, national highway safety and public health groups, concerned legislators and other elected leaders, involved industries and millions of people with plain old common sense.

"One for the road" used to be the standard and the antics of a drunk used to be considered funny. Now we've made some changes in the way we look at impairment. Many of us have changed our behavior as well, either by moderating our drinking if we must drive or designating a driver before alcohol is consumed. Party hosts are more cautious and guests look out for one another. And the hospitality industry has made a commitment to training servers to recognize the signs of impairment.

Impaired driving has been reduced since the early 80's, but it is still an enormous problem. There is more we can do, and it all begins with effective laws.

### Key Laws That Every State Needs

There are four key laws that have been proven effective in the fight against impaired driving (see chart, "State Anti-Impaired Driving Laws," page 5). It is important to understand what each is and how it works, both alone and together with other laws.

**Illegal per se** – An illegal *per se* law makes it illegal in and of itself to drive with an alcohol concentration measured at or above the established legal level. Forty-eight states have established a *per se* law (the exceptions are Massachusetts and South Carolina). In 35 of

those states, the legal limit is .10% blood alcohol concentration (BAC) *per se*. That means it is against the law to drive a motor vehicle if you have a BAC of .10 or more, whether or not you exhibit visible signs of intoxication. Thirteen other states have established .08 BAC as the legal limit (see chart, "States with BAC *Per Se* Laws," page 4).

**Administrative license revocation (ALR)** – An ALR law gives state officials the authority to suspend administratively the license of any driver who fails or refuses to take a BAC test. Notice of the suspension is given immediately, although a temporary permit is usually issued. The permit is valid from 7-45 days, depending on the state. During that time, the accused person can appeal through administrative channels. If no appeal is filed, the license is then automatically suspended for a prescribed period of time. Suspensions range from seven days to six months for first-time offenders, again depending on the state, and are longer for repeat offenders. ALR laws do not replace criminal prosecution, and their constitutionality has been consistently upheld whenever challenged. As of late 1996, 39 states had ALR laws.

**Zero tolerance** – Zero tolerance laws make it illegal for drivers under age 21 to drive with any measurable amount of alcohol in their system, regardless of the BAC limit for older drivers. Since it is illegal in every state for those under 21 to purchase or publicly possess alcoholic beverages, it makes sense that no amount of alcohol should be tolerated for drivers under that age. Many states have set the limit for underage drivers at .02 BAC. This helps reduce legal challenges that claim mouthwash, gum or cold medicine are somehow responsible for a positive but very low BAC reading (there is no evidence that such substances affect the standard breath analysis tests when they are conducted properly or that other challenges about the accuracy of alcohol detection equipment are valid). By late 1996, 37 states plus DC had zero tolerance laws for youth, but all states must pass zero tolerance laws in

### "TERMINOLOGY"

**THE PHRASE "DRUNK DRIVING," WHILE STILL COMMON IN EVERYDAY LANGUAGE AND COMPLETELY UNDERSTANDABLE, IS NOT USED AS A LEGAL TERM SINCE MANY DRIVERS WHO ARE PART OF THE PROBLEM DO NOT EXHIBIT VISIBLE OUTWARD SIGNS OF DRUNKENNESS. "IMPAIRED DRIVING" IN GENERAL MEANS DRIVING WHILE ABILITIES ARE IMPAIRED BY ALCOHOL OR DRUGS. "DRIVING WHILE INTOXICATED" (DWI) OR "DRIVING UNDER THE INFLUENCE" (DUI) MEANS DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. IN GENERAL, THIS BOOKLET WILL USE THE TERM IMPAIRED DRIVING TO DESCRIBE THE OVERALL PROBLEM AND DWI TO DESCRIBE THE CRIME OF DRIVING WHILE OVER THE LEGAL LIMIT OR UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS.**



the next few years that conform to recent federal legislation or they will be subject to Federal sanctions.

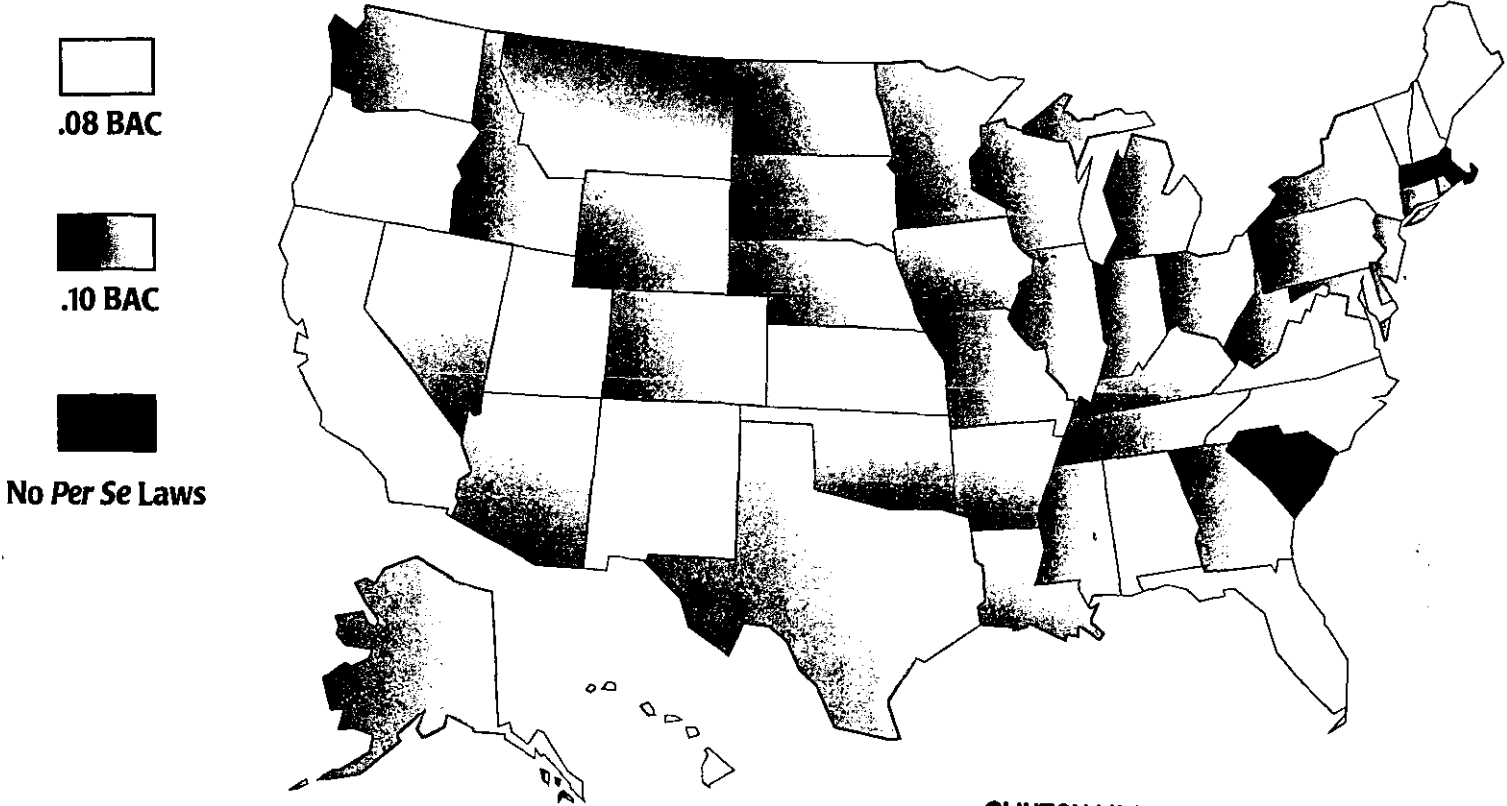
**.08 BAC** – .08 establishes a lower limit to define intoxication for all drivers. Lowering the BAC limit to .08 sets the legal limit at a point at which driving skills are proven to be compromised. At .08 BAC, all drivers, even experienced ones, show impairment in driving ability. For the great majority, there is serious deterioration in driving performance at .08. Although virtually all highway safety groups and transportation safety agencies support .08, only 13 states have adopted such laws as of late 1996. Some organizations in the alcohol and hospitality industries vigorously oppose .08 legislation whenever it is proposed.

