

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Field Hearing on

Fighting Drunk Driving: Lessons Learned in New Mexico

Wednesday, August 10, 2011, 11:30 a.m.

University of New Mexico Law School, 1117 Stanford Drive NE, Albuquerque, NM

***Witness List**

Panel I

Mr. Ronald Medford, Deputy Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, Washington, DC

Mr. Michael R. Sandoval, Director, Traffic Safety Division, New Mexico Department of Transportation, Santa Fe, NM

Panel II

The Honorable Richard J. Berry, Mayor, City of Albuquerque, NM

Mr. Richard Williams, Chief of Police, Las Cruces Police Department, Las Cruces, NM

Ms. Lora Lee Ortiz, Executive Director, Mothers Against Drunk Driving New Mexico, Albuquerque, NM

Dr. Cameron Crandall, Associate Professor and Vice Chair for Research, University of New Mexico, Department of Emergency Medicine, Albuquerque, NM

Panel III

Ms. Susan A. Ferguson, Ph.D., Program Manager, Driver Alcohol Detection System for Safety, Naples, FL

Mr. David Culver, Vice President, Government Relations, Distilled Spirits Council, Washington, DC

***Not necessarily in order of appearance.**

Senate Field Hearings are formal congressional functions. Although testimony during this hearing will be limited to official witnesses, Sen. Udall invites interested parties to submit written comments that will be included in the official record of the hearing. We welcome your comments and will keep the record open through Friday August 19 to allow sufficient time to submit comments for the official record. If you have a written statement, you can give it to a staff members today, submit it to the Udall Albuquerque office (located at 219 Central Avenue NW, Suite 210) or email it directly to the Commerce Committee at Natasha_Mbabazi@commerce.senate.gov or Collenne_Wider@commerce.senate.gov.

Statement of
Ronald Medford
Deputy Administrator
National Highway Traffic Safety Administration
U.S. Department of Transportation

Before The
Committee on Commerce, Science, and Transportation
U.S. Senate

Hearing On

Fighting Drunk Driving: Lessons Learned in New Mexico

August 10, 2011

Good morning Mr. Chairman, and Members of the Committee. I appreciate the opportunity to testify before this Committee; particularly in such a lovely and humidity-free city.

Impaired driving is one of the most serious traffic risks facing the Nation, killing more than 10,000 people every year. In fact, every day, approximately 30 people die in motor vehicle crashes that involve an alcohol-impaired driver. Put another way, in the United States, someone dies every 48 minutes due to an impaired driver.¹ The annual cost of alcohol-related crashes totals more than \$51 billion.² Addressing this challenging issue is one of our highest priorities.

I would like to commend the Committee, and you Mr. Chairman, for your leadership on this very important issue and on highway safety in general. Since the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2005, the Nation has seen consistent reductions in highway fatalities and injuries and the work of this Committee has been a major contributor to this progress. While we are pleased that the safety impacts are positive, I know we share the view with the Committee that much more needs to be done to reduce the suffering and economic cost of highway crashes and particularly the criminal behavior of driving while impaired (DWI).

¹ CDC, Injury Prevention and Control. Impaired driving.
www.cdc.gov/MotorVehicleSafety/Impaired_Driving/impaired-drv_factsheet.html.

² Blincoe L, Seay A, Zaloshnja E, Miller T, Romano E, Luchter S, et al. The Economic Impact of Motor Vehicle Crashes, 2000. Washington (DC): USDOT, National Highway Traffic Safety Administration (NHTSA); 2002.

(11)

The impaired-driving problem is complex and requires a full range of countermeasures. Research has shown that effective measures include:

- High Visibility Enforcement (HVE);
- training for law enforcement personnel;
- enhanced prosecution and adjudication; and
- zero tolerance for underage drinking.

We also put a special emphasis on reaching high-risk populations, such as high BAC (blood alcohol concentration) or repeat offenders. We continuously re-assess our approach and remain focused on finding even more effective and efficient means for fighting impaired driving. We also work with State, local and industry partners to develop and test new strategies and techniques.

Strengthening impaired driving laws and improving enforcement and adjudication of these laws are key strategies in efforts to reduce impaired driving. The U.S. Department of Transportation (USDOT) supports strong laws for high BAC offenders and for drivers who try to circumvent the law by refusing to submit to a BAC test.

Ignition interlocks are another critical component of a comprehensive impaired driving program. A summary of 10 evaluations of interlock programs in the United States and Canada indicated that interlocks cut DWI recidivism by at least 50 percent, and sometimes more, compared to similar offenders without interlocks.³ Based on this strong evidence, USDOT recommends that ignition interlock programs be more widely implemented.⁴ I am pleased to point out that New Mexico has been a leader in ignition interlock program development and currently has one of the highest rates of interlock installations per capita in the nation.

Advanced technology could also play an integral element in reducing impaired driving. The Department is working to develop vehicle-based, alcohol detection technologies. Such technologies have the potential to prevent drunk drivers from operating vehicles, and if widely deployed, could be invaluable in our efforts to eliminate drunk driving. The goal is to develop non-invasive, seamless technologies that can accurately measure driver BAC and prevent a legally impaired driver from operating a motor vehicle.

The Driver Alcohol Detection System for Safety, or DADSS for short, is being developed in partnership with the automotive industry, and has the potential to save a significant number of lives annually. It is estimated that nearly 8,000 lives could be saved by a system that could prevent driving by those who are over the legal limit for alcohol.⁵ You will hear more about this from other speakers today.

³ Elder R, Voas R, Beirness D, et al. Effectiveness of ignition interlocks for preventing alcohol-impaired driving and alcohol-related crashes. *Am J Prev Med* 2011;40(3):362-376.

⁴ CDC Community Guide: Impaired Driving: Research & Activities, <http://www.thecommunityguide.org/mvoi/AID/ignitioninterlocks.html>.

⁵ dadss Driver Alcohol Detection System for Safety. <http://www.dadss.org/>. Accessed on 8/9/11.



But the most important component needed to reduce impaired driving is strong leadership and commitment at the highest levels of State and local government to enact strong and effective impaired driving laws, and implement multi-faceted prevention programs.

New Mexico is a model for the Nation in this regard. Our agency recognized this leadership and vision in 2004, when New Mexico applied for and won, through a competitive process, a \$3 million USDOT grant to develop and implement a comprehensive impaired driving program. Over the next five years, the State's Department of Transportation worked in concert with other State organizations to implement a number of innovative and effective strategies that have significantly reduced impaired driving in New Mexico. The model demonstrated by New Mexico allows states to identify deficiencies in their impaired driving program, develop methods to address those deficiencies, and gain support and resources to implement those methods. This model has proven so effective that we now encourage all states to adopt it.

