

Log H-530A



# National Transportation Safety Board

Washington, D.C. 20594  
**Safety Recommendation**

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Date: July 20, 1989

In reply refer to: H-89-2

To the Governors of the States of  
Alabama, Georgia, Hawaii, Massachusetts,  
Montana, Nebraska, New Jersey, New York,  
Pennsylvania, Texas, Virginia and Washington

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About 10:55 p.m. eastern daylight time on May 14, 1988, a pickup truck traveling northbound in the southbound lanes of Interstate 71 struck head-on a church activity bus traveling southbound in the left lane of the highway near Carrollton, Kentucky. The church bus fuel tank was punctured during the collision sequence, and a fire ensued, engulfing the entire bus. The busdriver and 26 bus passengers were fatally injured. Thirty-four bus passengers survived with minor to critical injuries, and six with no injuries. The pickup truck driver sustained serious injuries.<sup>1</sup>

Test results on a blood specimen taken from the pickup driver about 1 1/2 hours after the accident indicated a blood alcohol content (BAC) of 0.26 percent, which is more than 2 1/2 times the legal limit at which a person is generally presumed intoxicated. With such a high BAC, the pickup driver would have been extremely intoxicated. Considering the average rate of metabolism for ethyl alcohol (0.015 percent per hour) and assuming the pickup driver was in the elimination phase, his BAC would have been 0.28 percent at the time of the accident. However, based on the driver's drinking history, a rate of elimination of 0.015 percent per hour is a conservative estimate of his rate of alcohol metabolism, and his BAC at the time of the collision may have been higher than 0.28 percent.

A witness who had been driving southbound on I-71 9 miles north of the accident site said the pickup truck was being operated erratically. He also said that he passed the pickup truck and a tractor-semitrailer in an effort to keep away from them in case of an accident. The witness had observed the pickup truck cross the median strip north of the accident site, had later observed the pickup truck going northbound in the southbound fast lane, and had tried to alert the pickup driver by blowing his horn and flashing his lights. Two other witnesses who saw the collision said that before the accident the pickup truck was driving northbound in the southbound lanes.

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<sup>1</sup>For more detailed information, read Highway Accident Report--"Pickup Truck/Church Activity Bus Head-on Collision and Fire near Carrollton, Kentucky, May 14, 1988" (NTSB/HAR-89/01).

Based on the results of controlled studies of the effects of alcohol on human behavior and performance, the Safety Board believes that the pickup driver's high alcohol level diminished his awareness of his surroundings, his abilities to recognize the extremely hazardous situation, and his ability to avoid the collision. Therefore, the Board concludes that the physical impairment of the pickup driver, as a result of alcohol intoxication, caused the accident.

In the early 1980s, there was considerable public concern about drunk driving. This concern led virtually every State to establish a high level task force or committee to review what was needed to strengthen its system for dealing with this problem. This resulted in every State passing improved laws and implementing new countermeasures to reduce drinking and driving. Nationwide, hundreds of new laws were passed. Public media attention also increased as did the formation and activism of citizens groups.<sup>2</sup> The result was a decline in the number of alcohol-related fatalities. The biggest drop occurred between 1982 and 1985, when the alcohol-related fatalities fell from 25,170 to 22,360. In the last few years, evidence indicates that media attention to the driving-under-the-influence (DUI) problem is waning,<sup>3</sup> and there has been relatively little significant new drunk-driving legislation enacted by the States. As a result, the drop in alcohol-related highway fatalities leveled off in 1986 and 1987 (24,050 in 1986 and 23,630 in 1987).

In 1982, 1984, and 1985, the Safety Board issued recommendations to the States, including Kentucky, urging the implementation of several specific measures to combat drunk driving:<sup>4</sup>

- Enactment of an administrative license revocation law (H-84-13).
- Enhanced DUI enforcement methods, including use of programs for citizens reporting of suspected drunk driving, sobriety checkpoints, preliminary breath test devices, and the three-part field sobriety test (H-82-35, H-84-11 and -12, and H-84-77).
- Improvements in the frequency of alcohol testing of drivers involved in fatal accidents and the reporting of

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test results to a designated State agency (H-85-49 and -50).

