

Could any of these clauses have an effect on impaired driving? Under NAFTA or GATT any country could challenge your regulations for vehicles, drug testing and safety regulations for transportation employees, etc, etc, etc. Are any of these things happening? You bet they are! While we sit here developing recommendations under the assumption that we are all living in sovereign nation-states, international agreements are making the rules for us. In 1997, Canada will reduce their higher motor vehicle safety standards to meet with the U.S. because of U.S.-Canada free-trade agreement. Prior to this time most American vehicles could not be imported into Canada without expensive modifications to meet our higher safety standards. No more! In fact there have been further negotiations among the U.S., Canada and Mexico regarding the harmonizing to Mexico's requirements.

What about alcohol? Ontario breweries introduced a high alcoholic content beer which was retailing at the same price as regular and light beer. Guess what the young person's beverage choice was discovered to be? Yes, the beer with the biggest bang for the buck! However, when MADD and various public health organizations lobbied the government to change the pricing policy, this was what the letter, from the Minister herself said:

1) Price: Minimum Pricing was one of the major issues negotiated in the Canada/US trade agreement. Ontario continues to have three legislated and one voluntary minimum price categories. Any attempt to increase the minimum price of high alcohol beer, at this stage would necessitate reopening the agreement which would put other crucial components of the agreement in jeopardy. Under the federal Competitions Act, brewers would be precluded from collectively raising the minimum price of high alcohol beer as this would constitute illegal price fixing." (Churley, Minister of Consumer and Commercial Relations, Aug. 2, 1994).

Where are the alcohol and road safety specialists in presenting briefs, lobbying etc. under these issues?

Next, environmental issues, in Canada at least, are a very big and popular concern. Cities are being redesigned, legislation being redrafted to accommodate more bicycles, public transit, etc. These are major issues for the public. Again they have ramifications for impaired driving, and why are we not jumping on the bandwagon?

Finally, skyrocketing health care costs, evidence-based health care, managed care, prevention, aging population, high medicinal drug use among our aging population, are other current issues. Research is coming in that the

managed care system is very much short-changing alcohol and drug rehab programs, even though there has come out very strong RCTs showing the success of certain drug rehab programs. Again, these rationalizing health care movements, shifting demographics and exponentially increasing medicinal drug sales in our countries have major impaired driving ramifications. Where is the alcohol, drug and traffic safety community in all this?

The bottom line is that we are not seeing the big picture and are not seizing the opportunities to put our foot in the door to make our concerns known. The consequence is that we are still debating after all these years the merits of the horse and buggy, in an era of ITS.

#### APPENDIX C4

#### DRUNK DRIVING: THE MIDDLE AGE OF A SOCIAL PROBLEM

H. Laurence Ross

University of New Mexico

This paper summarizes and interprets material presented at a panel I convened at the 1995 Washington meeting of the Transportation Research Board. The session was entitled "Drunk Driving: Yesterday's Problem?" and the presenters were invited to address the issue from different viewpoints, including the academic, the governmental, and the activist. The Proceedings of the panel have been published in the Transportation Research Board Circular, "Future Challenges in Alcohol and Other Drugs in Transportation," (Washington, D.C., January 1996). Page numbers here refer to the Circular. The presentations led me to the conclusion, offered here in the context of natural history or lifestyle perspectives on social problems, that drunk driving is a middle-aged social problem. That is, it is mature, and if lacking the vigor of youth it is more established and more sophisticated in its formulation than in earlier developmental stages. Although the prognosis in these theoretical perspectives is decline and death for the drunk driving problem due to competition for resources from other social problem claims, that catastrophe appears distant at this time.

The American drunk driving problem was "born," in constructionist terms, around 1980. Unlike many social problems, its emergence was not signaled by a crisis in underlying conditions. Alcohol-impaired driving, with consequent crashes, was continuously prevalent throughout the automobile era, was reduced during Prohibition, but returned in force following Repeal. There was no particular inflection in the curve of traffic-related deaths in the vicinity of 1980. That year was significant, however, in marking the rise of conservative politics, symbolized by the election of President Ronald Reagan. The world-view of conservatives, dominant in the incoming administration, saw socially problematic conditions as the product of immoral and irresponsible behavior. Institutional causes were overlooked, and deterrent countermeasures aimed at bad

people were seen as the appropriate social response.