In the coming weeks, USDOT will kick off its annual Impaired Driving National Crackdown, from August 19 through September 5. This campaign has helped to reduce impaired driving nationwide by 17 percent between 2004 and 2009. To keep the campaign fresh, we have developed a new look and feel this year, with a "Drive Sober or Get Pulled Over" theme. New Mexico has been an active partner in this campaign, and we look forward to maintaining our partnership with the State on the national campaign and on collaboration on State initiatives.

The success of the New Mexico demonstration project has shown that by working together and using effective, evidence-based strategies, we can overcome this long-time problem, and ultimately save many more lives.

Thank you again for this opportunity. I would be glad to answer any questions you may have.



New Mexico Department of Transportation (NMDOT)
Testimony
"Fighting Drunk Driving: Lessons Learned from New Mexico"
Speaker: Michael R. Sandoval, Director
NMDOT Traffic Safety Division
August 10th, 2011

Good Morning, my name is Michael Sandoval and I am the Director of the New Mexico Department of Transportation's Traffic Safety Division. I am here on behalf of my Cabinet Secretary Alvin Dominguez. I have been with the NMDOT for over 13 years. I would like to thank you for allowing me to testify today on this very important issue.

The following is a chronological listing of important events over the last seven years that have had a significant impact on the overall reduction in DWI related deaths in New Mexico. I thought it would be important to show the progression of significant projects, programs, and laws that contributed to the State's overall success.

Calendar Year 2004

- 219 people died in alcohol related crashes in New Mexico. At the time, it was the third straight year where no progress was made in reducing DWI related deaths in the State. New Mexico was in the top three worst States in the nation on this issue.
- The NMDOT was made the lead agency on the fight against DWI. DWI became one of the major priorities for the NMDOT. This prompted a review and evaluation of all DWI related funding and projects under the NMDOT's purview. With the help of many partners, this sparked the beginning of a change in culture regarding this deadly issue.
- The NMDOT was awarded through a competitive process, a DWI Demonstration project by the National Highway Traffic Safety Administration (NHTSA) in the amount of \$3 million dollars. The project was for focused DWI enforcement and public awareness in the counties where DWI was the deadliest (San Juan, McKinley, Santa Fe, Bernalillo, Dona Ana, Rio Arriba, and Navajo Nation Reservation). Unique enforcement and public awareness partnerships were developed in these areas based on the diversity and culture of the population. This project was above and beyond the yearly funding provided by NHTSA through the Section 402 program.

Calendar Year 2005

- 194 people died in alcohol related crashes in New Mexico. This starts a downward trend in the number of people dying as a result of DWI each year. The downward trend has continued through 2010 where a record low of 139 people died in alcohol related crashes in New Mexico. This translates into a 36% reduction in alcohol related deaths since 2004.
- Through the NHTSA project, full time DWI law enforcement officers were hired in each of the identified counties (up to four in each county). This was above and beyond the normal workforce of the Police agency. This allowed the new officers to dedicate 100% of their time to enforcing DWI laws through high visibility checkpoints and saturation patrols.

*No Change
Duties
No Change*

- Culturally sensitive media campaigns were developed and launched in each of the identified counties. For example, counties with heavy Native American populations had slightly different messaging than counties with heavy Hispanic populations.
- Targeted enforcement directed at serving alcohol to minors and serving alcohol to intoxicated persons became a priority. There were many bars and restaurants that were not abiding by the Liquor Control Act when it came to these issues.
- Legislation was passed and signed into law mandating all convicted DWI offenders to install an ignition interlock device in their vehicle(s). New Mexico was the first State to pass such a law requiring 1st offenders to install interlock devices.
- A DWI Leadership was formed and met monthly on major issues. This committee was Co-Chaired by the DWI Czar and the Director of the Traffic Safety Division. This committee was important in establishing policy change. Overall DWI funding was also discussed so that not to duplicate efforts or spend money on unproven strategies.

Calendar Year 2006/2007

- 191 people died in alcohol related crashes in 2006. 176 people died in alcohol related crashes in 2007 which marked the third straight year that fatalities declined. This was statistical evidence that DWI related deaths were on a steady downward trend.
- Projects and programs continued to mature including a big media campaign in the four corners area. This included specific television, radio, and billboard ads directed at the Native American population. All ads included Native American participation and input on the type of messaging.
- A court monitoring project (administered by the NMDOT) was implemented to assure that minimum mandatory penalties were being included in judgment and sentencing documentation. The focus was the six county courts. The ignition interlock law was a point of emphasis. It was important to assure that interlocks were installed on convicted offender's vehicles on a consistent, widespread basis. The NMDOT is responsible for the ignition interlock fund and program. The Motor Vehicle Division is responsible for the ignition interlock driver licensing.

results??
None

Calendar Year 2008

- 143 people died in alcohol related crashes in 2008. At the time, this was a record low for the number of deaths in New Mexico related to DWI. New Mexico was now out of the top ten worst States for DWI related motor vehicle deaths. Also, NM would lose funding (approximately \$1 million dollars) because the State was no longer in the top ten (this is related to the NHTSA Section 410 program).
- The State worked with McKinley County to incorporate a cross commissioning agreement between the City of Gallup, County of McKinley, State Police, and the Navajo Nation. This agreement started the beginning of the McKinley County DWI Task Force which allowed law enforcement to cross State/Tribal jurisdictional lines to enforce DWI related laws.
- NMDOT conducted a Traffic Safety Summit to gather information and input on the State's Comprehensive Traffic Safety Plan. This was a Federal Highway Administration mandate to incorporate both behavioral and engineering solutions aimed at reducing

None still exist

overall traffic fatalities. This plan incorporated DWI prevention strategies and further increased the exposure of DWI related projects and programs.

Calendar Year 2009-Present

New Mexico has continued to see a reduction in alcohol related crash deaths. A new record low was established in 2010 which was 139 deaths. After the first seven months of 2011, NM is once again on pace to reach a new record low. Although New Mexico's effort was a comprehensive approach, looking back I believe the following three strategies had the most impact on success:

1. Implementing a targeted high visibility enforcement and public awareness campaign with a focus on both a statewide general message and a specific message(s) for local high risk areas. It was important for law enforcement to have dedicated DWI officers and/or DWI units that were visible and well known throughout the community. If law enforcement is forced to incorporate DWI enforcement into their other duties, it is likely that it would not have a significant impact on deterring drunk driving. Bottom line, if people don't believe they will be caught, they are more likely to engage in this dangerous behavior.
2. Passed laws that our tough on the first offense. Tough sanctions for a first offender have two positive effects. First, tough laws act as a deterrent to drinking and driving in the first place. If people believe that even the first offense will have a significant negative effect on them, they will be less likely to engage in the behavior. Too many people believe that a first offense will just be a slap on the wrist. Passing the ignition interlock law for the first offender was a major milestone in reducing the occurrence of drunk driving in New Mexico.
3. Implementing a court monitoring program with open communication with the Judiciary. This both supported law enforcement efforts and helped to assure that there are consistent consequences for DWI offenders. Although law enforcement makes the arrest on the front end of the process, they are heavily involved in the back end judicial process. Law enforcement felt supported when after the DWI conviction, the offender received the sanction outlined in the law. Secondly, it is difficult to assess what impact laws are having if they are not implemented consistently. Too many times new laws are passed and don't have the expected positive effect. This may have more to do with an inconsistent implementation rather than the law itself.