- Prohibition of plea bargaining (changing an alcohol-related charge to a nonalcohol-related charge) (H-84-80).
- Prohibition of "diverting" drunk driving offenders into education programs in lieu of license revocation or suspension or other legal sanctions (H-84-85).
- Use of presentence investigation, including evaluation of alcohol dependence (H-84-84).

The recommended drunk-driving countermeasures noted above were reviewed by the Safety Board during the investigation of the Carrollton accident, and are considered important for all States to use. Of these, we noted that your State has not implemented all of these countermeasures.

If the nation as a whole is going to resume the progress made in reducing the incidence of drinking and driving, there needs to be a refocusing on this issue at all levels, especially at the local and State level. The Board believes that the magnitude of the problem demands that additional attention be given to dealing with the DUI issue. For example, in 1987, according to the Fatal Accident Reporting System data, 61,434 drivers were involved in fatal crashes; 25 percent of them were at or above a 0.10 percent BAC level, and another 8.2 percent were between 0.01 and 0.09 percent BAC.

The Safety Board continues to believe the adoption of administrative license revocation procedures is one of the most effective steps that States can take toward reducing alcohol-related highway crashes. The effects of administrative license revocation are two-fold--the licenses of dangerous drivers are revoked more quickly, and the likelihood of receiving a penalty for drunk driving is dramatically increased. The general deterrence benefits of an administrative license revocation program and the reduced recidivism rates among DUI offenders indicate potential for a long-term impact.

Results from States with administrative revocation indicate that adoption of such a measure in all States would be a significant advance in our nation's efforts to deter people from driving after drinking by ensuring a swifter and more certain punishment for those who drink and drive. Therefore, the Safety Board urges your State to adopt administrative revocation legislation.

The Safety Board is not alone in advocating the implementation of administrative revocation laws. The National Highway Traffic Safety Administration and many highway safety experts also support such laws. The Congress also recognized the importance of administrative revocation laws by including in the Anti-Drug Abuse Act of 1988 (Public Law 100-690) (Title IX--

The Drunk Driving Prevention Act of 1988) incentive grants to States that pass these laws.

On December 14-16, 1988, the Surgeon General conducted a workshop on drunk driving in Washington, D.C. Experts in the field were invited to serve on various panels and provide recommendations for inclusion in a final report to be issued by the Surgeon General.

The following recommendations that resulted from the workshop pertain to the issues in the Carrollton accident:<sup>5</sup>

- Adopt administrative per se driver's license law (administration license revocation).
- Encourage stronger law enforcement and adjudication of existing drinking and driving laws.
- Reexamine the effectiveness of drinking and driving education to improve its effectiveness.
- Make license revocation "hard" (i.e., no exceptions for hardship, occupation, or other reasons); minimum of 90 days; for repeat offenders, substantially longer.
- No license shall be reinstated without the offender providing proof of compliance with an alcohol assessment and any court order.
- An alcohol assessment shall be completed and available to the judge prior to sentencing.
- Plea negotiations shall be strongly discouraged and all negotiations shall be placed on the record in open court and all proceedings shall be in open court.
- Provide sufficient funding for judges and prosecutors for continuing education in alcohol-related driving offenses.
- Implement DUI checkpoints in those jurisdictions currently not using this technique, and expand their use in those jurisdictions where they are currently in use. To enhance the efficiency and effectiveness of checkpoints, we advocate the use of breath alcohol testing (BAT) mobiles, passive sensors, and/or preliminary breath testing (PBT) devices and the adoption of legislation to permit sobriety checkpoints, where necessary. These strategies should be used in accordance

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<sup>5</sup>To obtain a copy of the workshop's report, contact the National Clearinghouse for Alcohol and Drug Information, P.O. Box 2345, Rockville, Maryland 20852.

with the standards set forth by the United States Supreme Court and/or respective State Courts. Also, research data on the effectiveness of checkpoints should be broadly disseminated.

- Develop enforcement, public information and education efforts designed to maximize public perception of the risk of arrest and punishment for driving under the influence.
- The mandatory BAC testing of all drivers and non-motorists involved in fatal and serious injury motor vehicle crashes should be required.

