Impaired Driving in 2019: Trends, Polysubstance Use and Gaps

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Impaired Driving in 2019

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GOVERNORS HIGHWAY SAFETY ASSOCIATION

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Collaboration and Research are Essential

Drugged driving is more complicated than drunk driving.

<table>
<thead>
<tr>
<th>DRUGGED DRIVING</th>
<th>DRUNK DRIVING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number:</td>
<td>Hundreds of drugs</td>
</tr>
<tr>
<td>Data on Use by Drivers &amp; Crashes:</td>
<td>Limited</td>
</tr>
<tr>
<td>Use by Drivers:</td>
<td>Increasing</td>
</tr>
<tr>
<td>Impairment:</td>
<td>Varies by type</td>
</tr>
<tr>
<td>Crash Risk:</td>
<td>Varies by type</td>
</tr>
<tr>
<td>Beliefs &amp; Attitudes:</td>
<td>No strong attitudes – public indifferent</td>
</tr>
</tbody>
</table>

NHTSA National roadside survey: ~1-4 drivers tested positive for drugs 22.4% daytime weekday drivers and 22.5% weekend night time drivers (20% increase from 2007).

Percentage of drivers with marijuana in their system increased 50% (8.6% in 2007 to 12.6% in 2013-14).
FIGURE 5
State marijuana possession and use laws

*Louisiana has a medical marijuana law but implementation is limited; NCSL does not consider Louisiana a medical marijuana state.

Click to highlight states in applicable category

- SHOW ALL
- Legal Use
- Medical Only
- Decriminalized
- Medical/Decrim.

Legalized for adult use
Legalized for medical use only
Decriminalized
Legal for medical use / decriminalized

Source: Adapted from NCSL, 2018a.
FIGURE 1
Drug and alcohol, percentage of fatally-injured drivers, known test results

% alcohol if known alcohol test result

% drug if known drug test result
FIGURE 2
Poly-Drug Use: Drug and alcohol, percent of fatally-injured drivers, with known test results for both drugs and alcohol

% alcohol if drug-positive

% drug if alcohol-positive
2016 DRE enforcement evaluation opinions, by drug category

- Inhalants
- Hallucinogens
- Dissociative anesthetics
- Narcotic analgesics
- CNS depressants
- CNS stimulants
- Poly-drug cases
- Cannabis

Source: Adapted from IACP (2017)
Drug-Impaired Driving

Drug and alcohol, percentage of fatally-injured drivers, known test results

LEgend:
- 2006 FARS Final File
- 2015 FARS Annual Report
- 2015 FARS Final File
- 2016 FARS Annual Report

Source: NHTSA Fatality Analysis Reporting Systems (FARS)

% alcohol if known alcohol test result

% drug if known drug test result
You can’t hide driving under the influence of cannabis.
Drug Recognition Experts are trained to spot the signs.
DRUGGED DRIVING IS IMPAIRED DRIVING.

MAY CAUSE DROWSINESS
ALCOHOL COULD INTENSIFY THIS EFFECT
USE CAUTION WHEN OPERATING A CAR OR DANGEROUS MACHINERY.

DUID testing is difficult and complex. There are 430 specific drugs or metabolites in the national highway safety fatality database.
Review of literature revealed varying crash risk and difficulty with THC.
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Lieutenant Christian Newlin,
Utah Highway Patrol
Utah and the 0.05 BAC Limit

History, Challenges, and Goals
History

Alcohol-Impaired Driving Fatalities in the United States, 1982-2016

Number of Fatalities
The plateauing fatality rates indicate that progress has stagnated and even reversed.
0.05 BAC Limit Recommended By:

- National Transportation Safety Board (NTSB)
- National Academies of Sciences, Engineering, and Medicines
- American Medical Association
- World Health Organization
- National Safety Council
- Advocates for Highway and Auto Safety
- Association for the Advancement of Automotive Medicine
Why?

• Crash risk approximately doubles at 0.05*
• At 0.05, a person can experience:
  • Reduced coordination
  • Reduced ability to track moving objects
  • Difficulty steering
  • Reduced response to emergency driving situations
  • Decline in visual function
  • Decline in ability to perform multiple tasks simultaneously

Why?

• Nations that lowered to 0.05 saw 8-12% reductions in alcohol-related fatalities*

• CMV and FAA limits: 0.04

• Break through plateau and change behavior

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Passage in Utah: Surprise!

• It…really was kind of a surprise
• Passed as pure “per se” statute. Not a lesser-included offense.
• Included 18 month delay: passed in spring, 2017, effective date of 12/30/18.
• Special Session Committee directed to investigate “unintended consequences”
• DUI Squad anecdotal evidence
Reactions and Objections

• Strenuous opposition from hospitality and tourism industries:
  • Punishes social drinkers (“come for vacation, leave on probation”)
  • Petite woman unfairly targeted (1-2 drinks)
  • Flood the courts with new cases
  • Ignores high-BAC drivers who cause most issues
  • Tourism and hospitality industries will suffer
  • Enforcement tools not validated at 0.05

***Bolded arguments were, verbatim, offered in the 80’s for the change from 0.10 to 0.08
Enforcement Perspective

• Our admonition **has not changed**: If you drink, don’t drive.
• Arrests will still be made on impairment.
• We do not expect a glut of arrests between 0.05-0.079*
• Things are “business as usual” except there’s a new number in town.

SFST’s and 0.05

NHTSA Colorado and San Diego Studies
Officer Decision Changes at 0.05 v. 0.08:

- Much LESS likely to make incorrect arrest decisions
- Much MORE likely to make incorrect release decisions

1995 Colorado NHTSA Study, Project 95-408-17-05

1998 San Diego NHTSA Study, DOT HS 808 839
So how’s it working?

- NHTSA hired a contractor to research effects
- 4 months with the new law
- Public perception survey
By the Numbers…

Utah DUI Arrests by Month, 2016-2019

Legislation Passed

Law in effect
Public Opinion Survey

• Impression of change generally neutral to positive:
  • Drinkers: 3.11 out of 7
  • Non-drinkers: 5.43 out of 7

• 15% of surveyed drinkers planned to change behavior in some way (increase alternative transportation, not drink away from home, etc.)
Public Opinion Survey

• Reasons given for opposing change:
  • 0.05 too low
  • Change will not fix problem of drunk driving

• Reasons given for supporting change:
  • Drinkers should not be drinking and driving at all

• Of those who knew law had changed, 39% decreased amount consumed and 22% said they used alternate transportation more

• Reasons for Not Changing Behavior Among Drinkers:
  • Already don’t drink and drive/abide by laws
So What Can You Take Back?

- The research supporting the change is solid and well supported.
- Be prepared for the arguments against the change. REMEMBER: they are almost verbatim repeats of the arguments used in the 80’s and 90’s.
- Understand that enforcement tools, while not validated at the 0.05 level, are NOT prejudicial or unfair to people below the new limit.
- Arrests based on impairment are more palatable to the public and defensible in court.
References:


Additional Sources:

1. Utah Dept. of Public Safety, Driver’s License Division
2. Utah Dept. of Public Safety, Utah Highway Safety Office
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