Conviction rates are best ever!!

*Chassis conviction rates to
Program statewide conviction rates to
No systemic change!! If we say - New Mexico*

On behalf of my Cabinet Secretary Alvin Dominguez, I would like to thank you for your time and your invitation to speak. I would like to close by saying that although the downward trend shows success and that significant progress has been made in New Mexico, no one will be satisfied until there are 0 deaths on our roadways as DWI deaths are 100% preventable.

I would be happy to answer any questions or provide more information. Thank you.

Mayor Richard J. Berry
Testimony to Senate Committee on Commerce, Science and Transportation
August 10, 2011

Chairman Rockefeller, Senator Udall, and distinguished committee members, thank you for inviting me to present testimony and allowing me to address the important topic of driving under the influence in New Mexico.

First, as the mayor of Albuquerque, please allow me to welcome you to our wonderful city. We hope you have an opportunity to experience our unique and culturally rich community and all that it has to offer.

The city of Albuquerque encompasses 181 square miles and includes both rural and metropolitan areas.

With over 545,000 residents in the city and over 900,000 people in the overall metropolitan area, we are the largest city in the state of New Mexico.

As Senator Udall can attest, New Mexicans are incredibly and justifiably proud of our heritage, history and unique culture. Like any other large and geographically diverse state, we have our share of challenges, including DUI.

DUI is a complicated problem with no single solution. I believe strongly that a multi-pronged approach encompassing education, enforcement, adjudication, treatment and rehabilitation is the key to positively impacting DUI in any community, including Albuquerque.

Preventing and combating DUI in Albuquerque is a top priority for our city; this administration, advocacy groups such as MADD and others and the Albuquerque Police Department.

We are pleased to report fatal crashes in general have dropped from 38 in 2008 to 32 in 2010 in Albuquerque and alcohol related fatalities are on the decline recently. In 2008 there were 11 alcohol related fatalities, and the number dropped slightly to 9 fatalities in 2009, then back up to 11 in 2010 and for the current year to date, we have had 3 alcohol related fatalities. This is an encouraging recent drop but we must remain committed to the cause so that the trend continues. I have every reason to believe that officers are working hard to fight drunk driving in our city as DUI arrests are up by 7% over this time last year.

I'd like to take a few minutes to share with you this Administration's current strategies for addressing DUI in Albuquerque.

Within the area of enforcement, we believe checkpoints are an effective tool in apprehending offenders and getting them off the road. For 2011, arrests at sobriety checkpoints have increased by 23% as compared to this time last year.

3500 DUI arrests
19

(1)

We maintain good working relationships with our partners in other local law enforcement agencies which allows for a coordinated approach to DUI. APD frequently conducts multi-agency sobriety checkpoints with the Bernalillo County Sheriff's Department and the New Mexico State Police.

The Albuquerque Police Department has increased the number of DUI saturation patrols, and generally conducts at least one saturation patrol a day. Saturation patrols have proven to be a very good tool for combating DUI; and are often more effective than checkpoints.

APD has increased the number of Drug Recognition Expert certified officers by over 20% so that when individuals exhibit signs of impairment for which alcohol has been ruled out, they can identify other potential legal and illicit drugs which may be the source of impairment.

Our new DUI seizure sergeant has implemented a system in collaboration with the City Attorney's Office to hold DUI offenders more accountable in seizure hearings.

We have conducted bi-annual DUI Warrant Round Ups for offenders who fail to appear in court or fail to comply with conditions set by the court.

As it relates to the use of emerging technologies to fight DUI, the Albuquerque Police Department is working with the state's Scientific Laboratory Division which sets regulations for the use of intoxilyzer machines in order to seek the capability to improve our systems. For example, once approved by the state lab, the department plans to upgrade intoxilyzer software so that breath card information is automatically uploaded to the District Attorney's Office by email in preparation for prosecution. This provides greater protections for the chain of custody of evidence and relevant data.

Also within the area of advancing technology, we have acquired new equipment to assist with DUI enforcement, such as: a new BATmobile, laser speed measurement devices for each DUI officer, dash and/or lapel cameras, portable breath testers and tint meters.

Under the umbrella of awareness, the department has taken steps to highlight the problem of DUI in our community with the intent to encourage people to make better choices.

APD has utilized electronic billboards to advertise DUI seizure auctions and advise the public on the consequences of DUI. They submit DUI arrest information to the local newspaper which regularly features the mug shots of individuals who have been recently arrested for DUI.

APD has expanded efforts to include a public awareness and education campaign. The traffic division has increased the number of community functions their officers attend to include presentations at schools and businesses to educate about the dangers of drinking and driving.

What?

o

(712)

The department works in close collaboration with the local Mothers Against Drunk Drivers' organization. Representatives of MADD attend checkpoints, assist in group presentations, and coordinate the Victim Impact Panel, a very powerful tool to show offenders the very real and negative consequences of drinking and driving.

Our traffic division lieutenant has instituted a program with an emphasis on accountability for officers and supervisors working DUI grant overtime. This has resulted in an increase in the number of DUI arrests per officer hour worked.

W.A.H. 12/13

We plan to continue to improve our public education and awareness campaign and re-educate patrol officers on DUI seizures procedures.

In general terms, I believe we are on the right track in combating DUI in Albuquerque and throughout New Mexico but we must remain vigilant.

For the last several years, the state has had an aggressive marketing campaign including compelling television ads geared at various demographics which have been significantly impacted by DUI. The marketing campaign is funded by the National Highway Traffic Safety Administration. The ads, combined with additional funding targeted for high incident counties such as Bernalillo County, have likely contributed to the decline in DUI fatalities in the region.

I am encouraged by programs such as Power Talk 21, spearheaded by Mothers Against Drunk Drivers. This initiative attempts to reach young people by asking parents to talk to their kids about drinking and emphasizing the importance of waiting to drink until the age of 21. We cannot take for granted the impact that drinking at a young age has in terms of negative implications for potential addiction. According to MADD's research, individuals who start drinking early in their teens have a greater chance for becoming alcoholics later in life.