The Safety Board believes that it is the application of the DUI laws rather than the specifics of the laws that is weak in many States. The degree to which police agencies enforce the law, prosecutors prosecute on the original charge, and judges and licensing agencies render appropriate sanctions are key factors in the success of most laws. The Board urges all States to review their DUI laws and their implementation in light of the problems highlighted in this investigation and make appropriate corrections to reduce the unacceptably high level of alcohol-related traffic crashes.

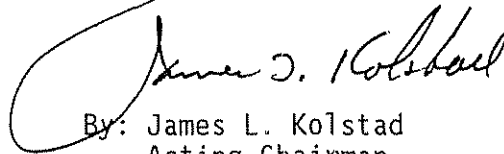
Therefore, the National Transportation Safety Board recommends that the States of Alabama, Georgia, Hawaii, Massachusetts, Montana, Nebraska, New Jersey, New York, Pennsylvania, Texas, Virginia and Washington:

Convene or reconvene a committee or task force to review your State's driving-under-the-influence (DUI) legislation and its implementation, in light of the problems discussed in the accident report on the pickup truck/church activity bus head-on collision and fire near Carrollton, Kentucky, on May 14, 1988. Particular attention should be paid to implementation of administrative license revocation programs, elimination of plea bargaining to a nonalcohol-related offense, reduction of licensing penalties for enrolling in alcohol education or treatment programs, improved evaluations of convicted DUI offenders, and enhanced public awareness and enforcement programs. Based on this review, take appropriate action to improve your State's DUI prevention program. (Class II, Priority Action) (H-89-2)

Also as a result of its investigation, the Safety Board issued Safety Recommendations H-89-1 to the 50 States and the District of Columbia; H-89-3 to various church associations and other special activity groups; H-89-4 through -6 to the National Highway Traffic Safety Administration; and H-89-7 to the Federal Highway Administration.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility ". . . to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation H-89-2 in your reply.

KOLSTAD, Acting Chairman, and BURNETT, LAUBER, and DICKINSON, Members, concurred in this recommendation. NALL, Member, dissented.



By: James L. Kolstad  
Acting Chairman

Honorable Harold Guy Hunt  
Governor of Alabama  
Montgomery, Alabama 36130

Honorable Joe Frank Harris  
Governor of Georgia  
Atlanta, Georgia 30334

Honorable John Waihee, III  
Governor of Hawaii  
Honolulu, Hawaii 96813

Honorable Michael S. Dukakis  
Governor of Massachusetts  
Boston, Massachusetts 02133