In addition to these four key laws, the National Safety Council and the National Highway Traffic

Safety Administration (along with many other organizations and agencies) encourage other anti-impaired driving steps such as:

- THE USE OF SOBRIETY CHECKPOINTS AND SATURATION PATROLS BY LAW ENFORCEMENT AGENCIES COUPLED WITH HIGH LEVELS OF PUBLICITY;
- INCREASED ENFORCEMENT FOR UNDERAGED DRINKING AND DRIVING;
- GRADUATED DRIVER LICENSING PROGRAMS FOR NEW, YOUNG DRIVERS;
- SELF-SUFFICIENT DWI PROGRAMS THAT PAY FOR THEMSELVES;
- RESPONSIBLE SERVER PROGRAMS;
- CONSUMER EDUCATION; AND
- CONTINUED RESEARCH TO FIND NEW AND BETTER WAYS TO COMBAT IMPAIRED DRIVING.

**States With BAC per se Laws**



"State Anti-Impaired Driving Laws"

STATE	BAC per se level	ALR	Zero Tolerance*	.08 BAC
Alabama	.	.	.	.
Alaska	.	.	.	.
Arizona	.	.	.	.
Arkansas	.	.	.	.
California	.	.	.	.
Colorado	.	.	.	.
Connecticut	.	.	.	.
Delaware	.	.	.	.
Dist. of Col.	.	.	.	.
Florida	.	.	.	.
Georgia	.	.	.	.
Hawaii	.	.	.	.
Idaho	.	.	.	.
Illinois	.	.	.	.
Indiana	.	.	.	.
Iowa	.	.	.	.
Kansas	.	.	.	.
Kentucky	.	.	.	.
Louisiana	.	.	.	.
Maine	.	.	.	.
Maryland	.	.	.	.
Massachusetts	.	.	.	.
Michigan	.	.	.	.
Minnesota	.	.	.	.
Mississippi	.	.	.	.
Missouri	.	.	.	.
Montana	.	.	.	.
Nebraska	.	.	.	.
Nevada	.	.	.	.
New Hamp.	.	.	.	.
New Jersey	.	.	.	.
New Mexico	.	.	.	.
New York	.	.	.	.
N. Carolina	.	.	.	.
N. Dakota	.	.	.	.
Ohio	.	.	.	.
Oklahoma	.	.	.	.
Oregon	.	.	.	.
Pennsylv.	.	.	.	.
Rhode Isl.	.	.	.	.
S. Carolina	.	.	.	.
S. Dakota	.	.	.	.
Tennessee	.	.	.	.
Texas	.	.	.	.
Utah	.	.	.	.
Vermont	.	.	.	.
Virginia	.	.	.	.
Washington	.	.	.	.
W. Virginia	.	.	.	.
Wisconsin	.	.	.	.
Wyoming	.	.	.	.
<b>TOTAL</b>	<b>48</b>	<b>39+DC</b>	<b>37+DC</b>	<b>13 STATES</b>

\*Zero tolerance is defined as .02 or less for all drivers under age 21. Some states have less stringent laws (such as only applying to those under age 18) that are not included here.

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SECTION 2

# What is .08?

CLINTON LIBRARY PHOTOCOPY

**"A DRINK IS A DRINK IS A DRINK"**

ON THE ACCOMPANYING CHART, 1 DRINK EQUALS .54 OUNCES OF ALCOHOL. THIS IS THE APPROXIMATE AMOUNT FOUND IN: ONE SHOT OF DISTILLED SPIRITS, OR ONE CAN OF BEER, OR ONE GLASS OF WINE.

### Measuring Impairment

The amount of alcohol in a person's body is measured by the weight of the alcohol in a certain volume of blood. This is called the blood alcohol concentration, or "BAC." Because the volume of blood varies with the size of a person, BAC establishes an objective measure to determine levels of impairment.

The measurement is based on grams per deciliter (g/dl), and in most states a person is considered legally intoxicated if his or her BAC is .10 g/dl or greater; that is, alcohol makes up one-tenth of one percent of the person's blood (see chart, "Number of Drinks and BAC...," below).

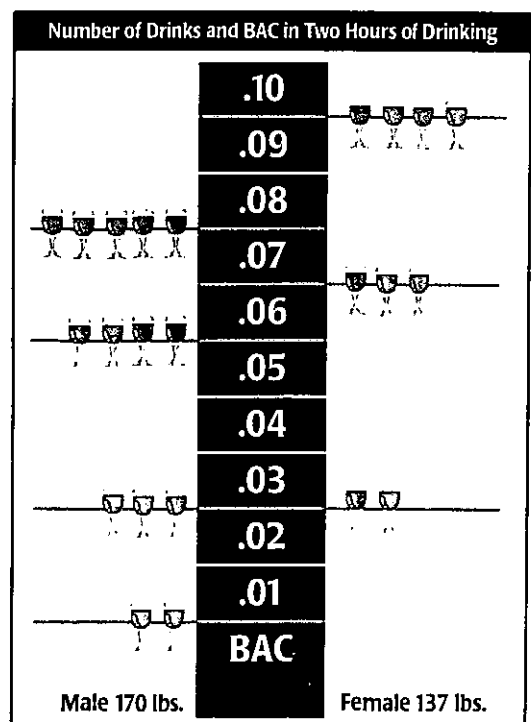
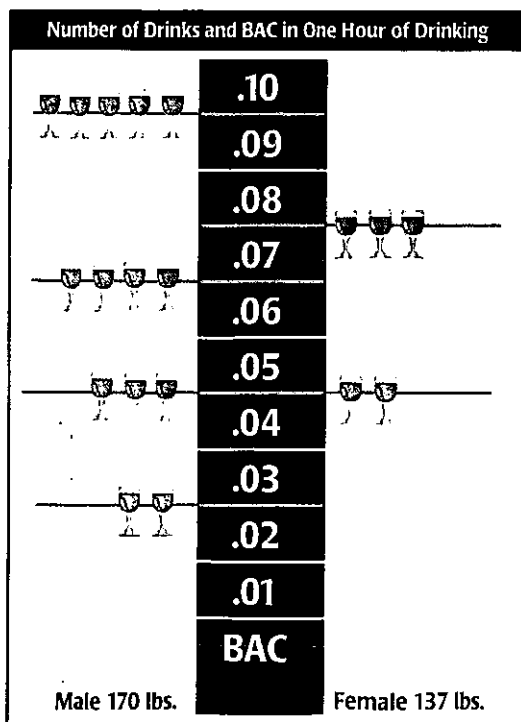
A driver's BAC can be measured by testing the blood, breath, urine or saliva. Breath testing is the primary method used by law enforcement agencies. Preliminary breath testing can be performed easily during a roadside stop using a hand-held device

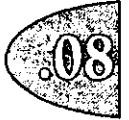
carried by police officers. It is non-invasive and can even be performed while the person is still in his or her vehicle.

Evidentiary breath testing equipment is evaluated for precision and accuracy by NHTSA. Test instruments approved by NHTSA as conforming to specifications are accurate within plus or minus .005 of the true BAC value.

### State BAC Levels

All states but two (Massachusetts and South Carolina) have established BAC *per se* levels. Thirteen of those states have set that level at .08 (Alabama, California, Florida, Hawaii, Kansas, Maine, New Hampshire, New Mexico, North Carolina, Oregon, Utah, Virginia and Vermont). For more state-specific data, see the chart "The State of the States," at right .