We also must continue to treat the problems that are leading to DUI in our cities. For example, DUI and Drug Court programs appear to have a positive impact on recidivism. The rigorous requirements with a focus on accountability and rehabilitation have resulted in a high success rates among Drug and DUI court graduates.

In closing, thank you for allowing me the opportunity to talk to you about our local approach to DUI and share my perspective on this matter of great public interest. Public safety is of the highest priority to me as a mayor, and I am grateful to you for recognizing the importance of this issue and seeking to understand how it impacts our communities.

123

Introduction

Good morning. My name is Richard Williams and I am the Chief of Police for the Las Cruces Police Department. I have been a law enforcement officer for (20) twenty years. I began my career with the New Mexico State Police and I have been stationed in many communities throughout New Mexico. I have witnessed rural law enforcement and metropolitan law enforcement during my career and I have intimate knowledge of the DWI problem in New Mexico.

The Las Cruces Police Department is authorized (183) one hundred and eighty-three commissioned officers and we patrol (77) seventy seven square miles of municipal boundary in southern New Mexico. Our community has a population of approximately (97,000) ninety seven thousand people, according to the 2010 census numbers and our officers answered (158,000) one hundred and fifty eight thousand calls for service in 2010.

Nature of the Problem

The City of Las Cruces has its share of DWI problems and new offenders who move into or visit our community each year. Our city is blessed to have a major university (New Mexico State University), and is surrounded by (3) three military installations (White Sands Missile Range, Fort Bliss Army Installation, and Holloman Air Force Base). We also have numerous dairies, farms and ranches that surround our municipality. There is no shortage of new offenders as we have a revolving population that lives and works in our community. Approximately (75%) seventy-five percent of our arrests involve first time offenders.

In researching the statistics surrounding this topic, I found that the Las Cruces Police Department on average apprehends approximately (522) five hundred twenty-two DWI offenders each year. The Sheriff's Department apprehends a similar amount and the New Mexico State Police arrests close to (400) four hundred DWI offenders. Law enforcement in Dona Ana County apprehends between (1,300 – 1,600) one thousand three hundred and one thousand six hundred DWI offenders each year. We also investigate on average (4) four fatal crashes in the City of Las Cruces each year with half of these crashes involving alcohol. The advances in vehicle safety and technology can only do so much when an impaired person decides to drive drunk.

Law Enforcement's Perspective

Law enforcement is at the front in the efforts to stop DWI offenders. When all other efforts do not stop an offender from driving drunk, we rely on our officers to physically stop these offenders and remove them from our streets.

There are several things law enforcement has done extremely well at as we work to enhance public and traffic safety.

- Many agencies have made the apprehension and criminal prosecution of offenders as a significant priority for their agencies and have included these efforts in their strategic plan, goals, and strategies.
- Many agencies seek grant funding to augment normal patrol efforts to apprehend DWI offenders through operations such as DWI Checkpoints, Directed Patrols, and Saturation Patrols.

look up

(A)

- Some jurisdictions have implemented a vehicle seizure program to stop repeat offenders and to target those who are arrested for Driving with a Revoked Drivers License.
 - Last year we seized (348) three hundred forty-eight vehicles that were either driven by repeat drunk drivers or those with a revoked license.
- Many agencies participate in education and awareness campaigns such as the 100 Days and Nights of Summer campaign, driver's education programs, and various other programs designed to increase the awareness of the problems associated with this crime.

There are still many challenges that law enforcement faces as we strive to apprehend and prosecute these offenders.

- The difficulties the average officer has in identifying drug impaired driving as compared to alcohol impaired driving.
- There is an enormous amount of paperwork associated with the arrest of a DWI offender. This large amount of paperwork ties up an officer for (1 to 3) one to three hours during a shift for a single arrest and takes the officer out of service to our community.
 - Our call volume is ever increasing and these lengthy investigations are taking away from time spent on traffic patrol or proactive patrol.
- Officers are facing ever increasing difficult court battles and the traditional standard of proof beyond a reasonable doubt is now evolving into proof beyond all doubt.
- Administrative revocation hearings have in some areas been turned into discovery hearings that go well beyond the scope of the license revocations.
- Challenges to traditional sobriety testing methods have caused officers to limit their testimony regarding Horizontal Gaze Nystagmus.
- Budget constraints and limited resources are also impacting our ability to proactively search for impaired drivers as we strive to answer calls for service.

Future Considerations

DWI enforcement will remain a priority for law enforcement as the number offenders will never completely diminish. We have seen a reduction in the number of arrests for DWI and it is our hope that the message is getting through to our citizens that it is no longer socially acceptable to drive drunk.

Law enforcement will continue to place a significant emphasis on traffic safety and the apprehension of impaired drivers. We must create a perception of risk so that offenders weigh the costs and risks associated with driving impaired. While we have come a long way the problem still exists. We must make the enforcement of DWI laws a priority and law enforcement has a huge role in securing our communities.

Thank you and I'll stand for questions.



Statement of Lora Lee Ortiz
Executive Director, MADD New Mexico
U.S. Senate Committee on Commerce, Science, and Transportation
Hearing on
"Fighting Drunk Driving: Lessons Learned in New Mexico"
August 10, 2011

On behalf of Mothers Against Drunk Driving (MADD) and MADD New Mexico, I would like to thank Chairman Rockefeller and Ranking Member Hutchison for the opportunity to submit testimony before the Committee and for holding this important hearing. I would also like to thank Senator Tom Udall who has been a steadfast supporter of MADD's efforts to eliminate drunk driving. Many of New Mexico's successes today are due to Senator Udall's efforts while serving as Attorney General of New Mexico and his leadership on drunk driving is to be commended. His efforts have helped to save many lives.

I would also like to thank the Committee for recently introducing Mariah's Act, or the Motor Vehicle and Highway Safety Improvement Act of 2011 legislation. This legislation, which would reauthorize the nation's highway and vehicle safety programs, represents a dramatic step forward in the effort to save lives on our nation's highways. From MADD's perspective, this Committee's bill will put into motion critical initiatives to literally eliminate drunk driving in New Mexico and in the United States.

Specifically, I would like to call attention to the authorization of the Driver Alcohol Detection System for Safety, or DADSS program contained in Mariah's Act. The provision is also known as the ROADS SAFE Act a bipartisan bill introduced by Senator Udall and Senator Bob Corker. In the House, Representatives Shelley Moore Capito, Heath Shuler, and John Sarbanes have introduced identical legislation.