Honorable Stan Stevens  
Governor of Montana  
Helena, Montana 59620

Honorable Kay A. Orr  
Governor of Nebraska  
Lincoln, Nebraska 68509

Honorable Thomas H. Kean  
Governor of New Jersey  
Trenton, New Jersey 08625

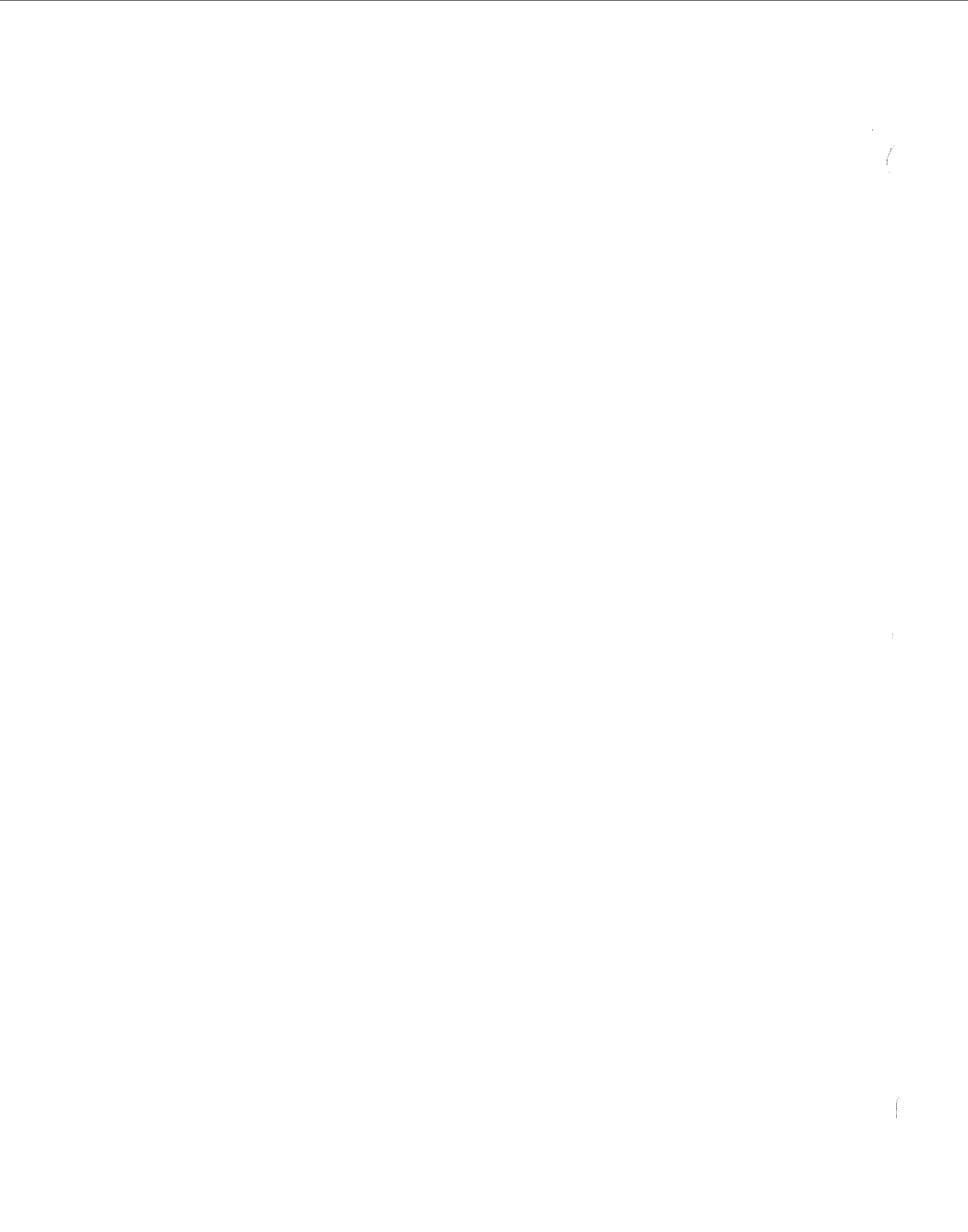
Honorable Mario M. Cuomo  
Governor of New York  
Albany, New York 12224

Honorable Robert P. Casey  
Governor of Pennsylvania  
Harrisburg, Pennsylvania 17120

Honorable William P. Clements, Jr.  
Governor of Texas  
Austin, Texas 78711

Honorable Gerald L. Baliles  
Governor of Virginia  
Richmond, Virginia 23219

Honorable Booth Gardner  
Governor of Washington  
Olympia, Washington 98504





Log H-530A



# National Transportation Safety Board

Washington, D.C. 20594  
Safety Recommendation

Date: July 20, 1989

In reply refer to: H-89-2

To the Governors of the States of  
Alaska, Arizona, Colorado, Delaware,  
Florida, Indiana, Kansas, Maine,  
Maryland, Minnesota, Mississippi,  
Missouri, Nevada, North Carolina,  
and Oregon

About 10:55 p.m. eastern daylight time on May 14, 1988, a pickup truck traveling northbound in the southbound lanes of Interstate 71 struck head-on a church activity bus traveling southbound in the left lane of the highway near Carrollton, Kentucky. The church bus fuel tank was punctured during the collision sequence, and a fire ensued, engulfing the entire bus. The busdriver and 26 bus passengers were fatally injured. Thirty-four bus passengers survived with minor to critical injuries, and six with no injuries. The pickup truck driver sustained serious injuries.<sup>1</sup>

Test results on a blood specimen taken from the pickup driver about 1 1/2 hours after the accident indicated a blood alcohol content (BAC) of 0.26 percent, which is more than 2 1/2 times the legal limit at which a person is generally presumed intoxicated. With such a high BAC, the pickup driver would have been extremely intoxicated. Considering the average rate of metabolism for ethyl alcohol (0.015 percent per hour) and assuming the pickup driver was in the elimination phase, his BAC would have been 0.28 percent at the time of the accident. However, based on the driver's drinking history, a rate of elimination of 0.015 percent per hour is a conservative estimate of his rate of alcohol metabolism, and his BAC at the time of the collision may have been higher than 0.28 percent.