## "The State of the States"

STATE	BAC PER SE LEVEL	# OF FATALITIES (1995)	PERCENT ALCOHOL- RELATED
Alabama	.08	1,113	41.6
Alaska	.10	87	54.5
Arizona	.10	1,031	43.4
Arkansas	.10	631	34.3
California	.08	4,192	41.0
Colorado	.10	645	45.6
Connecticut	.10	317	48.8
Delaware	.10	121	41.5
Dist. of Col.	.10	58	54.7
Florida	.08	2,805	39.6
Georgia	.10	1,488	35.1
Hawaii	.08	130	49.3
Idaho	.10	262	34.0
Illinois	.10	1,586	42.9
Indiana	.10	960	34.4
Iowa	.10	527	41.6
Kansas	.08	442	40.4
Kentucky	.10	849	33.8
Louisiana	.10	883	53.2
Maine	.08	187	27.7
Maryland	.10	671	34.8
Massachusetts	-	444	45.7
Michigan	.10	1,530	40.3
Minnesota	.10	597	44.3
Mississippi	.10	868	41.6
Missouri	.10	1,109	51.6
Montana	.10	215	42.5
Nebraska	.10	254	36.7
Nevada	.10	313	49.4
New Hamp.	.08	118	39.1
New Jersey	.10	773	40.9
New Mexico	.08	485	50.2
New York	.10	1,674	32.4
N. Carolina	.08	1,448	33.7
N. Dakota	.10	74	57.9
Ohio	.10	1,366	32.3
Oklahoma	.10	669	37.5
Oregon	.08	572	41.4
Pennsylv.	.10	1,480	41.2
Rhode Isl.	.10	69	41.6
S. Carolina	-	881	31.8
S. Dakota	.10	158	45.0
Tennessee	.10	1,259	40.7
Texas	.10	3,181	56.0
Utah	.08	326	26.3
Vermont	.08	106	41.4
Virginia	.08	900	39.8
Washington	.10	653	48.5
W. Virginia	.10	376	42.7
Wisconsin	.10	745	42.6
Wyoming	.10	170	48.9
<b>U.S. Total</b>		<b>41,798</b>	<b>41.3</b>

**BECAUSE THE VOLUME OF BLOOD VARIES WITH THE SIZE OF A PERSON, BAC ESTABLISHES AN OBJECTIVE MEASURE TO DETERMINE LEVELS OF IMPAIRMENT.**

## SECTION 3

# Effect of BAC on Traffic Crashes

## *The Effect of Alcohol on Ability*

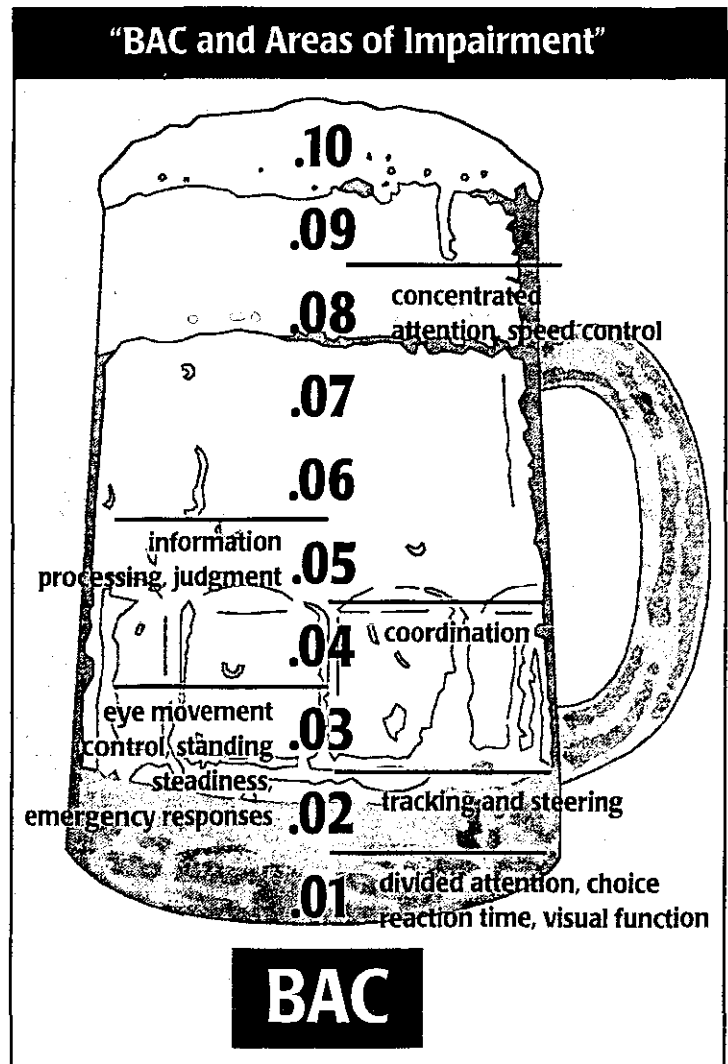
With each drink consumed, a person's blood alcohol concentration increases. Although the outward appearances vary, virtually all drivers are substantially impaired at .08 BAC. Laboratory and on-road research shows that the vast majority of drivers, even experienced drivers, are significantly impaired at .08 with regard to critical driving tasks such as braking, steering, lane changing, judgment and divided attention (see chart, "BAC and Impairment," at right).

The risk of being in a motor vehicle crash also increases as the BAC level rises. The risk of being in a crash rises gradually with each BAC level, but then rises very rapidly after a driver reaches or exceeds .08 BAC compared to drivers with no alcohol in their system.

## *.08 Sets a Reasonable Limit*

Setting the BAC limit at .08 is a reasonable response to the problem of impaired driving. This is not a couple of beers after work or a glass or two of wine with dinner. At .08, everyone is impaired to the point that driving skills are degraded. Most states that have lowered their BAC to .08 have found a measurable drop in impaired driving crashes and fatalities, as have many countries that have adopted .08 (see chart, "BAC Levels in Other Countries," on page 10).

.08 also serves to deter driving after drinking. Crash statistics show that even heavy drinkers, who account for a high percentage of DWI arrests, are less likely to drink and drive because of the general deterrent effect of .08. At the same time, lowering the BAC limit to .08 makes it possible to convict seriously impaired drivers whose BAC levels are now considered marginal because they are at or just over .10.



### *.08 Laws Work*

The effect of California's .08 law was analyzed by NHTSA, which found that 81% of the driving population knew that the BAC limit was stricter (from a tremendously successful public education effort). The state experienced a 12% reduction in alcohol-related fatalities, although some of this can be credited to the new administrative license revocation law. The state also experienced an increase in DUI arrests.

The first national analysis of the effect of lowering BAC levels to .08 was conducted recently by Ralph Hingson, Sc.D., a professor at Boston University's School of Public Health and Chairman of the school's Social and Behavioral Sciences Department, along with two other researchers. The results of their study were reported in the September 1996 issue of the *American Journal of Public Health*, a peer-reviewed journal.

Hingson compared the first five states to lower their BAC limit to .08 (California, Maine, Oregon, Utah and Vermont) with five nearby states that retained the .10 limit. Overall, the .08 states experienced a 16% reduction in the proportion of fatal crashes with a fatally injured driver whose BAC was .08 or higher, as well as an 18% reduction in such crashes with a fatally injured driver whose BAC was .15 or higher.

The immediate significance of these findings is that, not only did the .08 BAC laws reduce the overall incidence of alcohol fatalities, but also reduced fatalities at the higher BAC levels. The effect on extremely impaired drivers (the "problem drinking drivers") was even greater than the overall affect.

The study concluded that if all states lowered their BAC limits to .08, alcohol-related highway deaths would decrease by 500-600 per year.

**SETTING THE BAC  
LIMIT AT .08 IS A  
REASONABLE  
RESPONSE TO THE  
PROBLEM OF  
IMPAIRED  
DRIVING.**

## SECTION 4

# The Case for .08 BAC Laws

**THE RECENT ANALYSIS OF THE FIRST FIVE STATES THAT LOWERED THE BAC LIMIT TO .08 SHOWED THAT SIGNIFICANT DECREASES IN ALCOHOL-RELATED FATAL CRASHES OCCURRED IN FOUR OUT OF FIVE STATES AS A RESULT OF THE LEGISLATION.**

## *Impaired Driving Affects Us All*

About two out of every five Americans will be involved in an alcohol-related crash at some time in their lives, and many of them will be innocent victims. There is no such thing as a drunk driving accident. Virtually all crashes involving alcohol could have been avoided if the impaired person were sober.

As BAC levels rise, so does the risk of being involved in a fatal crash. Research has shown that, in single vehicle crashes, the relative fatality risk for drivers with BACs between .05 and .09 is over eleven times greater than for drivers with a BAC of zero.

## *States Have the Responsibility*

In the United States, BAC limits are set by states. The limit of .10 found in most states is the highest in the industrialized world (see chart, "BAC Levels in Other Countries, at right). The recent analysis of the first five states that lowered the BAC limit to .08 showed that significant decreases in alcohol-related fatal crashes occurred in four out of five states as a result of the legislation.

NHTSA, the federal agency charged with the safety of motor vehicles and our

nation's highway safety, has long supported .08 state laws. In a 1992 Report to Congress, the agency recommended that all states lower their illegal *per se* limit to .08 for all drivers 21 years and above. (NHTSA supports zero tolerance for drivers under the legal drinking age — see Section 1 for more information.) Numerous other federal agencies with an interest in public health and safety issues, as well as dozens of private sector organizations, support NHTSA's call for universal .08 state laws (see box, "Who Supports .08 BAC Laws?," page 11).