DADSS is a program currently underway to provide an advanced in-vehicle option for consumers. This technology could potentially eliminate drunk driving. DADSS is the result of a research agreement between NHTSA and many of the world's leading auto manufacturers.

The purpose of this ambitious program is to research, develop, and demonstrate non-invasive in-vehicle alcohol detection technologies that can very quickly and accurately measure a driver's BAC. The Insurance Institute for Highway Safety estimates that 8,000 lives could be saved if the technology is widely deployed in the U.S.

New Mexico and National Statistics

Just a few years ago, New Mexico was rated as one of the ten worst states in the nation for drunk driving fatalities. Thanks to the leadership of people like Senator Udall, former Governor Bill Richardson, and his creation of a statewide DWI Czar to coordinate DUI efforts, New Mexico has truly turned a corner.

①

In New Mexico we are proud of our success, but realize much more must be done. New Mexico has been on the front line in the fight against drunk driving. However, we must not be complacent in our efforts. The following should outrage us all:

- In 2009 alone, 114 people were killed in New Mexico because of drunk driving.
- This represents 32 percent of all highway fatalities.
- Drunk driving costs New Mexico \$570 million per year.
- Nationwide, 10,839 people died in 2009 due to a drunk driver.
- Over 350,000 people were injured last year in drunk driving crashes.
- 50-75 percent of convicted drunk drivers will continue to drive on a suspended license.
- Drunk driving costs our nation \$129 billion per year.

Campaign to Eliminate Drunk Driving

Fortunately, MADD has a plan for the nation. In 2006, following research of proven countermeasures, MADD announced its Campaign to Eliminate Drunk Driving which:

- First, supports more resources for high-visibility law enforcement;
- Second, requires convicted drunk drivers to install an ignition interlock device; and,
- Lastly, turns cars into the cure through the development of advanced in-vehicle technology.

Ignition Interlocks in New Mexico

One major prong of MADD's Campaign was chosen as a result of our success in New Mexico. The centerpiece of New Mexico's efforts has been to make sure every convicted drunk driver receives an ignition interlock. The device works like a breathalyzer and is attached to the vehicle's ignition system. The interlock allows a DWI offender to continue to drive wherever they need to go -- they just can't drive drunk.

The research on interlocks is crystal clear and irrefutable. In fact, the Centers for Disease Control recently endorsed requiring interlocks for all convicted DWI offenders. New Mexico was the first state to implement this requirement. In 2005 ignition interlocks for all offenders were mandated. The downward trend in fatalities began and has continued through today. Fatalities decreased from over 500 per year to 139 in 2010. This year's trends indicate continued increases in the number of interlocks for all convicted DWI offenders and, as a result, our DWI fatalities have been reduced by in by 36 percent.

MADD believes that New Mexico's success could be replicated nationwide and that incentives for states are an important step toward making this a reality. While MADD has been successful in New Mexico and several other states, we are now hitting roadblocks from the alcohol industry and DWI defense attorneys as we try to pass this law in other state legislatures.

We strongly urge this Committee to work with the Senate Environment and Public Works (EPW) Committee to develop a strategy to encourage every state to adopt an all-offender interlock law as part of the reauthorization bill.

Under this Committee's jurisdiction, incentives could be offered to states which enact an all-offender interlock law in the first half of the life of the new Federal law, and under the Environment and Public Works (EPW) Committee's jurisdiction, an all-offender interlock Federal standard could be included for the second half of the life of the law. This lifesaving measure is sound policy.

DUI Czar

Another critical component of New Mexico's success was the establishment of a statewide DUI coordinator, or DWI Czar, to insure that state and local agencies were focused and coordinating their efforts to maximize efforts to stop drunk driving.

Mr. Chairman, as you know, DWI is a very complex issue. While state murder codes are typically one page long, state DWI codes can run hundreds of pages. What's more, you have many different agencies working to stop drunk driving but they may not be communicating with each other. For example, prosecutors need to talk with probation who must communicate with law enforcement. The DMV is responsible for licensing these drivers and lawmakers must constantly improve DWI laws to protect the public.

All of these different groups need coordination and providing one central point of contact is critical because it allows government agencies, community advocates like MADD, and the public one office to turn to for questions about DWI, and action to end it. We applaud the Committee's efforts to include the establishment of a DWI Czar in Mariah's Act for high-risk states. We would like to see every state establish this important office. Recently it was decided that New Mexico's DWI Czar would no longer continue. MADD hopes that this important position is reinstated. Although we have made great progress in the state, we must not become complacent.

High Visibility Enforcement

MADD would also like to commend the Committee for including at least three paid ad crackdown's in Mariah's Act. This includes two crackdowns, now known as Drive Sober or Get Pulled Over, focused on drunk driving. New Mexico, through the DWI Czar, has also made a commitment to high visibility law enforcement.

In New Mexico, we take high visibility enforcement seriously and from June through September we have what is called *100 Days and Nights of Summer* where we strive to conduct 100 sobriety checkpoints. Summer is one of the most dangerous times on the road and conducting sobriety checkpoints, along with paid advertisements or earned media announcing these events, teaches drivers that if they choose to drink and drive, they will get caught.

Conclusion

New Mexico has been at the forefront in the fight against DWI. Our focus on ignition interlocks has played a major role in our 36 percent reduction in DWI fatalities. In addition, we have worked to conduct numerous sobriety checkpoints through programs like *100 Days and Nights of Summer* to make sure that drunk drivers know if they drive drunk, they will get caught. Finally, the appointment of a DWI Czar helped New Mexico to coordinate its efforts and improve the state's efficiency in fighting DWI.

MADD applauds this Committee's leadership to eliminate drunk driving and specifically thanks the Committee for including several important provisions Mariah's Act. Specifically, we would like to acknowledge:

- Section 109 – High Visibility Enforcement Program, with at least three national crackdown periods;
- Section 107(g) – Grants to States That Adopt and Enforce Mandatory Alcohol-Ignition Interlock Laws;
- Section 111 – Driver Alcohol Detection System for Safety Research;
- Section 102 – Inclusion of performance measure development and additional oversight authority to the Secretary of Transportation to ensure states spend funds on activities that will save the most lives and prevent the most injuries.

Thank you for holding this important hearing to advance our nation's highway and highway safety programs. You are to be commended for your leadership on these issues.

Mr. Chair, Senator Udall and other Honorable Members of the Committee:

I would like to thank you for this opportunity to provide testimony on New Mexico's experience with alcohol related motor vehicle crashes.

My name is Dr. Cameron Crandall. I am an emergency physician and an Associate Professor and Vice Chair for Research in the Department of Emergency Medicine at the University of New Mexico. In addition to practicing emergency medicine, I have a longstanding interest and background in injury prevention.