A witness who had been driving southbound on I-71 9 miles north of the accident site said the pickup truck was being operated erratically. He also said that he passed the pickup truck and a tractor-semitrailer in an effort to keep away from them in case of an accident. The witness had observed the pickup truck cross the median strip north of the accident site, had later

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observed the pickup truck going northbound in the southbound fast lane, and had tried to alert the pickup driver by blowing his horn and flashing his lights. Two other witnesses who saw the collision said that before the accident the pickup truck was driving northbound in the southbound lanes.

Based on the results of controlled studies of the effects of alcohol on human behavior and performance, the Safety Board believes that the pickup driver's high alcohol level diminished his awareness of his surroundings, his abilities to recognize the extremely hazardous situation, and his ability to avoid the collision. Therefore, the Board concludes that the physical impairment of the pickup driver, as a result of alcohol intoxication, caused the accident.

In the early 1980s, there was considerable public concern about drunk driving. This concern led virtually every State to establish a high level task force or committee to review what was needed to strengthen its system for dealing with this problem. This resulted in every State passing improved laws and implementing new countermeasures to reduce drinking and driving. Nationwide, hundreds of new laws were passed. Public media attention also increased as did the formation and activism of citizens groups.<sup>2</sup> The result was a decline in the number of alcohol-related fatalities. The biggest drop occurred between 1982 and 1985, when the alcohol-related fatalities fell from 25,170 to 22,360. In the last few years, evidence indicates that media attention to the driving-under-the-influence (DUI) problem is waning,<sup>3</sup> and there has been relatively little significant new drunk-driving legislation enacted by the States. As a result, the drop in alcohol-related highway fatalities leveled off in 1986 and 1987 (24,050 in 1986 and 23,630 in 1987).

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devices, and the three-part field sobriety test (H-82-35, H-84-11 and -12, and H-84-77).

- Improvements in the frequency of alcohol testing of drivers involved in fatal accidents and the reporting of test results to a designated State agency (H-85-49 and -50).
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- Reexamine the effectiveness of drinking and driving education to improve its effectiveness.
- Make license revocation "hard" (i.e., no exceptions for hardship, occupation, or other reasons); minimum of 90 days; for repeat offenders, substantially longer.
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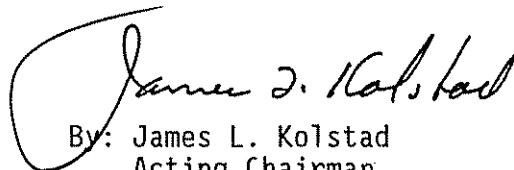
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KOLSTAD, Acting Chairman, and BURNETT, LAUBER, and DICKINSON, Members, concurred in this recommendation. NALL, Member, dissented.

  
By: James L. Kolstad  
Acting Chairman

Honorable Steve Cowper  
Governor of Alaska  
Juneau, Alaska 99811

Honorable Rose Mofford  
Governor of Arizona  
Phoenix, Arizona 85007

Honorable Roy Romer  
Governor of Colorado  
Denver, Colorado 80203

Honorable Michael N. Castle  
Governor of Delaware  
Dover, Delaware 19901

Honorable Bob Martinez  
Governor of Florida  
Tallahassee, Florida 32301

Honorable Evan Bayh  
Governor of Indiana  
Indianapolis, Indiana 46204

Honorable John Michael Hayden  
Governor of Kansas  
Topeka, Kansas 66612

Honorable John R. McKernan, Jr.  
Governor of Maine  
Augusta, Maine 04330

Honorable William Donald Schaefer  
Governor of Maryland  
Annapolis, Maryland 21404

Honorable Rudy Perpich  
Governor of Minnesota  
St. Paul, Minnesota 55155

Honorable Ray Mabus  
Governor of Mississippi  
Jackson, Mississippi 39205

Honorable John Ashcroft  
Governor of Missouri  
Jefferson City, Missouri 65101

Honorable Robert J. Miller  
Governor of Nevada  
Carson City, Nevada 89701

Honorable James G. Martin  
Governor of North Carolina  
Raleigh, North Carolina 27611