## *Why Some States Don't Have .08*

As a public policy to deter impaired driving, .08 has lagged behind other countermeasures such as *per se*, administrative license revocation and

## BAC Levels in Other Countries

Austria	.08
Australia	.05 - .08
Canada	.08
Finland	.05
Great Britain	.08
Netherlands	.05
Norway	.05
Sweden	.02
Switzerland	.08

zero tolerance for those under 21. Nearly all states have *per se*, the vast majority have ALR and most have zero tolerance. (The rest are expected to pass zero tolerance laws within the next several years as the result of a congressionally mandated federal program.)

But the passage of new .08 laws have been few and far between, despite overwhelming evidence that they work, because some organizations in the alcohol and hospitality industries oppose any and all such proposals at the state level. This is both sad and ironic, since these industries have not only been strong supporters of many other anti-impaired driving laws, but have also been crucial partners in getting safety messages out to hard-to-reach audiences.

Promotions such as designated driver programs and sober ride/call-a-cab efforts showcase their concern, generate enormous goodwill from the general public and raise awareness. It is tragic that some of the same companies and trade associations that have launched excellent server training programs, public information campaigns and other efforts to reduce impaired driving so vigorously oppose legislation when it comes to .08 (see box, "What the Hospitality Industry Can Do," on page 15).

### *The Time is Now*

As mentioned in the previous section, recent research by NHTSA and the Boston University School of Public Health has been quite conclusive in showing the impaired driving reductions already attributable to .08, as well as the potential for saving additional lives if all states adopted .08 BAC laws. Not only would deaths and injuries go down, but costs would as well. Alcohol-related crashes cost society \$45 billion every year, not including pain, suffering and lost quality of life. For more information on these enormous costs, see the fact sheet "Economic Issues" in the appendix.

### **"Who Supports .08 BAC Laws?"**

The following organizations support a BAC limit of .08 or lower:

ADVOCATES FOR HIGHWAY AND AUTO SAFETY  
 ALLSTATE INSURANCE  
 AMERICAN ALLIANCE FOR RIGHTS AND RESPONSIBILITIES  
 AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS  
 AMERICAN ASSOCIATION OF NEUROLOGICAL SURGEONS  
 AMERICAN AUTOMOBILE ASSOCIATION  
 AMERICAN AUTOMOBILE MANUFACTURERS ASSOCIATION  
 AMERICAN COALITION FOR TRAFFIC SAFETY  
 AMERICAN INSURANCE ASSOCIATION  
 AMERICAN MEDICAL ASSOCIATION  
 AMERICAN SPINAL CORD INJURY ASSOCIATION  
 AMERICAN SPINAL INJURY ASSOCIATION  
 AMERICAN TRUCKING ASSOCIATIONS  
 ASSOCIATION FOR THE ADVANCEMENT OF AUTOMOTIVE MEDICINE  
 CENTER FOR SUBSTANCE ABUSE PREVENTION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION  
 INSURANCE INFORMATION INSTITUTE  
 INSURANCE INSTITUTE FOR HIGHWAY SAFETY  
 INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE  
 KEMPER INSURANCE GROUP  
 MOTHERS AGAINST DRUNK DRIVING (MADD)  
 NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES  
 NATIONAL COMMISSION AGAINST DRUNK DRIVING  
 NATIONAL COMMITTEE ON UNIFORM TRAFFIC LAWS AND ORDINANCES  
 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION  
 NATIONAL INSTITUTE FOR ALCOHOL ABUSE AND ALCOHOLISM  
 NATIONAL SAFETY COUNCIL  
 NATIONAL SHERIFFS' ASSOCIATION  
 NATIONWIDE INSURANCE  
 OPERATION LIFESAVER  
 REMOVE INTOXICATED DRIVERS  
 STUDENTS AGAINST DRIVING DRUNK (SADD)  
 USAA INSURANCE  
 U.S. DEPARTMENT OF JUSTICE  
 U.S. SURGEON GENERAL



## SECTION 6

# Consumer Education and Public Support

## *Polls Support Anti-DWI Efforts*

The American public overwhelmingly supports legislation and programs to curb impaired driving. In a poll conducted for Mothers Against Drunk Driving (MADD), the Gallup Organization found that the vast majority of the American public considers drunk driving the major highway safety problem and most support tough laws and sanctions to reduce impaired driving.

All of the approaches to deal with impaired driving do well in public opinion polls, but the programs that have received more attention in the media and other public forums – ALR, zero tolerance, sobriety checkpoints and vehicle confiscation for repeat offenders – poll higher than .08. The likely reason is that people do not understand the technical aspects of how BACs are determined and what .08 means in real terms. When it comes to their own tolerance for alcohol and their own abilities, however, the American public is certain: most say they would not drive after consuming two or three drinks in one hour.

## **“What You Can Do”**

Around the country, voluntary efforts are underway by concerned citizens who support adoption of .08 BAC laws. To become part of the activities in your state:

**FIND OUT YOUR STATE'S BAC LIMIT, AND WHETHER THERE IS AN ILLEGAL PER SE LAW, BY CALLING YOUR GOVERNOR'S HIGHWAY SAFETY REPRESENTATIVE, YOUR LOCAL SAFETY COUNCIL OR YOUR LOCAL MADD CHAPTER (SEE RESOURCE SECTION);**

**IF YOUR STATE DOESN'T HAVE AN ILLEGAL PER SE LAW OF .08, CONTACT EXISTING GRASSROOTS AND GOVERNMENT ORGANIZATIONS INVOLVED IN PREVENTION EFFORTS TO FIND OUT HOW YOU CAN HELP;**

**JOIN OR HELP FORM A COALITION TO SUPPORT LEGISLATIVE EFFORTS IN YOUR STATE TO LOWER THE BAC LIMIT;**

**SPREAD THE WORD ABOUT THE IMPORTANCE OF .08 LAWS, THROUGH NEWSLETTER ARTICLES, PRESS RELEASES, CONFERENCES, SPEECHES TO LOCAL ORGANIZATIONS, ETC.; COOPERATE WITH STATE HIGHWAY AND PUBLIC HEALTH AGENCIES TO DRAW ATTENTION TO YOUR EFFORT;**

**LET YOUR GOVERNOR AND STATE LEGISLATORS KNOW ABOUT THE EFFECTIVENESS OF .08 LAWS IN SAVING LIVES AND TAXPAYER DOLLARS.**

## *.08 is a Public Health Policy*

The challenge for .08 supporters is to help people make a connection between their own common sense and the public policy that would define impaired driving as .08. Clearly, the more people know about the problem and the potential solutions, the more they support changes to bring about those solutions. .08 is a key part of any public health initiative that aims to reduce society's burden from impaired driving.

Supporters of .08 have many allies and resources to call upon, both at the national level and in the states. A list of resource organizations is included in the appendix.

## *Help is Available*

NHTSA and several private sector organizations hold workshops, publish idea samplers and planners, and offer other helpful organizing tools

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that may help .08 supporters achieve their public policy goals. Contact information on these and other organizations is available in the appendix. Here are just a few suggestions:

**Campaign Safe and Sober** – The National Highway Traffic Safety Administration publishes a quarterly planner with useful facts, tips and suggestions for state and community-based highway safety programs, particularly in the area of impaired driving, occupant protection and speed. For copies of past planners or to receive future quarterly planners, contact your NHTSA Regional Administrator.

**Drunk and Drugged Driving (3D) Prevention Month Program Planner** – The annual 3D planner is chock full of ideas and helpful information on organizing grassroots efforts around the December 3D Month as well as other times of the year. The planner is produced by NHTSA in cooperation with a national coalition of anti-drunk driving organizations and is available through your NHTSA Regional Administrator.

**Mothers Against Drunk Driving** – MADD offers many resources to local activists through chapters in every state, including Impaired Driving Issues Workshops, publications and training materials, victim support services, and community programs such as Project MADD Ribbon, Operation Prom/Graduation and Team Spirit. Contact your local MADD chapter or the national office.

**National Safety Belt Coalition** – Although not directly involved in impaired driving issues, the Coalition and its parent organization, the National Safety Council, have published several useful books for local organizers, including *Patterns for Partnerships* – A Guide to Creating and Nurturing Grassroots Coalitions and *Building Traffic Safety Partnerships* – A Guide for State Highway Safety Professionals to Work with Local Government Associations.