I work at University Hospital in Albuquerque, which is the only Level 1 Trauma Center in New Mexico and, as such, we treat a higher proportion of alcohol-related trauma compared to other New Mexico hospitals. As an emergency physician, I see firsthand the tragic consequences of impaired driving which includes significant suffering, short and long-term disability, and in too many cases, death.

Nationally, we know that there is 1 death every 45 minutes due to a drunk driving crash, or 32 deaths per day. In 2008, there were almost 12,000 people killed in alcohol-related crashes. In the same year in New Mexico, there were 143 alcohol-related crash deaths. This is, however, only a portion of the problem. There were more than 10 times as many individuals, over 1,700 persons who experienced an injury from an alcohol-related crash.

It is important to recognize the contribution that even small amounts of alcohol have in causing impairment. Any level of alcohol in a person's body will reduce attention, task completion, peripheral vision, and reaction times. Impairment begins as soon as alcohol can be detected in the blood. All of these factors add up to an increased risk of injury and death.

In New Mexico, 39% of all fatal crashes involved alcohol. Among crashes involving injuries but no deaths, only 8% involved alcohol. What this means is that the presence of alcohol increases the likelihood that the crash will be fatal.

There are significant economic costs associated with an alcohol-related crash. Each alcohol-related motor vehicle crash fatality costs over \$3 million dollars, with over \$1 million dollars in direct costs and over \$2 million dollars in lost earning potential and quality of life. In New Mexico, we estimate that all of the alcohol-related crashes in 2008 combined had an impact of almost \$1 billion in both direct and indirect costs. On a per capita basis, this translates to \$466 for every person in New Mexico.

Another important consideration is that alcohol-related crashes involve both intoxicated and sober individuals. As such, everyone is only one step away from a potential life-changing experience. Estimates are that 30% of Americans will be involved in an alcohol-related crash at some time in their lives. This does not mean that these individuals themselves will be drinking; in fact, many of these individuals

Injury Prevention

1

will not be drunk; they may simply be injured or killed by someone who is. In New Mexico, 36% of our victims involved in alcohol-related crashes are sober.

Over recent years, we have seen tremendous improvements and reduction in alcohol-related motor vehicle crash injury and death. Alcohol-related motor vehicle crash fatality rates in New Mexico have dropped significantly, from a rate of 11.9 per 100,000 persons in 2002 to 7.2 per 100,000 in 2008, a 39% reduction.

A number of potential factors help explain this reduction in New Mexico, these include:

- 1) public **education** efforts such as the "You drink, You drive, You lose" media campaign,
- 2) innovative **engineering** solutions such as ignition interlock devices,
- 3) active law **enforcement** programs, such as the "100 Days and Nights of Summer" with 'Superblitzes,' DWI checkpoints and saturation patrols; and
- 4) **legislative efforts** to curb drinking and driving, such as closure of drive up liquor store windows.

We must continue these efforts and look for new and innovative strategies to further reduce drunk driving. The ROADS SAFE Act (S. 510) co-sponsored by Sen. Tom Udall which will support the development of passive in-vehicle alcohol detection systems is one such innovative strategy. The American College of Emergency Physicians supports this legislation and I would like to include a letter of support by the College president in support.

New Mexico's commitment to reduce drunk driving has been effective, but more work must be done. No one effort is sufficient. It is the combination of many strategies that will continue to reduce the impact of drunk driving in New Mexico.

**Statement before the Senate Committee on Commerce, Science, and
Transportation**

Hearing on Fighting Drunk Driving: Lessons Learned in New Mexico

University of New Mexico School of Law

**Susan Ferguson PhD
Automotive Coalition for Traffic Safety
DADSS Program Manager**

August 10, 2011

Thank you, Senator Udall, for the opportunity to speak at this hearing and thank you for your continued leadership on drunk driving prevention, particularly on the advanced alcohol detection research program, known as DADSS, which I am here to describe.

In 2009, close to 11,000 people died on the nation's highways and hundreds of thousands more were injured because of alcohol-impaired drivers. Although these numbers have been gradually coming down, the loss of so many lives every year is unacceptable. Strong DUI laws and enforcement of those laws can help to deter people from driving while over the legal limit, but we know that in spite of the best efforts of law enforcement and the judicial system, many millions of drivers will continue to drive when impaired by alcohol, and thousands of deaths and injuries will continue to occur every year. The solution to this problem is to develop vehicles that will prevent alcohol-impaired drivers from operating their vehicle.

In 2008 the National Highway Traffic Safety Administration (NHTSA) and the Automotive Coalition for Traffic Safety (ACTS) began a five-year, \$10 million initiative, known as the Driver Alcohol Detection System for Safety (DADSS) Program, to explore the feasibility, the potential benefits of, and the public policy challenges associated with a more widespread use of non-invasive technology to prevent alcohol-impaired driving. This research and development effort is funded jointly by NHTSA and most of the world's leading automakers (BMW, Chrysler, Ford, General Motors, Honda, Hyundai/Kia, Jaguar Land Rover, Mazda, Mercedes Benz, Mitsubishi, Nissan, Porsche, Toyota, Volkswagen, and Volvo). The DADSS program is developing technologies that would prevent the vehicle from being driven when the device registers that the driver's blood alcohol concentration (BAC) is at 0.08 percent or above (the legal limit throughout the United States). This is a data-driven, scientific research program, with the technologies to be demonstrated in one or more research vehicles by the second half of 2013. As we move forward with this technology and demonstrate its effectiveness, the research has suggested the American public will want to voluntarily adopt the technology in their vehicles.

The starting point for DADSS is a strong conviction that for in-vehicle alcohol detection technologies to be acceptable for widespread use among drivers, many of whom do not drink and drive, it must be seamless with the driving task; it must be non-intrusive, that is, accurate, fast, reliable, durable, and require little or no maintenance. Sober drivers who are under the legal limit of 0.08 percent should not be inconvenienced with such systems. This requires that the performance requirements be extremely stringent.

The DADSS program

In 2007, ACTS formed a Blue Ribbon Panel of experts including representatives from automotive manufacturers and suppliers, public interest organizations, government representatives both domestic and international, and experts in the science of alcohol

toxicology, behavioral impairment, human factors, and research, to advise the DADSS program on technical and policy issues. The DADSS program then undertook a comprehensive review of emerging and existing state-of-the-art technologies for alcohol detection, and the development of performance specifications. A Request For Information (RFI) was published as a means by which the DADSS program was first communicated to potential vendors. The goal of the RFI was to establish the level of interest among technology developers in taking part in the research, the kinds of technologies available, and their states of development relevant to in-vehicle application. Based on an evaluation of the 17 responses received, a Request for Proposals (RFP) was sent to eight organizations with prior experience in alcohol detection or related technologies. Subsequent to a detailed and rigorous evaluation process, three contracts were awarded for the development of Phase I proof-of-principle prototypes.