Honorable Neil Goldschmidt  
Governor of Oregon  
Salem, Oregon 97310





Log H-530A



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

Date: July 20, 1989

In reply refer to: H-89-2

To the Governors of the States of  
Arkansas, California, Connecticut,  
Idaho, Michigan, New Hampshire,  
Ohio, Rhode Island, South Carolina,  
South Dakota, Tennessee, Utah,  
Vermont, and to the Mayor of the  
District of Columbia

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The Safety Board continues to believe the adoption of administrative license revocation procedures is one of the most effective steps that States can take toward reducing alcohol-related highway crashes. The effects of administrative license revocation are two-fold--the licenses of dangerous drivers are revoked more quickly, and the likelihood of receiving a penalty for drunk driving is dramatically increased. The general deterrence benefits of an administrative license revocation program and the reduced recidivism rates among DUI offenders indicate potential for a long-term impact.

Results from States with administrative revocation indicate that adoption of such a measure in all States would be a significant advance in our nation's efforts to deter people from driving after drinking by ensuring a swifter and more certain punishment for those who drink and drive. Therefore, the Safety Board urges Arkansas, California, Connecticut, Idaho, Michigan, New Hampshire, Ohio, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, and the District of Columbia to adopt administrative revocation legislation.

The Safety Board is not alone in advocating the implementation of administrative revocation laws. The National Highway Traffic Safety Administration and many highway safety experts also support such laws. The Congress also recognized the importance of administrative revocation laws by including in the Anti-Drug Abuse Act of 1988 (Public Law 100-690) (Title IX--The Drunk Driving Prevention Act of 1988) incentive grants to States that pass these laws.

On December 14-16, 1988, the Surgeon General conducted a workshop on drunk driving in Washington, D.C. Experts in the field were invited to serve on various panels and provide recommendations for inclusion in a final report to be issued by the Surgeon General.

The following recommendations that resulted from the workshop pertain to the issues in the Carrollton accident:<sup>5</sup>

- Adopt administrative per se driver's license law (administration license revocation).
- Encourage stronger law enforcement and adjudication of existing drinking and driving laws.
- Reexamine the effectiveness of drinking and driving education to improve its effectiveness.
- Make license revocation "hard" (i.e., no exceptions for hardship, occupation, or other reasons); minimum of 90 days; for repeat offenders, substantially longer.
- No license shall be reinstated without the offender providing proof of compliance with an alcohol assessment and any court order.
- An alcohol assessment shall be completed and available to the judge prior to sentencing.
- Plea negotiations shall be strongly discouraged and all negotiations shall be placed on the record in open court and all proceedings shall be in open court.
- Provide sufficient funding for judges and prosecutors for continuing education in alcohol-related driving offenses.

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<sup>5</sup>To obtain a copy of the workshop's report, contact the National Clearinghouse for Alcohol and Drug Information, P.O. Box 2345, Rockville, Maryland 20852.

- Implement DUI checkpoints in those jurisdictions currently not using this technique, and expand their use in those jurisdictions where they are currently in use. To enhance the efficiency and effectiveness of checkpoints, we advocate the use of breath alcohol testing (BAT) mobiles, passive sensors, and/or preliminary breath testing (PBT) devices and the adoption of legislation to permit sobriety checkpoints, where necessary. These strategies should be used in accordance with the standards set forth by the United States Supreme Court and/or respective State Courts. Also, research data on the effectiveness of checkpoints should be broadly disseminated.
- Develop enforcement, public information and education efforts designed to maximize public perception of the risk of arrest and punishment for driving under the influence.
- The mandatory BAC testing of all drivers and non-motorists involved in fatal and serious injury motor vehicle crashes should be required.

The Safety Board believes that it is the application of the DUI laws rather than the specifics of the laws that is weak in many States. The degree to which police agencies enforce the law, prosecutors prosecute on the original charge, and judges and licensing agencies render appropriate sanctions are key factors in the success of most laws. The Board urges all States to review their DUI laws and their implementation in light of the problems highlighted in this investigation and make appropriate corrections to reduce the unacceptably high level of alcohol-related traffic crashes.