In this political climate, the tragic experience of a young California mother formed the seed of a new social movement. Candy Lightner's teen-aged daughter was killed in a crash involving an alcohol-influenced driver. Mrs. Lightner's memorial to her daughter was an organization, Mothers Against Drunk Drivers, which became the largest and most important citizens' activist group in recent history. MADD was launched on favorable political terrain, as previously noted. Moreover, it quickly obtained the support of some powerful and monied allies, namely, an agency of the U.S. Department of Transportation and elements of the alcoholic beverage industry.

The National Highway Traffic Safety Administration had since its 1966 inception noted the importance of alcohol in causing highway crashes, and in the 1970's launched a series of community-based countermeasure programs largely premised on deterrence. Subsequently, however, during the Carter administration the agency emphasized the creation of vehicle standards with the purpose of reducing crash forces on the human body. This program elicited considerable resistance from car manufacturing interests, and Congress went so far as to cancel a standard that required installation of ignition interlocks to prevent starting, a vehicle unless the seat belt was fastened. In 1980, faced with the threat of substantial budget cutting and reductions in force, NHTSA rediscovered drinking and driving and launched new initiatives that fell nicely within administration priorities. Reagan even convened a Presidential Commission on Drunk Driving which, loaded with law enforcement and politicians (and including Candy Lightner), issued a highly deterrence-oriented report and criminal-justice-centered program followed by the successor organization, the National Commission Against Drunk Driving. NHTSA's activities included support for the new citizens' movement, which coalesced around MADD. Grants were made for organizing and training citizen activists and rendering them effective in securing state and local legislation.

Moreover, MADD was supported by the alcoholic beverage industry, particularly the brewers. The industry never denied that its product produced negative social consequences, but these were blamed on a small minority of abusers and misusers. Normal drinking was viewed as beneficial, and the industry offered to help in preventing the problems associated with abnormal drinking. Candy Lightner and MADD never directly attacked alcohol, but rather focused on the combination of drinking and driving, especially that done by confirmed "drunks." This view nicely corresponded with that of the industry. Brewers, notably Anheuser-Busch, not only provided direct grants for MADD, but like NHTSA made important nonmonetary contributions to the cause. An executive of Anheuser-Busch sat on the Board of Directors of MADD. A magnificent public relations machine was made available to the fledgling organization, and the mass media, heavily dependent on alcohol advertising, provided friendly publicity resources that helped make MADD one of the best

known and best liked charities in the country.

At the Washington panel, MADD President Beckie Brown (pp. 12-16) related that her organization grew dramatically in the first half of the 1980's, from a single chapter in Fair Oaks, California, to a national organization with hundreds of chapters. Its budget recently has exceeded \$41 million. It stimulated state and local legislatures to adopt more than a thousand laws in the 1980's. The vast majority of these centered on such deterrence-based issues as harsh and mandatory punishment for drinking, drivers. Polls have shown progressively larger majorities of the public endorsing these legal changes and progressively smaller numbers declaring tolerance for drunk driving and admitting their participation in this behavior. Importantly, police arrests for DWI increased by more than 50% to nearly two million per year in 1982, and remained close to that figure for the balance of the decade.

Growth of the citizens' activist movement peaked early in the decade, as shown in Figure 1. MADD does not make membership figures available, and their estimates of millions of members and supporters include anyone who ever made a contribution. The termination and combination of chapters, known anecdotally in several circumstances, is not reported. We have only speculation to rely upon in suggesting that membership and activity have at least moderated, if not actually declined.

Media attention in drunk driving likewise peaked in the early 1980's, as shown in Figure 2. John McCarthy (pp. 9-10) suggests that publicity concerning drunk driving was far more concerned with the activities of public officials, including legislative, judicial, and police activity, than directly with the activities of citizen activists and organizations like MADD.

Plateaus characterize many of the measures of the drunk driving problem during the last half of the 1980's, and there are indications of some decline in media attention to drunk driving in the new decade, though most statistics are preliminary. This decline is especially notable in contrast to increases in media attention to drugs and crime. In 1989, crime was more than ten times as likely to be the subject of national newspaper articles than drunk driving, and articles on drugs were eight times as prevalent.

Russell Fontaine (pp. 10-12) finds a similar pattern in the academic literature indexed in the DIALOG data base. The literature shows significantly increased attention to drunk driving in the mid-1980's and a decline at the end of the decade, as measured by the ratio of "drinking driving" mentions to articles on alcohol and driving in general. Scholarly articles on violence increased at nearly three times the rate of articles on alcohol overall, between 1977 and 1993.