### “What the Hospitality Industry Can Do”

The restaurant and hospitality industries have plenty of incentives to bring customers into their establishments while helping reduce the risk of impaired driving. Here are some of the ideas many establishments already have used successfully:

PROMOTING DESIGNATED DRIVER PROGRAMS BY PROVIDING FREE OR REDUCED-PRICE NON-ALCOHOLIC BEVERAGES TO DESIGNATED DRIVERS;

PROMOTING NON-ALCOHOLIC BEERS AND WINES;

PROVIDING FREE RIDES HOME TO DRIVERS WHO APPEAR IMPAIRED (OR PARTICIPATING IN AND PROMOTING FREE RIDE PROGRAMS SPONSORED BY SAFETY GROUPS, TAXI COMPANIES, ETC.);

ENGAGING IN RESPONSIBLE ALCOHOL SERVICE BY TRAINING SERVERS, MAKING FOOD AVAILABLE TO PATRONS, NOT SERVING INTOXICATED CUSTOMERS, OR THOSE UNDER THE AGE OF 21.

**A MADD/GALLUP POLL FOUND THAT THE VAST MAJORITY OF THE AMERICAN PUBLIC CONSIDERS DRUNK DRIVING THE MAJOR HIGHWAY SAFETY PROBLEM AND MOST SUPPORT TOUGH LAWS AND SANCTIONS TO REDUCE IMPAIRED DRIVING.**

SECTION 7

# Law Enforcement

**.08 IS SUPPORTED BY MANY LAW ENFORCEMENT ORGANIZATIONS ... [GROUPS THAT] WOULD NOT SUPPORT A LAW THAT IS UNENFORCEABLE, INEFFECTIVE OR BURDENSOME ON POLICE OFFICERS.**

### *Enforcing .08*

One of the arguments used against .08 is the impact on the law enforcement and judicial system. However, when the largest state, California, lowered the BAC limit to .08, there was little impact on court administrators or judges.

The main impact in California has been on prosecutors' decisions concerning whether or not cases should be filed. Previously, those arrested for DWI with BACs below .12 typically were allowed to plea to reduced charges. Since the limit was changed, this plea-bargain "cut off" has dropped to about .10 BAC. No increases were reported in the proportion of DWI defendants pleading guilty, requesting jury trials, or appealing convictions.

### *Quick and Easy Testing*

Modern breath analysis equipment is easy to use during a roadside stop, whether the legal limit is .08 or any other limit. The devices are small enough and inexpensive enough that every patrol car on traffic duty can be equipped with one. Law enforcement officers can administer the test quickly and easily, without the driver even leaving the car. If the breath test shows the person is not impaired, no additional tests (either roadside physical coordination maneuvers or blood or urine tests in a lab) are usually required. Motorists can be on their way and police can continue their duties. .08 does not change the fact that law enforcement officers can conduct these roadside tests quickly and easily.

### *Law Enforcement Supports .08*

.08 is supported by many law enforcement organizations, including two of the largest: the International Association of Chiefs of Police and the National Sheriffs' Association. These organizations and others like them would not support a law that is unenforceable, ineffective or burdensome on police officers.

### *Treatment Can Help*

Medical treatment programs for repeat offenders – and sometimes even first time offenders – have become an increasingly popular part of the sentencing process. Some states require certain treatments while others recommend but do not require them.

This leads to concern that programs will be overcrowded with long waiting lists. Most safety organizations recommend that impaired driving programs be self-supporting. Fines and fees paid by offenders should cover the cost of all sentencing, including treatment for alcoholism or alcohol abuse. This reduces the burden on taxpayers while helping to ensure that offenders get the help they need.

Medical treatment for impaired drivers, whether required by law or ordered at the discretion of a judge, correctly positions impaired driving as a public health problem. .08 laws do not contribute to burdens on society but help to identify those with a problem and get them into programs to reduce the chance they will eventually kill or injure themselves or someone else.

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## SECTION 8

## Summary

*.08 is Reasonable*

.08 is a reasonable BAC level. A .08 BAC is not reached with a couple of beers after work or a glass or two of wine with dinner. The public supports .08, and surveys show that most people would not drive after consuming two or three drinks.

*.08 Works*

As a public health initiative and a traffic safety policy, .08 works and works well. A .08 BAC *per se* law will:

- INCREASE THE ARREST AND CONVICTION RATES FOR IMPAIRED DRIVERS AT .10 AND ABOVE;
- RAISE THE PERCEIVED RISK OF ARREST FOR DRIVING AFTER DRINKING;
- IMPROVE PUBLIC AWARENESS ABOUT HOW MUCH ALCOHOL IT TAKES TO BE DANGEROUSLY IMPAIRED; AND
- BRING THE U.S. CLOSER TO *PER SE* LIMITS OF MOST INDUSTRIALIZED NATIONS.

*.08 Could Save Your Life*

If every state adopted a .08 *per se* law, hundreds of lives would be saved every year, with thousands of injuries prevented and millions of dollars saved. But even more important would be all the extra birthday candles that would get blown out, the graduation ceremonies that would be attended, the weddings that would be celebrated and the millions of everyday smiles that would be exchanged.

No one will ever know if they or one of their loved ones will be the next victim of impaired driving, just as no one will ever know if they are the one who was spared thanks to good public policy. .08 is sensible, reasonable and effective. It's time to adopt .08 in every state.

**IF EVERY STATE  
ADOPTED A .08 PER  
SE LAW, HUNDREDS  
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WITH THOUSANDS  
OF INJURIES  
PREVENTED AND  
MILLIONS OF  
DOLLARS SAVED.**

## APPENDIX A

# Facts on The Impaired Driving Problem

According to the US Department of Transportation's Fatal Accident Reporting System and the National Highway Traffic Safety Administration's National Center for Statistical Analysis:

- In 1995, 41,798 people were killed in highway crashes. Another 3 million were injured. These crashes cost society \$150 billion every year.
- Of those killed on our highways in 1995, 17,274 died in alcohol-related crashes (41%).
- Approximately one million people are injured in alcohol-related traffic crashes annually.
- Alcohol involvement is the single greatest factor in motor vehicle deaths and injuries. Only 4% of all crashes involve the use of alcohol, but 41% of fatal crashes do.
- Anti-impaired driving efforts work. From 1986 to 1995, alcohol-related fatalities dropped 28%. This drop is generally attributed to stronger laws, tougher enforcement, and good consumer education.
- However, fatalities in alcohol-related crashes rose by 4% from 1994 to 1995, the first increase in a decade. All of this increase involved alcohol-impaired adult drivers over the age of 21.
- Among fatally injured motor vehicle drivers in 1995, 36% had BACs at or above .10. Since 1992, this percentage has remained in the 35-38% range.
- Many states now are lowering the BAC defining impaired driving from .10 to .08. A BAC as low as .02 has been shown to affect driving ability and crash likelihood.
- The probability of a crash increases significantly at .05 and even more rapidly at .08.
- Among drivers with BACs above .15 on weekend nights, the likelihood of death in a single-vehicle crash is more than 380 times higher than it is for nondrinking drivers.
- The highest proportion of driver deaths involving BACs at or above .10 in 1995 occurred in passenger vehicles. The group of drivers with the lowest proportion was tractor-trailer drivers.
- Among fatally injured car drivers in 1995, 41% of the males and 20% of the females had BACs at or above .10. Alcohol involvement in crashes is highest among men age 21-30.
- Alcohol involvement in crashes peaks at night and is higher on weekends than on weekdays. Among passenger vehicle drivers fatally injured between 9 pm and 6 am in 1995, 58% had BACs at or above .10, compared with 20% during other hours.

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# Facts on the Economic Issues

According to the National Highway Traffic Safety Administration:

- In 1995, 41,798 people were killed in highway crashes. Another 3 million were injured.
- Motor vehicle crashes cost society \$150 billion each year in emergency and acute health care costs, long-term care and rehabilitation, police and judicial services, insurance, disability and workers compensation, lost productivity, and social services for those who cannot return to work and support their families.
- Alcohol-related crashes cost society over \$45 billion every year. Just one alcohol-related fatality is estimated to cost society about \$950,000. Each alcohol-related injury averages about \$20,000.
- Almost a quarter of first-year medical costs for persons hospitalized as a result of a crash are paid by tax dollars, about two-thirds through Medicaid and one-third through Medicare.
- Employers pay for approximately half the cost of motor vehicle crashes, through insurance, disability, worker's compensation, and lost productivity. Eventually, we all bear the costs through tax-payer supported services and programs, higher insurance costs, and higher prices on goods and services.