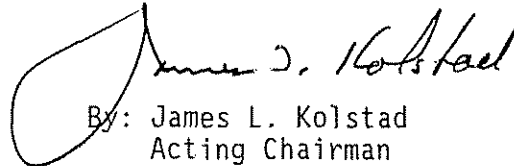
Therefore, the National Transportation Safety Board recommends that the States of Arkansas, California, Connecticut, Idaho, Michigan, New Hampshire, Ohio, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, and the District of Columbia:

Convene or reconvene a committee or task force to review your State's driving-under-the-influence (DUI) legislation and its implementation, in light of the problems discussed in the accident report on the pickup truck/church activity bus head-on collision and fire near Carrollton, Kentucky, on May 14, 1988. Particular attention should be paid to implementation of administrative license revocation programs, elimination of plea bargaining to a nonalcohol-related offense, reduction of licensing penalties for enrolling in alcohol education or treatment programs, improved evaluations of convicted DUI offenders, and enhanced public awareness and enforcement programs. Based on this review, take appropriate action to improve your State's DUI prevention program. (Class II, Priority Action) (H-89-2)

Also as a result of its investigation, the Safety Board issued Safety Recommendations H-89-1 to the 50 States and the District of Columbia; H-89-3 to various church associations and other special activity groups; H-89-4 through -6 to the National Highway Traffic Safety Administration; and H-89-7 to the Federal Highway Administration.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility ". . . to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation H-89-2 in your reply.

KOLSTAD, Acting Chairman, and BURNETT, LAUBER, and DICKINSON, Members, concurred in this recommendation. NALL, Member, dissented.



By: James L. Kolstad  
Acting Chairman

Honorable Bill Clinton, Jr.  
Governor of Arkansas  
Little Rock, Arkansas 72201

Honorable George Deukmejian  
Governor of California  
Sacramento, California 95814

Honorable William A. O'Neill  
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Governor of South Dakota  
Pierre, South Dakota 57501

Honorable Ned R. McWherter  
Governor of Tennessee  
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Honorable Norman H. Bangerter  
Governor of Utah  
Salt Lake City, Utah 84114

Honorable Madeleine M. Kunin  
Governor of Vermont  
Montpelier, Vermont 05602

Honorable Marion Barry  
Mayor of the District of Columbia  
Washington, D.C. 20004





Log H-530A

# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

Date: July 20, 1989

In reply refer to: H-89-2

To the Governors of the States of  
Illinois, Louisiana, New Mexico,  
North Dakota, Oklahoma, West Virginia,  
Wisconsin and Wyoming

About 10:55 p.m. eastern daylight time on May 14, 1988, a pickup truck traveling northbound in the southbound lanes of Interstate 71 struck head-on a church activity bus traveling southbound in the left lane of the highway near Carrollton, Kentucky. The church bus fuel tank was punctured during the collision sequence, and a fire ensued, engulfing the entire bus. The busdriver and 26 bus passengers were fatally injured. Thirty-four bus passengers survived with minor to critical injuries, and six with no injuries. The pickup truck driver sustained serious injuries.<sup>1</sup>

Test results on a blood specimen taken from the pickup driver about 1 1/2 hours after the accident indicated a blood alcohol concentration (BAC) of 0.26 percent which is more than 2 1/2 times the legal limit at which a person is generally presumed intoxicated. With such a high BAC, the pickup driver would have been extremely intoxicated. Considering the average rate of metabolism for ethyl alcohol (0.015 percent per hour) and assuming the pickup driver was in the elimination phase, his BAC would have been 0.28 percent at the time of the accident. However, based on the driver's drinking history, a rate of elimination of 0.015 percent per hour is a conservative estimate of his rate of alcohol metabolism, and his BAC at the time of the collision may have been higher than 0.28 percent.

A witness who had been driving southbound on I-71 9 miles north of the accident site said the pickup truck was being operated erratically. He also said that he passed the pickup truck and a tractor-semitrailer in an effort to keep away from them in case of an accident. The witness had observed the pickup truck cross the median strip north of the accident site, had later observed the pickup truck going northbound in the southbound fast lane, and had tried to alert the pickup driver by blowing his horn and flashing his lights. Two other witnesses who saw the collision said that before the accident the pickup truck was driving northbound in the southbound lanes.

<sup>1</sup>For more detailed information, read Highway Accident Report--"Pickup Truck/Church Activity Bus Head-on Collision and Fire near Carrollton, Kentucky, May 14, 1988" (NTSB/HAR-89/01).

