

Impaired Driving in 2019: Trends, Polysubstance Use and Gaps

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TARGET ZERRO

Impaired Driving in 2019

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Collaboration and Research are Essential

	DRUGGED DRIVING	DRUNK DRIVING
Number:	Hundreds of drugs	Alcohol is alcohol
Data on Use by Drivers & Crashes:	Limited	Abundant
Use by Drivers:	Increasing	Decreasing
Impairment:	Varies by type	Well-documented
Crash Risk:	Varies by type	Precise
Beliefs & Attitudes:	No strong attitudes – public indifferent	Socially unacceptable

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



Source: Adapted from NCSL, 2018a.

FIGURE 1

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



FIGURE 2

Poly-Drug Use: Drug and alcohol, percent of fatally-injured drivers, with known test results for both drugs and alcohol





2016 DRE enforcement evaluation opinions, by drug category



Source: Adapted from IACP (2017)

FIGURE 3A

Blood Alcohol Concentration (BAC) Over Time After Drinking





FIGURE 3B

Marijuana (THC) Concentration, Subjective High, and Impairment Over Time After Smoking

THC concentration, ng/mL



Source: Adapted from NIAAA (1997)



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Drug-Impaired Driving

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





You can't hide driving under the influence of cannabis.

Drug Recognition Experts are trained to spot the signs.

DRUGGED DRIVING IS IMPAIRED DRIVING.















DOES MARIJUANA USE INCREASE CRASH RISK??



Alcohol <.12	2	0			200
		30			
.05 <alcohol<.08< td=""><td>5</td><td></td><td></td><td></td><td></td></alcohol<.08<>	5				
	■ 3				
Alcohol <.05	1.5				
		23			
Distraction	■ 3				
	4				
Drowsy	1.25				
	4				
THC	2				
	0	50	100	150	200

Review of literature revealed varying crash risk and difficult with THC





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Lieutenant Christian Newlin, Utah Highway Patrol

Utah and the 0.05 BAC Limit

History, Challenges, and Goals

History



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

* Lacey, J. H., Kelley-Baker, T., Berning, A., Romano, E., Ramirez, A., Yao, J., ,... & Compton, R. (2016, December). Drug and alcohol crash risk: A case-control study (Report No. DOT HS 812 355). Washington, DC: National Highway Traffic Safety Administration.

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

* National Transportation Safety Board. 2013. Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving. Safety Report NTSB/SR-13/01. Washington, DC: NTSB.

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.

* National Highway Traffic Safety Administration. (1991). The Effects Following the Implementation of an 0.08 BAC Limit and an Administrative Per Se Law in California (USDOT Report DOT HS 807 777). US Dept. of Transportation.

SFST's and 0.05

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

- Much <u>LESS</u> likely to make incorrect arrest decisions
- Much <u>MORE</u> likely to make incorrect release decisions

Measured BAC ≥0.05%	OFFICERS' DECISIONS			
	Arrest		Release	
	1	Correct Arrest n=163	2	Incorrect Release n=21
<0.05%	3	Incorrect Arrest n=12	4	Correct Release n=38
		N=175		N-59

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...



Percentage of Arrests 0.05-0.079



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:

- 1. National Highway Traffic Safety Administration. (1991). The Effects Following the Implementation of an 0.08 BAC Limit and an Administrative Per Se Law in California (USDOT Report DOT HS 807 777). US Dept. of Transportation.
- 2. Stuster, J., & Burns, M. (1998). VALIDATION OF THE STANDARDIZED FIELD SOBRIETY TEST BATTERY AT BACS BELOW 0.10 PERCENT. Santa Barbara: National Highway Traffic Safety Administration.
- 3. Marcelline Burns, P., & Anderson, E. W. (1995). A Colorado Validation Study of the Standardized Field Sobriety Test (SFST) Battery. National Highway Traffic Safety Administration.
- 4. Lacey, J. H., Kelley-Baker, T., Berning, A., Romano, E., Ramirez, A., Yao, J., ... & Compton, R. (2016, December). Drug and alcohol crash risk: A case-control study (Report No. DOT HS 812 355). Washington, DC: National Highway Traffic Safety Administration.
- 5. National Highway Traffic Safety Administration. (2018). DWI Detection and Standardized Field Sobriety Testing. Washington: USDOT.
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Additional Sources:

- 1. Utah Dept. of Public Safety, Driver's License Division
- 2. Utah Dept. of Public Safety, Utah Highway Safety Office
- 3. Office of the Attorney General, Traffic Safety Resource Prosecutor

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