According to a 1994 study by economist Ted R. Miller of the National Public Services Research Institute:

- *The indirect costs of alcohol-related crashes (pain, suffering and lost quality of life) increase the toll for alcohol-related crashes to \$134 billion a year.*
- *Alcohol-related crashes cost society \$1.00 per drink or \$2.20 per ounce of alcohol consumed. This figure includes drinks consumed in the home.*
- *Crash costs are \$5.54 for every mile driven drunk. This includes \$2.34 to people other than the drunk driver. By comparison, crash costs are \$.10 per mile driven while sober.*
- *Alcohol-related crashes account for 19% of auto insurance payments in 1993 (a decline from 26% in 1990).*
- *A drunk driving crash costs each innocent victim \$36,000. Comparable crime costs per victim are: assault – \$30,000; robbery – \$16,000; motor vehicle theft – \$4,000. Yet, the drunk driving crash is the only one of these crimes that is often not considered a felony upon the first offense.*

# The Facts About .08

- A law making .08 BAC the legal limit is a reasonable, sensible approach to the problem of impaired driving.
- .08 laws increase the arrest and conviction rates for impaired drivers at .10 and above while raising the perceived risk of arrest for driving after drinking.
- .08 laws raise public awareness about how much alcohol it takes to be dangerously impaired.
- Most other industrial nations already set their legal limit at .08 or lower.
- Supporters of .08 BAC laws at the state level include federal agencies, consumer and victim's organizations, highway safety groups, law enforcement organizations, medical and public health groups, insurance companies and other business interests, and many others.
- According to a recent poll by the Gallup Organization for Mothers Against Drunk Driving, 97% of Americans believe drunk driving is a major highway safety problem.
- If every state adopted a .08 *per se* law, between 500-600 lives could be saved every year, according to a recent study conducted by researchers at Boston University.
- It takes about 3-4 drinks in one hour on an empty stomach to reach a .08 BAC. This does not affect the casual, social drinker who may have a couple of beers after work or a glass or two of wine with dinner once in a while.
- On average, alcohol metabolizes in the body and dissipates from the blood at a rate of about .015 BAC per hour.
- At .08, everyone is impaired to the point that critical driving skills such as reaction time, attention, tracking, and comprehension are degraded.

# What You Can Do About Impaired Driving

Mothers Against Drunk Driving (MADD) offers the following suggestions to help fight impaired driving:

- *Your best defense against a drunk driver is to wear your safety belt and be sure children are properly secured in child safety seats.*
  - *Be a responsible host. Serve food and have non-alcoholic drinks available. Don't let your guests drive after drinking alcohol and never serve alcohol to someone under the age of 21.*
  - *Write letters to the editor of local newspapers expressing your concern over drunk driving and underage drinking in your community.*
  - *Never ride in a car operated by someone who has been drinking - call a cab or ask a friend to drive you home.*
  - *Support measures to strengthen drunk driving and victims rights laws by contacting elected officials.*
- *Report drunk drivers immediately to area law enforcement from a car phone or pay phone with the license plate number, description of the vehicle, and the direction in which it was traveling. Keep a safe distance from anyone driving erratically and do not try to intervene yourself.*

If you or someone you love becomes the victim of a drunk driving crash, call 800-GET-MADD or your local MADD chapter for victim assistance and support.



## APPENDIX B

## Resources

***The Federal Government***

The National Highway Traffic Safety Administration (NHTSA), an agency of the US Department of Transportation, is responsible for anti-impaired driving and other highway safety programs. NHTSA maintains statistics and fact sheets, and provides information to the media, grassroots organizations, other government agencies, and the general public. Check out their homepage on the World Wide Web (<http://www.nhtsa.dot.gov>) for more information about the agency's services and publications, as well as highway safety facts.

NHTSA also has ten regional offices to serve the safety community and the general public. The NHTSA regional administrator that serves your state is a great resource for those working to fight impaired driving.

**NHTSA Region I**

*(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont)*

Volpe National Transportation Systems Center  
Kendall Square, Code 903  
Cambridge, MA 02142  
Phone 617/494-3427  
Fax 617/494-3636

**NHTSA Region II**

*(New Jersey, New York, Puerto Rico, Virgin Islands)*

222 Mamaroneck Avenue, Suite 204  
White Plains, NY 10605  
Phone 914/682-6162  
Fax 914/682-6239

**NHTSA Region III**

*(Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)*

BWI Commerce Park  
7526 Connelley Drive, Suite L  
Hanover, MD 21076  
Phone 410/768-7111  
Fax 410/768-7118

**NHTSA Region IV**

*(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)*

Atlanta Federal Center  
100 Alabama Street, SW, Suite 17T30  
Atlanta, GA 30303-3106  
Phone 404/562-3739  
Fax 404/562-3763

**NHTSA Region V**

*(Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)*

19900 Governor Drive, Suite 201  
Olympia Fields, IL 60461  
Phone 708/503-8822  
Fax 708/503-8991

**NHTSA Region VI**

*(Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Indian Nations)*

819 Taylor Street, Room 8A38  
Fort Worth, TX 76102  
Phone 817/334-3653  
Fax 817/334-8339

**NHTSA Region VII**

*(Iowa, Kansas, Missouri, Nebraska)*

6301 Rockhill Road,  
Room 100  
Kansas City, MO 64131  
Phone 816/822-7233  
Fax 816/822-2069

**NHTSA Region VIII**

*(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)*

555 Zang Street, 4th Floor  
Lakewood, CO 80228  
Phone 303/969-6917  
Fax 303/969-6294

**NHTSA Region IX**

*(Arizona, California, Hawaii, Nevada, American Samoa, Guam, Northern Mariana Islands)*

201 Mission Street, Suite 2230  
San Francisco, CA 94105  
Phone 415/744-3089  
Fax 415/744-2532

**NHTSA Region X***(Alaska, Idaho, Oregon, Washington)*

3140 Jackson Federal Building  
 915 Second Street  
 Seattle, WA 98174  
 Phone 206/220-7640  
 Fax 206/220-7651

Two other federal agencies are also good sources of information:

**National Clearinghouse for Alcohol and Drug Information**  
**Center for Substance Abuse Prevention**  
**US Department of Health and Human Services**  
**PO Box 2345**  
**Rockville, MD 20847-2345**  
**Phone: 800/729-6686**  
**Web site: <http://www.health.org>**

**National Transportation Safety Board**  
**490 L'Enfant Plaza, SW**  
**Washington, DC 20594**  
**Phone: 202/314-6000**  
**Web site: <http://www.nts.gov>**

***State Governments***

Each governor appoints a highway safety representative to manage the state's highway safety program, including administration of the federal Highway Safety Community Grant program. The governor's representative also serves as a liaison between the governor and the highway safety community. These professionals and their staffs are a great resource on all highway safety issues, particularly impaired driving. The governor's representatives have a national organization in Washington:

**National Association of Governors' Highway Safety Representatives**  
 750 First Street, NE, Suite 720  
 Washington, DC 20002  
 Phone: 202/789-0942  
 Fax: 202/789-0946

The following are the offices of the governors' highway safety representatives:

**Alabama Department of Economic & Community Affairs**  
**Law Enforcement/Traffic Safety Division**  
 PO Box 5690  
 Department of Economic & Community Affairs  
 401 Adams Avenue, Suite 580  
 Montgomery, AL 36103-5690  
 Phone: 334/242-5803  
 Fax: 334/242-0712

**Highway Safety Planning Agency**  
**Alaska Department of Public Safety**  
 PO Box 111200  
 Juneau, AK 99811-1200  
 Phone: 907/465-4374  
 Fax: 907/463-5860

**Governor's Representative/Commissioner of Public Safety**  
**American Samoa Government**  
 PO Box 1086  
 Pago Pago, AS 96799  
 Phone: 011-684-633-1111  
 Fax: 011-684-633-5111

**Governor's Office of Community and Highway Safety**  
**Arizona Department of Public Safety**  
 3010 N. Second Street, Suite 105  
 Phoenix, AZ 85012  
 Phone: 602/255-3216  
 Fax: 602/255-1265

