

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

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

Review under Vice President Gore and rewarded process improvements which demonstrated that government worked better and cost less.

- The Department of Transportation's Regulatory Reform initiative required all modes to examine all of their rules and regulations and reduce them by half.
- States are being required to use performance measures in their state budgeting processes.

It was in this environment that NHTSA made the decision to revise the 402 process, providing states with more flexibility in the management of their highway safety program. Requiring the use of performance measures was supportable since that data is available in highway safety, e.g., fatality rates, belt use rates, alcohol related crashes.

The old 402 process required states to develop Highway Safety Plans including data to support problem ID and project descriptions for proposed programs. The Plan was approved by the Regional Offices and changes in excess of 10% of program costs needed prior approval. Annual reports were required. Accountability was at the project level.

The new process requires states to develop Benchmark Reports which contain goals, performance measures and a description of the processes used to conduct problem ID, set goals and develop strategies. A plan is prepared for the state's internal use and a copy provided to the Regional Office for information. The Benchmark Report is approved "for reasonableness" by the Regional Offices. Annual reports are required. Accountability is at the goal level.

Sixteen states participated as pilot states in the first year of the program; in year two, 41 states, D.C., Puerto Rico, the Virgin Islands and Northern Marianas participated. After the first round, we completed a short term evaluation and learned that almost universally the states liked the process, that they were beginning to pass the requirement to set goals down to the community level, that funding in the nine priority programs is being sustained, and that the difficulties they were having resulted from inadequate data systems. The immediate effect on the program was that we saw more innovation, fewer "feel good" programs, and reenergized state highway safety office staff. The first year of the pilot program, the 402 funding for alcohol remained at the same level as in prior years, roughly 28% of the total funding or nearly 34 million dollars.

The 410 alcohol incentive program is another source of funding for alcohol programs for the states. In order to qualify, states must meet certain basic criteria, one of the seven elements includes a performance measure (states must show progress in reducing alcohol related crashes). Other elements include ALR, per se laws, check-points, self-sustaining DUI programs, preventing under-21 from obtaining alcohol, mandatory sentencing and zero tolerance. After meeting five of the seven basic criteria, states are eligible to receive funding for up to six supplemental criteria. Funding must be used for alcohol programs. The

410 program at a funding level of \$25 million has been very successful, the number of states receiving funds rising from 19 to 32 since 1992. The program is credited with the passage of eight .08 BAC laws, 25 zero tolerance laws (another 10 passed after the sanction provision), 10 ALR laws, and the development of countless programs.

A third means of influencing state actions is through the use of sanctions. If states do not take a specific action, some type of funding is withheld. A law passed in 1995 required states to enact a .02 law by October 1, 1998, or else 5% of certain federal-aid highway funds will be withheld; in 1999 and every year thereafter, 10% of the funding will be withheld. The .02 law must apply to everyone under 21, be a per se offense, have primary enforcement and must permit license suspension. Thirty-four states and DC have laws which comply, 3 states have laws but don't meet all the criteria, and 13 states and Puerto Rico have no law. Ten zero tolerance laws were enacted after the passage of the sanction.

Decision makers must try to maintain some balance between incentive programs and sanctions. Certainly the 21 Minimum Drinking Age law would not be in every state if there were no sanctions. But sanctions are not supported by the states and in several cases (National Maximum Speed Limit, motorcycle helmets), sufficient pressure was exerted on the Congress to repeal sanctions before they had run their course.

All of these considerations will be included in the discussions over ISTEA 2, as we reauthorize our safety programs.

APPENDIX C5A

NORTH CAROLINA *BOOZE IT & LOSE IT* PROGRAM

Joe Parker

North Carolina Governor's Highway Safety Program

GREENSBORO - It's "Booze It & Lose It" in North Carolina as law enforcement officials statewide once again step up enforcement of driving while impaired (DWI) laws with sobriety checkpoints in all 100 counties. The checkpoints will begin on July 1 and continue through the Fourth of July weekend. Last year, 16 people died in Fourth of July weekend highway crashes; seven of those fatalities were alcohol-related.

"Law officers will be out in force making sure our roads are safe for travelers and vacationers this summer, especially during the Fourth of July week," said Gov. Jim Hunt, who understands the dangers of impaired driving a personal way. As a young man, Hunt walked away from a serious car crash involving a drunken driver. "There will be law enforcement checkpoints all over the state. People who drive while impaired will be caught and will lose their licenses on the spot. It's time to put a stop to drunk drivers, especially repeat offenders."

The announcement of the campaign came at an event