Two approaches were identified for Phase I development as having considerable promise in measuring driver BAC non-invasively: 1) Tissue Spectrometry, a touch-based approach allowing assessment of alcohol in human tissue, and 2) Distant Spectrometry, a breath-based approach allowing assessment of alcohol concentration in the driver's exhaled breath. In the touch-based approach, measurement begins by shining an infrared light on the user's skin (similar to a low-power flashlight). A portion of the light scatters several millimeters through the user's skin before returning back to the skin's surface where it is collected by an optical touch pad. This light contains information on the tissue's unique chemical properties which can be analyzed to determine the tissue alcohol concentration. The breath-based approach makes it possible to perform a contact-free, quick, unobtrusive measurement of the driver's breath alcohol by using the concentration of carbon dioxide as a measure of dilution of the driver's exhaled breath. Multiple sensors placed in the vehicle cabin will allow the system to ensure that the breath sample is from the driver and not other passengers.

Demanding performance standards

Performance standards for in-vehicle alcohol detection devices must be much more rigorous than current alcohol-testing technologies if they are not to inconvenience drivers. To that end, ACTS has developed extremely stringent performance specifications¹. Requirements for very high levels of accuracy and precision and very fast measurement times (less than half a second) will ensure that drivers who are under the legal limit will not be inconvenienced. We continue to address long-term reliability and system maintenance requirements, the influences of vehicle environment, and issues related to user acceptance, and the technologies must meet the exacting standards for in-vehicle use adopted by automakers.

¹ The performance specifications with definitions, measurement requirements, and acceptable performance levels are provided in the DADSS Subsystem Performance Specification Document (<http://dev.dadss.org/performance-specification/download>).

To validate the performance of the Phase I prototypes, unique standard calibration devices (SCDs) were developed by ACTS for both the breath- and touch-based systems. These SCDs go well beyond current alcohol-testing specifications. Two different SCDs were developed for prototype testing; one breath-based and one touch-based. There are two aspects that were addressed. First, samples of simulated "breath" and "tissue" were developed to provide a calibrated alcohol concentration in vapor and/or liquid to the prototype. These samples provide close facsimiles of human breath and tissue and must exceed the DADSS specifications by an order of magnitude. Next, hardware was developed to deliver the breath-based and touch-based samples to the prototypes for blood alcohol measurement. The SCDs that were developed met the needs for Phase I testing, but additional work is required in order to undertake Phase II testing. Specifically, advances need to be made both in the accuracy and precision of the breath-based and touch-based samples, and refinements are needed for the delivery systems.

Phase I effort completed

The Phase I effort, now complete, focused on the development of working proof-of-principle prototypes capable of rapidly and accurately measuring the driver's BAC non-intrusively. The prototypes, which were required to address just the accuracy, precision, and speed of measurement specifications, did not attempt to simulate the visual appearance, choice of materials or intended manufacturing process. The overall aim was to validate the potential design approach, as well as point to areas where further development and testing may be necessary. Three Phase I proof-of-principle prototype devices were delivered in mid 2010 and were tested at the laboratories of QinetiQ North America. The testing program was designed to determine whether the devices demonstrate the potential to meet the stringent performance specifications established for non-invasive alcohol testing. Bench testing was undertaken to determine the prototypes' accuracy, precision, and speed of measurement, and to identify what additional development might be needed. Limited human subject testing, conducted with the Harvard Medical School, permitted an understanding of the relationship among the various measures of blood alcohol provided through blood and breath samples, and those provided by the breath-based and touch-based prototype devices.

Based on the results of prototype testing, sensors demonstrating both the touch-based approach and breath-based approach are judged to have the potential in Phase II development to measure BAC quickly, and with high levels of accuracy and precision. Currently one of each of the breath-based and touch-based devices have come close to meeting accuracy requirements, but have fallen short on precision measurements. Significant additional development is needed, but the developers have identified potential modifications to the devices that will enable them to meet the DADSS specifications at the end of the Phase II development.

Phase II program

Phase II is the major development effort that will lead to one or more research vehicles to demonstrate the technologies. The Phase II program is envisaged to span approximately two years and will include only those technologies that have successfully completed Phase I. It is anticipated that Phase II development will begin in the fourth quarter of 2011.

Although impressive progress has been made to date, as technology development continues into Phase II there are many different facets of performance that need to be addressed to prepare the technology for in-vehicle use. Accuracy and precision have to improve, and measurement time has to decrease to meet or exceed performance specifications. With respect to touch-based technology, a sensor redesign using solid state components is planned to meet the rigors of the in-vehicle environment. This requires a new approach both for the sensor architecture and for the algorithms used to estimate tissue alcohol concentration. For the breath-based technology, sensor development needs to be accelerated to improve accuracy and precision, and optimal vehicle sensor locations need to be identified based on in-vehicle human breath aerodynamics, across a wide variety of environmental conditions. Revised prototype designs have been proposed to address vehicle integration and consumer affordability. Both breath-based and touch-based sensors will need to meet the exacting standards automakers require for all new vehicle safety equipment. The development of standard calibration devices required to test the Phase II sensors is ongoing and significant improvements will need to be made to ensure sensors meet the exacting DADSS requirements.

These technical challenges can be met with the additional development planned in Phase II.

Consumer feedback to the design process

As technology development progresses and decisions are being made about best practices for integrating such technology into vehicles, researchers are soliciting public opinions about the proposed in-vehicle alcohol detection devices. Consumer willingness to deploy the technology in their vehicles will depend on how public attitudes are taken into account during the development process. The failed adoption of seat belt ignition interlocks in the 1970s taught us the need to understand in advance the issues and concerns of the driving public. DADSS has been conducting focus group testing around the United States to gauge public perceptions and concerns about the different technology approaches, and these opinions will influence development of the technology. In the coming years a broader understanding of consumer sentiment will be sought through a national survey of drivers.

DADSS will make a difference

The technical and public policy challenges are substantial, but the potential benefits to society of in-vehicle alcohol detection systems are compelling. DADSS has the potential to save up to 8,000 lives per year (Insurance Institute for Highway Safety, 2010)², and there is evidence that the public is ready for in-vehicle devices to combat alcohol-impaired driving. Two-thirds of drivers say they consider the use of advanced technology to keep alcohol-impaired drivers off the roads to be a “good” or “very good” idea³.

While impressive progress has already been made, there is much more to be done before this research is ready for consumer application. S. 510 (ROADS SAFE Act of 2011) will help accelerate this effort and open the door to a future where alcohol-impaired driving fatalities are a rarity versus the chronic traffic safety problem it remains today.