**Highway Safety Program**  
**Arkansas Highway & Transportation Department**  
 PO Box 2261  
 11300 Baseline Road  
 Little Rock, AR 72203  
 Phone: 501/569-2648  
 Fax: 501/569-2651

**Office of Traffic Safety California Business, Transportation, & Housing Agency**  
 7000 Franklin Boulevard, Suite 440  
 Sacramento, CA 95823  
 Phone: 916/262-0990  
 Fax: 916/262-2960

**Colorado Office of Transportation Safety**  
**Department of Transportation**  
 Headquarters Complex  
 4201 East Arkansas Avenue  
 Denver, CO 80222  
 Phone: 303/757-9381  
 Fax: 303/757-9439

**Division of Highway Safety**  
**Connecticut Department of Transportation**  
 2800 Berlin Turnpike  
 PO Box 317546  
 Newington, CT 06131-7546  
 Phone: 860/594-2363  
 Fax: 860/594-2374

**Office of Highway Safety**  
**Delaware Department of Public Safety**  
 PO Box 1321  
 Dover, DE 19903-1321  
 Phone: 302/739-3295  
 Fax: 302/739-5995

**Transportation Safety Branch**  
**DC Department of Public Works**  
 2000 14th Street, NW, 7th Floor  
 Washington, DC 20009  
 Phone: 202/939-8018  
 Fax: 202/939-7185

**Safety Office Florida Department of Transportation**  
605 Suwannee Street, MS 53  
Tallahassee, FL 32399-0450  
Phone: 904/488-3546  
Fax: 904/922-2935

**Georgia Governor's Office of Highway Safety**  
Equitable Building  
100 Peachtree Street, Suite 2000  
Atlanta, GA 30303  
Phone: 404/656-6996  
Fax: 404/651-9107

**Highway Safety Coordinator**  
**Guam Department of Public Works**  
PO Box 2950  
Agana, GU 96910  
Phone: 011-671-646-3211  
Fax: 011-671-649-3733

**Operator Assisted Calls: 01-671-646-3211**  
**Motor Vehicle Safety Office**  
**Hawaii Department of Transportation**  
1505 Dillingham Blvd., Suite 214  
Honolulu, HI 96817  
Phone: 808/832-5820  
Fax: 808/832-5830

**Office of Highway Safety**  
**Idaho Transportation Department**  
PO Box 7129, 3311 West State Street  
Boise, ID 83707-1129  
Phone: 208/334-8101  
Fax: 208/334-3858

**Division of Traffic Safety**  
**Illinois Department of Transportation**  
PO Box 19245  
3215 Executive Park Drive  
Springfield, IL 62794-9245  
Phone: 217/782-4972  
Fax: 217/782-9159

**Indiana Governor's Council on Impaired and Dangerous Driving**  
150 West Market Street, Suite 330  
Indianapolis, IN 46204  
Phone: 317/232-1299  
Fax: 317/232-5150

**Indian Highway Safety Program**  
**Bureau of Indian Affairs**  
Department of the Interior  
PO Box 2006  
Albuquerque, NM 87103  
Phone: 505/248-5053  
Fax: 505/248-5064

**Governor's Traffic Safety Bureau**  
**Iowa Department of Public Safety**  
307 East 7th Street  
Des Moines, IA 50319-0248  
Phone: 515/281-3907  
Fax: 515/281-6190

**Kansas Bureau of Traffic Safety**  
Thacher Building, 2nd Floor  
217 S.E. 4th  
Topeka, KS 66603-3504  
Phone: 913/296-3756  
Fax: 913/291-3010

**Highway Safety Standards Branch**  
**Kentucky State Police Headquarters**  
919 Versailles Road  
Frankfort, KY 40601  
Phone: 502/695-6356  
Fax: 502/573-1634

**Highway Safety Commission**  
**Louisiana Department of Public Safety**  
PO Box 66336  
Baton Rouge, LA 70896  
Phone: 504/925-6991  
Fax: 504/922-0083

**Bureau of Highway Safety**  
**Maine Department of Public Safety**  
Station #42  
Augusta, ME 04333  
Phone: 207/624-8756  
Fax: 207/624-8768

**Northern Mariana Islands**  
**Department of Public Safety**  
PO Box 791  
Saipan, M.P. 96950  
Phone: 011-670-034-6505  
Fax: 011-670-234-8531

**Office of Traffic & Safety**  
**Maryland State Highway Administration**  
7491 Connelley Drive  
Hanover, MD 21076  
Phone: 410/787-5822  
Fax: 410/787-5823

**Massachusetts Governor's Highway Safety Bureau**  
100 Cambridge Street, Room 2104  
Boston, MA 02202  
Phone: 617/727-5073  
Fax: 617/727-5077

**Michigan Office of Highway Safety Planning**  
4000 Collins Road, PO Box 30633  
Lansing, MI 48909-8133  
Phone: 517/333-5291  
Fax: 517/333-5756

**Office of Traffic Safety**  
**Minnesota Department of Public Safety**  
Town Square, Suite 100-B  
444 Cedar Street  
St. Paul, MN 55101-2128  
Phone: 612/296-3804  
Fax: 612/297-4844

**Highway Safety Office**  
**Mississippi Department of Public Safety**  
PO Box 23039  
401 North West Street, 8th Floor  
Jackson, MS 39225-3039  
Phone: 601/359-7842  
Fax: 601/359-7832

**Missouri Division of Highway Safety**  
PO Box 104808  
Jefferson City, MO 65110-4808  
Phone: 573/751-7643  
Fax: 573/634-5977

**Highway Traffic Safety**  
**Montana Department of Justice**  
 1310 East Lockey  
 Helena, MT 59620  
 Phone: 406/444-3412  
 Fax: 406/444-7303

**Office of Highway Safety**  
**Nebraska Department of Motor Vehicles**  
 PO Box 94612  
 301 Centennial Mall South  
 Lincoln, NE 68509-4789  
 Phone: 402/471-3900  
 Fax: 402/471-3865

**Office of Traffic Safety Nevada Department of**  
**Motor Vehicles & Public Safety**  
 555 Wright Way  
 Carson City, NV 89711-0900  
 Phone: 702/687-3243  
 Fax: 702/687-5328

**New Hampshire Highway Safety Agency**  
 Pine Inn Plaza  
 117 Manchester Street  
 Concord, NH 03301  
 Phone: 603/271-2131  
 Fax: 603/271-3790

**Division of Highway Traffic Safety**  
**New Jersey Dept. of Law & Public Safety, CN 048**  
 Trenton, NJ 08625  
 Phone: 609/633-9300  
 Fax: 609/633-9020

**Traffic Safety Bureau New Mexico State Highway &**  
**Transportation Department**  
 PO Box 1149  
 Santa Fe, NM 87504-1149  
 Phone: 505/827-0429  
 Fax: 505/827-0431

**New York State Governor's Traffic Safety Committee**  
 Empire State Plaza, Swan St. Bldg., Room 521  
 Albany, NY 12228  
 Phone: 518/474-0858  
 Fax: 518/473-0041

**North Carolina Governor's Highway Safety Program**  
 215 East Lane Street  
 Raleigh, NC 27601  
 Phone: 919/733-3083  
 Fax: 919/733-0604

**Driver Licensing & Traffic Safety**  
**North Dakota Department of Transportation**  
 608 East Boulevard Avenue  
 Bismarck, ND 58505-0700  
 Phone: 701/328-2601  
 Fax: 701/328-4545

**Office of the Ohio Governor's Highway Safety**  
**Representative**  
 PO Box 7167  
 240 Parsons Avenue  
 Columbus, OH 43205-0167  
 Phone: 614/466-3250  
 Fax: 614/466-0433

**Highway Safety Office**  
**Oklahoma Department of Public Safety**  
 3223 N. Lincoln  
 Oklahoma City, OK 73105  
 Phone: 405/521-3314  
 Fax: 405/524-4906

**Transportation Safety Section**  
**Oregon Department of Transportation**  
 555 13th Street, N.E.  
 Salem, OR 97310-1333  
 Phone: 503/986-4192  
 Fax: 503/986-4189

**Pennsylvania Bureau of Highway & Traffic Engineering**  
 PO Box 2047  
 Harrisburg, PA 17105-2047  
 Phone: 717/787-7350  
 Fax: 717/783-8012