Based on the results of controlled studies of the effects of alcohol on human behavior and performance, the Safety Board believes that the pickup driver's high alcohol level diminished his awareness of his surroundings, his abilities to recognize the extremely hazardous situation, and his ability to avoid the collision. Therefore, the Board concludes that the physical impairment of the pickup driver, as a result of alcohol intoxication, caused the accident.

In the early 1980s, there was considerable public concern about drunk driving. This concern led virtually every State to establish a high level task force or committee to review what was needed to strengthen its system for dealing with this problem. This resulted in every State passing improved laws and implementing new countermeasures to reduce drinking and driving. Nationwide, hundreds of new laws were passed. Public media attention also increased as did the formation and activism of citizens groups.<sup>2</sup> The result was a decline in the number of alcohol-related fatalities. The biggest drop occurred between 1982 and 1985, when the alcohol-related fatalities fell from 25,170 to 22,360. In the last few years, evidence indicates that media attention to the driving-under-the-influence (DUI) problem is waning,<sup>3</sup> and there has been relatively little significant new drunk-driving legislation enacted by the States. As a result, the drop in alcohol-related highway fatalities leveled off in 1986 and 1987 (24,050 in 1986 and 23,630 in 1987).

In 1982, 1984, and 1985, the Safety Board issued recommendations to the States, including Kentucky, urging the implementation of several specific measures to combat drunk driving:<sup>4</sup>

- Enactment of an administrative license revocation law (H-84-13).
- Enhanced DUI enforcement methods, including use of programs for citizens reporting of suspected drunk driving, sobriety checkpoints, preliminary breath test devices, and the three-part field sobriety test (H-82-35, H-84-11, -12, and -77).
- Improvements in the frequency of alcohol testing of drivers involved in fatal accidents and the reporting of

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<sup>2</sup>Hingson, R., Howland, Jr., Heeren, T., and Levenson, S., "Effects of Legal Penalty Changes and Laws to Increase Drunk Driving Convictions on Fatal Traffic Crashes," Symposium on Motor Vehicle Injuries, New York Academy of Medicine, 1987.

<sup>3</sup>Fell, J., and Nash, C., "The Nature of the Alcohol Problem in U.S. Fatal Crashes," Health Education Quarterly, Spring, 1989.

<sup>4</sup>Safety Studies--"Deficiencies in Enforcement, Judicial, and Treatment Programs Related to Repeat Offender Drunk Drivers" (NTSB/SS-84/04); and "Deterrence of Drunk Driving: The Role of Sobriety Checkpoints and Administrative License Revocation" (NTSB/SS-84/01).

test results to a designated State agency (H-85-49 and -50).

- Prohibition of plea bargaining (changing an alcohol-related charge to a nonalcohol-related charge) (H-84-80).
- Prohibition of "diverting" drunk driving offenders into education programs in lieu of license revocation or suspension or other legal sanctions (H-84-85).
- Use of presentence investigation, including evaluation of alcohol dependence (H-84-84).

The recommended drunk-driving countermeasures noted above were reviewed by the Safety Board during the investigation of the Carrollton accident, and are considered important for all States to use. Although your State does have an administrative license revocation law, the Board is not aware that your State has implemented any of the other measures recommended.

If the nation as a whole is going to resume the progress made in reducing the incidence of drinking and driving, there needs to be a refocusing on this issue at all levels, especially at the local and State level. The Safety Board believes that the magnitude of the problem demands that additional attention be given to dealing with the DUI issue. For example, in 1987, according to the Fatal Accident Reporting System data, 61,434 drivers were involved in fatal crashes; 25 percent of them were at or above a 0.10 percent BAC level, and another 8.2 percent were between 0.01 and 0.09 percent BAC.

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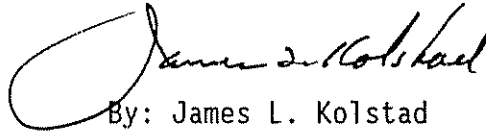
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KOLSTAD, Acting Chairman, and BURNETT, LAUBER, and DICKINSON, Members, concurred in this recommendation. NALL, Member, dissented.



By: James L. Kolstad  
Acting Chairman

Honorable James R. Thompson, Jr.  
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Honorable Buddy Roemer  
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