The benefits of a successful DADSS Program should not be underestimated. We are on the cusp of being able to eliminate the deaths and injuries caused by alcohol-impaired driving for generations to come.

² Insurance Institute for Highway Safety. 2011
http://www.iihs.org/research/fatality_facts_2009/alcohol.html. Accessed August 1, 2011

³ McCart, A. T., Wells, J.K., Teoh, E.R. 2010. Attitudes toward in-vehicle advanced alcohol detection technology. *Traffic Injury Prevention*, 11, 158-164

Testimony of David A. Culver
Vice President, Government Affairs
Distilled Spirits Council of the United States

U.S. Senate Committee on Commerce, Science, and Transportation

"Fighting Drunk Driving: Lessons Learned in New Mexico"

August 10, 2011

Albuquerque, New Mexico

Senator Udall and Members of the Committee, my name is David Culver and I am Vice President of Government Affairs for the Distilled Spirits Council of the United States (DISCUS). DISCUS is a national trade association representing America's leading distillers that produce or market nearly 70% of all distilled spirits brands sold in this country. Over the years, DISCUS has served as the distillers' voice on public policy and legislative issues in our nation's capital, state capitals and foreign capitals worldwide. Our members include Bacardi USA, Beam Global, Brown-Forman, Constellation Brands, Diageo, Florida Caribbean Distillers, Luxco, Moët Hennessy USA, Patrón Spirits Company, Pernod Ricard USA, Rémy Cointreau, Sidney Frank Importing Company, and a group of 40 craft distiller affiliate members from across the country. It is an honor to recognize our newest craft distiller member, Mr. Colin Keegan from Santa Fe Spirits, who I am pleased is able to join us today.

On behalf of DISCUS, I appreciate the opportunity to speak today on the topic of drunk driving. I do not claim to be an expert on all aspects of this topic but I have had extensive experience working on federal anti-drunk driving issues during my tenure at DISCUS. Specialists at our sister organization, The Century Council, have spent careers working to prevent and combat drunk driving and their work is part of our social responsibility policies. The Century Council is an independent not-for-profit organization funded by many of the same companies that fund DISCUS and was founded 20 years ago to develop and implement programs that fight drunk driving and underage drinking. These programs have been launched across the nation bringing them to millions of parents, youth, educators, law enforcement officials, and traffic safety professionals.

For over 75 years, the Distilled Spirits Council has been committed to the elimination of drunk driving through education programs and the enactment of comprehensive drunk driving laws. Our history of responsibility includes anti-drunk driving PSA's dating back to the 30s, funding the development of a breathalyzer in the 1940s, serving on the Presidential Commission on Drunk Driving in the early 80s, and co-sponsoring with the Department of Transportation the highly successful "Friends Don't Let Friends Drive Drunk" public service campaign in the

1980s that continues today. In addition, in 2001, DISCUS and The Century Council forged a coalition with the Mothers Against Drunk Driving (MADD) in support of a .08 BAC level coupled with comprehensive drunk driving measures.

Through The Century Council, the spirits industry also has worked in partnership with law enforcement and the judicial community to target hardcore drunk drivers – those with a BAC of .15 or above and repeat DWI offenders. These initiatives include stricter penalties for hardcore drunk drivers and resources in developing programs to focus on these drivers who are the source of a disproportionate share of highway crashes. Distillers are proud of our longstanding commitment to social responsibility and will continue to lead the way in preventing and combating drunk driving.

Last year, Senator, you took another positive step in the fight against drunk driving by introducing the Roads Safe Act. DISCUS commends you for your efforts and we are pleased to reiterate our support for this important legislation. The bill provides funding for research to develop in-car alcohol detection technology that would be a voluntary option for automobile purchasers and would be set at the .08 BAC limit. We also support the objectives that this technology be highly accurate, moderately priced and unobtrusive to the responsible driver. DISCUS will, once again, urge Congress to act swiftly and pass the current legislation, the Roads Safe Act of 2011.

Prior to introducing the Roads Safe Act, all stakeholders were given the opportunity to share their thoughts on the legislation with your staff. DISCUS and our industry colleagues were grateful for this opportunity. Your staff provided a clear explanation of the bill and its objectives, and addressed our concerns about the import of this legislation, which are summarized below.

First, there was unease that the purpose of the Driver Alcohol Detection System for Safety (DADSS) program was to develop technology that would be mandatory in all new cars. It is known that some participants of the DADSS program envision a mandatory device at sometime in the future, but that is not the stated objective of the program or the research. DISCUS does not support mandating the installation of these devices in all cars, nor does the bill have this requirement. MADD, a strong proponent of this legislation, also underscored that this technology “would be an optional safety feature on new cars, not mandated on all vehicles” in its March 21, 2011 press statement applauding the introduction of the Roads Safe Act.

Interlock devices should be an option for people when they purchase a new car, not a government-required feature in every car. After all, nearly 40 percent of the adults in the United States do not even drink alcohol and the overwhelming majority of those adults who choose to drink do so responsibly.

Second, there was a question whether interlock devices would be set at a level lower than the .08 BAC legal limit. In response, your staff stated that interlocks will not be widely accepted if they are set below this legal limit, and provided assurances to address these concerns. Our support for this legislation hinges on the requirement that the device be accurately calibrated at the .08 BAC legal limit. MADD also emphasized in its March 21st press statement that “the technology would be set at .08 BAC, not lower.”

Third, the bill states that the driver alcohol detection system should be accurate at other BAC levels "as may be established by applicable federal, state or local law." Your staff has repeatedly assured DISCUS that this provision is intended to account for the current federal 0.04 BAC limit for commercial drivers and zero tolerance limits established by states for individuals under the legal drinking age. Opponents of the bill see ambiguity in this provision and worry that it is a clear indicator that the device could be set at levels below the .08 BAC legal limit. While DISCUS does not share that view, we do respectfully suggest that the Committee consider ways to tighten up and amend the language of this provision to reflect your true intentions.

With this information in hand, the decision for DISCUS to support this bill was not difficult. In sum, the bill provides funding needed for research to develop in-car alcohol detection technology that would be a voluntary option for new car buyers and would be set at the .08 BAC legal limit.

All sectors of the distilled spirits industry – from suppliers to wholesalers to retailers – share the common objective of preventing drunk driving. We have been gratified to note that progress has been made in fighting drunk driving, but we all know more needs to be done. DISCUS thanks you for your commitment to this issue and we will look forward to helping you enact the Roads Safe Act during this Congress. Thank you for allowing me to speak on behalf of the Distilled Spirits Council at today's hearing.