**Traffic Safety Commission**  
**Puerto Rico Department of Public Works**  
 Box 41289, Minillas Station  
 Santurce, PR 00940  
 Phone: 809/723-3590  
 Fax: 809/727-0486

**Rhode Island Governor's Office of Highway Safety**  
 345 Harris Avenue  
 Providence, RI 02909  
 Phone: 401/277-3024  
 Fax: 401/277-2086

**South Carolina Department of Public Safety**  
**Office of Safety & Grants**  
 5400 Broad River Road  
 Columbia, SC 29210  
 Phone: 803/896-7896  
 Fax: 803/896-8393

**South Dakota Office of Highway Safety**  
 500 E. Capital  
 Pierre, SD 57501  
 Phone: 605/773-3178  
 Fax: 605/773-3018

**Tennessee Governor's Highway Safety Program**  
**Department of Transportation**  
 505 Deaderick Street, Suite 600  
 James K. Polk State Office Bldg.  
 Nashville, TN 37243-0341  
 Phone: 615/741-7590  
 Fax: 615/741-9673

**Traffic Operations Division**  
**Texas Department of Transportation**  
 125 E. 11th Street  
 Austin, TX 78701-2483  
 Phone: 512/416-3167  
 Fax: 512/416-3349

**Utah Department of Public Safety**  
**Highway Safety Office**  
 411 West 7200 South, Suite 300  
 Salt Lake City, UT 84047-1016  
 Phone: 801/225-0573  
 Fax: 801/225-0823

**Governor's Highway Safety Program**  
**Vermont Department of Public Safety**  
 103 South Main Street  
 Waterbury, VT 05671-2101  
 Phone: 802/244-1317  
 Fax: 802/244-1106

**Virginia Department of Motor Vehicles  
Transportation Safety Office**  
PO Box 27412  
2300 West Broad Street  
Richmond, VA 23269  
Phone: 804/367-8140  
Fax: 804/367-6631

**Governor's Representative  
Virgin Islands Office of Highway Safety**  
Lagoon Street Complex, Fredricksted  
St. Croix, VI 00840  
Phone: 809/776-5820  
Fax: 809/772-2626

**Washington Traffic Safety Commission**  
PO Box 40944  
1000 South Cherry Street  
Olympia, WA 98504-0944  
Phone: 360/753-6197  
Fax: 360/586-6489

**Governor's Highway Safety Program West Virginia  
Criminal Justice & Highway Safety Division**  
1204 Kanawha Boulevard, East  
Charleston, WV 25301  
Phone: 304/558-8814  
Fax: 304/558-0391

**Bureau of Transportation Safety  
Wisconsin Department of Transportation**  
PO Box 7936  
4802 Sheboygan Avenue, Room 809  
Madison, WI 53707  
Phone: 608/266-0402  
Fax: 608/267-0441

**Highway Safety Program  
Wyoming Transportation Department**  
PO Box 1708  
Cheyenne, WY 82003-1708  
Phone: 307/777-4450  
Fax: 307/777-4250

## The Private Sector

The National Safety Council, with chapters all over the country, can provide information on a wide range of occupational, home and traffic safety issues. The Council produces dozens of publications and provides services and educational opportunities in these areas.

**National Safety Council**  
1121 Spring Lake Drive  
Itasca, IL 60143  
Phone: 630/285-1121  
Fax: 630/285-1315  
Web site: <http://www.nsc.org>

**Mothers Against Drunk Driving** is a non-profit, grass roots organization with more than 400 chapters nationwide. It "is not a crusade against alcohol consumption;" its focus is "to look for effective solutions to the drunk driving and underage drinking problems, while supporting those who have already experienced the pain of these senseless crimes." To join, find a chapter in your area or for more information, contact the National Office at:

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**Mothers Against Drunk Driving**  
511 E. John Carpenter Freeway., #700  
Irving, Texas 75062  
Phone: 214/744-MADD (6233)  
Fax: 972/869-2206/2207  
Web site: <http://www.gran-net.com/madd/>

Other private sector groups may be helpful. Here is a list of some of the national organizations that support .08 BAC laws.

**Advocates for Highway and Auto Safety**  
750 First Street, NE, Suite 901  
Washington, DC 20002  
Phone: 202/408-1711  
Web site: <http://www.saferoads.org>

**American Automobile Association**  
1000 AAA Drive  
Heathrow, FL 32746  
Phone: 407/444-7000  
Web site: <http://www.aaa.com>

**American Automobile Manufacturers Association**  
1401 H Street, NW, Suite 900  
Washington, DC 20005  
Phone: 202/326-5500  
Web site: <http://aama.com>

**American Coalition for Traffic Safety**  
1110 N. Glebe Road, Suite 1020  
Arlington, VA 22201  
Phone: 703/243-7501

**American Insurance Association**  
1130 Connecticut Avenue, Suite 1000  
Washington, DC 20036  
Phone: 202/828-7100  
Web site: <http://www.aiadc.org>

**American Medical Association**  
515 North State Street  
Chicago, IL 60610-4379  
312/464-5000  
Web site: <http://www.ama-assn.org>

**Insurance Institute for Highway Safety**  
1005 North Glebe Road  
Arlington, VA 22201  
Phone: 703/247-1500  
Web site: <http://www.hwysafety.org>

**International Association of Chiefs of Police**  
515 North Washington Street  
Alexandria, VA 22314  
Phone: 703/836-6767  
Web site: <http://www.internationalchiefs.org> (as of March 1997)

**National Commission Against Drunk Driving**  
1900 L Street NW, Suite 705  
Washington, DC 20036  
Phone: 202/452-6004  
Web site: <http://www.ncadd.com>

**Remove Intoxicated Drivers (RID)**  
PO Box 520  
Schenectady, NY 12301  
Phone: 518/393-4357  
Web site: TBA

**Students Against Driving Drunk (SADD)**  
PO Box 800  
Marlboro, MA 01752  
Phone: 508/481-3568

## APPENDIX C

## Model Law

The Uniform Vehicle Code, published by the National Committee on Uniform Traffic Laws and Ordinances, is a document developed by transportation and highway safety professionals to serve as a guideline for those developing state motor vehicle legislation. Inclusion of this model law here should not be interpreted as a formal endorsement by the National Safety Council or the National Highway Traffic Safety Administration. The entire Uniform Vehicle Code is available on the World Wide Web at <http://www.ncutlo.org>.

**CHAPTER 11 - Rules of the Road****ARTICLE IX – SERIOUS TRAFFIC OFFENSES****11-902 – Driving while under the influence of alcohol or drugs****(a) A person shall not drive or be in actual physical control of any vehicle while:**

1. The alcohol concentration in such person's blood or breath is 0.08 or more based on the definition of blood and breath units in [Section 11-903(a)(5)].

Optional 1. The alcohol concentration in such person's blood or breath as measured within three hours of the time of driving or being in the actual physical control is 0.08 or more based on the definition of blood and breath units in [Section 11-903]. If proven by a preponderance of evidence, it shall be an affirmative defense to a violation of this subsection that the defendant consumed a sufficient quantity of alcohol after the time of driving or actual physical control of a

vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to be 0.08 or more. The foregoing provision shall not limit the introduction of any other competent evidence bearing upon the question whether or not the person violated this section, including tests obtained more than three hours after such alleged violation.

2. Under the influence of alcohol;

3. Under the influence of any other drug or combination of other drugs to a degree which renders such person incapable of safely driving; or

4. Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely driving.

(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drug shall not constitute a defense against any charge of violating this section.

(c) In addition to the provisions of [Section 11-904], every person convicted of violating this section shall be punished by imprisonment for not less than 10 days or more than one year, or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment and on a second or subsequent conviction, such person shall be punished by imprisonment for not less than 90 days nor more than one year, and, in the discretion of the court, a fine of not more than \$1,000.

## ACKNOWLEDGMENTS

This publication was written by Katherine R. Hutt, APR, President of Nautilus Communications, designed by Bobbi Kittner, principal of Kittner Design, and edited by Jane Roemer, Director of Public Policy, and Laura Wilkinson, Public Policy Associate, of the National Safety Council. Special thanks to the National Highway Traffic Safety Administration for their support of this project, especially James C. Fell, Chief of the Research and Evaluation Division, Kay Chopard, Highway Safety Specialist and Sue Ryan, Chief of the Impaired Driving Division.

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NSC #82353-0000

DOT HS 808 524  
January 1997

Printed in the U.S.A.