As of the mid-1990's, the social problem of drunk driving has changed in several ways from the prior decade. First, it may be declining in vigor, for two reasons. One is that drunk driving competes for limited media resources with other social problems, some of which possess considerable novelty. A story on drunk driving implies one

less on AIDS, spouse abuse, gun violence, drugs, and similar problems. Second, basic statistics suggest achievement of some success in addressing the problem. The obverse of this success is the impression of reduced urgency. Alcohol involvement in fatal crashes declined from nearly 60 percent in 1980 to less than 50 percent in 1989 and 44 percent in 1993, according to James Hedlund of the National Highway Traffic Safety Administration (pp. 17-18). Despite decreasing arrests, from around 1.8 million in the late 1980's to 1.6 million 1992 and 1.5 million in 1993, the average blood alcohol concentration among those arrested declined significantly.

But if the social problem of drunk driving seems to be abating according to some measures, it would be a great exaggeration to sign its death certificate. The media, especially the electronic ones, continue to devote considerable attention to it. For example, 82 public service announcements were shown during NCAA basketball tournament and football bowl games in 1994. Likewise, more than 200 television news segments on drunk driving were recorded in major media markets on December 15 and 16, 1994. Moreover, new legislative initiatives continue to appear. Since 1990, nine states have newly enacted administrative license revocation laws, seven have lowered the tolerated blood-alcohol concentration to 0.08 percent, and 20 have enacted zero tolerance laws for drivers too young to drink legally.

The middle age of the drunk driving problem is associated with an increasing role for a new paradigm that recognizes the social causes of problems, in this case the intersection of recreational and transportation institutions, and views appropriate policy as institutional change rather than merely threats and punishment. The landmark in this weather change was the Surgeon General's Workshop on Drunk Driving, which was held at the end of 1988, with recommendations published in 1989. Issues such as the price and availability of alcohol bulked large in the proceedings, with recommendations to increase taxes and modify marketing. Although the prior paradigm, centered on deviant behavior, continues to dominate public discussion of drunk driving it is being challenged. Even MADD now supports restraint of alcohol advertising and increased liquor taxes to fund other programs, positions that do not sit well with its original allies.

Although NHTSA officials still recommend fixes on innocent victims, villainous repeat offenders, and youth in order to maintain drunk driving's place on the social agenda, other actors with broader, public health, perspectives have joined in the fray and are helping to redefine the problem of drunk driving, to shift understanding concerning its causes, and to recommend additional policies that were overlooked in the 1980's agenda. The previously dominant paradigm for understanding drunk driving in criminal justice terms is now met by a broader, challenging paradigm.

The future of drunk driving as a social problem appears to me to be assured, though without the priority that it obtained in the 1980's. The approach through deterrent

policy has been effective, but perhaps its limits have been reached. American jurisdictions have among the harshest penalties in the world for drunk driving, and administrative license revocation increases the certainty and swiftness of punishment. Police are probably doing all they can to provide certainty of arrest, given limitations, and reasonable expectations for the future of government spending do not provide much hope for an expansion of resources here. To the extent that the challenging paradigm is successful, policies based on controlling drinking and providing transportation alternatives to the private car may join deterrence in later stages of the life cycle of the drunk driving problem.

## **APPENDIX C5**

### **FEDERAL-STATE PROGRAMS FOR REDUCING IMPAIRED DRIVING**

Adele Derby

National Highway Traffic Safety Administration

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The National Highway Traffic Safety Administration currently uses three comprehensive nationwide approaches in working with the states on programs to reduce impaired driving: (1) the 402 formula grant program, (2) the 410 alcohol incentive program; and (3) the zero tolerance sanction program.

The State and Community Highway Safety Grant Program was enacted by the Highway Safety Act of 1966 as Section 402 of Title 23, USC. Grant funds are provided to the States, the Indian Nations and the Territories each year, according to a formula based on population and road mileage to encourage and facilitate implementation of programs to improve highway safety. States identify their key highway safety problems and the most effective strategies to address them. The grants provide "seed" money for safety programs and leverage public and private sector resources for highway safety. Funds are primarily spent in nine priority areas: alcohol, occupant protection, police traffic services, emergency medical services, traffic records, motorcycle safety, pedestrian and bicycle safety, speed and roadway safety.

During FY '96, NHTSA put in place a new performance based process for the management of the 402 program. Why the change? Mainly because the mood of the public changed; people are demanding less government intrusion and want to see results from the government they have. Performance based management is being embraced by all parts of the public sector:

- Congress passed the Government Performance Review Act which requires Federal agencies to identify performance measures for their programs and report on progress through their budget process.
- The Administration undertook a National Performance