

- Corporate traffic safety programs activity resulted in an expansion of the Ohio Partnership for Traffic Safety (OPTS) membership to 316 firms, representing 314,071 employees and 66,143 fleet vehicles.
- Performed 18 Safety Review Team studies to help local government in identifying local safety problems.
- Erected 850 new "Stop" signs at high-hazard locations on local roads.
- Initiated a county-wide safety review pilot project in Stark County entitled "The Roadway Analysis for Fatal/ Injury Countermeasures" (TRAFFIC). Government agency representatives and Stark County officials are working together to decrease the traffic fatalities and injuries within the county.
- Supported four local traffic control device inventory projects and six local traffic studies of high-hazard locations (26 sites) with 402 funds.
- Used County Surface Transportation Program (CSTP) funds to support activity in 27 counties, including seven guard rail inventory projects, five sign inventory projects, five curve sign replacement projects (1,052 signs erected), five ball-bank curve studies, and six pavement marking inventory projects.
- Supported training for 35 state and 115 local engineering employees in safety, related issues (4 courses).
- Inventoried 471 miles of local roadways.
- Printed and distributed 800,000 safety patrol stuffers for corporations, schools, etc.
- Printed 50,000 School Bus Driver Responsible Driver pamphlets.
- Printed 400,000 copies of "Safe Days with Oliver the Owl" brochures addressing safe loading and unloading of school buses.
- Trained 8,000 students in pedestrian and bicycle safety issues.
- Printed 400,000 pedestrian/bicycle safety booklets. ("From A to Z by Bike")
- Funded an impaired pedestrian project in the Ohio State University, Main Campus area, resulting in 226 arrests by the six foot patrol officers during the 10-week program.
- Supported the "None for Under 21" campaign through distribution of materials to 77 percent of Ohio's public and private schools, which contributed to a 45% reduction in alcohol-related involving Under-21 drivers.
- Funded 17 agencies for undercover officers to enforce under age sales laws in liquor establishments as part of the "Cops in Shops" program.
- Implemented, under the auspices of Ohio's "None For Under 21" campaign, the "Capa City" Experience and "Strides for Safety" initiatives as youth programs on impaired driving.
- Youth focus groups debated inconsistencies in traffic and impaired driving sentences with Ohio's juvenile judges, and offered recommendations on graduated

driver licensing.

- Distributed youth traffic safety resources and campaign materials to over 6,000 educators and prevention specialists in Ohio.
- Established TEENLINK, a communication network linking teens in Ohio's schools.
- The 1995 National SADD Student of the Year was from Ohio.
- Won awards and/or recognition from NCADD, NAGHSR, NASADAD, AAMVA and Nationwide Insurance Company for the "None For Under 21" campaign.

APPENDIX C5C

CALIFORNIA'S PROGRAM FOR REDUCING THE NUMBER OF FATALITIES AND INJURIES ASSOCIATED WITH ALCOHOL-RELATED MOTOR VEHICLE CRASHES

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This paper provides an overview of the progressive efforts California has made in reducing the number of fatalities and injuries associated with alcohol-related motor vehicle crashes. This paper also tenders California's perspective on federal changes, government downsizing and anti-government sentiment. The Office of Traffic Safety's impetus for this paper is relative to the coercive nature of incentive grants and associated grant sanctioning.

DUI IN CALIFORNIA

Despite recent declines, the leading cause of death and disability in California is motor vehicle injuries. Motor vehicle fatalities account for 60% of all years of life lost to persons under age 65, far exceeding heart disease and cancer combined. The majority of spinal cord and traumatic brain injuries result from motor vehicle crashes.

The major cause of these highway motor vehicle injuries is related to alcohol intoxication. Vigorous enforcement and education efforts, promulgated under the auspices of OTS grants, have resulted in changing norms associated with alcohol consumption patterns. The number of fatalities and injuries in alcohol-related crashes has also declined in recent years as a result of these efforts. These changes have been driven, by publicity given to data showing the role of alcohol intoxication in highway crashes. Data systems such as the California Highway Patrol's Statewide Integrated Traffic Records System (SWITRS) have also played a central role in showing the contribution of alcohol intoxication to California's highway injury problem. Unfortunately, despite this progress, 50% of California's motor vehicle-related highway fatalities still involve alcohol.

For a list of 1996 DUI statistical caveats please see Attachment I.

BACKGROUND

Through almost a century of development the Federal Highway Program has experienced many changes. As the interrelationships of transportation and various national interests have been recognized, federal objectives in these areas were incorporated into the Program. Prior to the Intermodal Surface Transportation Efficiency Act (ISTEA), the state's own initiative ruled the transportation planning process, and Federal aid was provided for projects deemed eligible via this process.

The quandary became achieving objectives and goals established at the national level through state and local governments, both of which are legally and politically independent.

In ISTEA, the Federal government implemented federal aid grant funding for state and local public agencies for highway and mass transit projects by formally requiring each state to develop a comprehensive statewide transportation plan. The process was required to include various modalities of transportation and be capable of integration into a statewide system. Further, the Act authorized a withhold sanction of up to 10 percent of available federal highway and transit funds for any that failed to implement the stipulated management systems in various aspects of state transportation systems.

The conditional grant funding practice was originally justified through the rationale that federal oversight was required to ensure proper use of federal funds program wide. Over the years, this "conditional" grant funding practice was expanded to actively promote an agenda defined by Congress. This ongoing "changing of the rules" made it difficult for states and local agencies to carry out regulatory actions.

POLITICAL ADVANTAGES OF CONDITIONAL GRANTS

The use of conditional grants, under the guise of "flexibility," gave the appearance that the public's interest was being regulated by state authority. This allowed the federal government to function in anonymity and in a "white hat" capacity. Unfortunately, this pitted both sides against the middle. State and local entities were put in the precarious position of moving Congressional agenda's or risk losing Federal aid. These agendas are not always in agreement with state and local needs.

Congress must balance a need for providing direction, and the involved parties of the states must avoid becoming a convenient agent for the exercise of federal agendas. However, this can ultimately head to conflict between federal, state, local and private sector leadership. Federal, state, local and private sector entities must work together to formulate a shared vision. The next ISTEA must truly allow this to happen, without the interference of hidden Congressional agendas.

QUESTIONING CONDITIONAL GRANTS

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." United States Constitution, Amendment X, 1791.

"All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require." California Constitution, Article 11, Section 1, as renumbered, 1976.

As previously stated, state and local governments are legally and politically independent. Therefore, disciplining the states for non-compliance with federal objectives through the use of funding withholds and/or initiation of penalty transfers is, in effect, coercion. A question of the legitimacy of the federal objective, specifically the actual contribution of the objective to the overall needs of the state, must be initiated. Further, the specific conditions for the disbursement of the Federal monies must be questioned, because each state is not only independent, but geographically and demographically varied. Additionally, there is no check valve for political stalemates, as California has experienced. A current example of this lack of a "check valve" is the stalemate that has been created through the requirements of Section 159, relative to driver's license sanctions and non-driving related drug offenses.

CHANGING THE PARADIGM

The complexity of current transportation infrastructures requires a rethinking of current systems. The federal government must rely on the desire of the states to initiate change, not on its ability to induce, influence or control. A truly interactive system must be capable of solving problems and meeting the needs of the parties involved without coercion. This will require the decentralization of the objective settings process, with direct input from all parties concerned, including the private sector. The current process of incentives, program objectives, and penalty transfers requires reevaluation.

Incentives, by their very nature, punish when not received, rather than promoting change. Overall program objectives must be evaluated annually at the federal level to reflect changing national needs. Penalty transfers must be eliminated entirely, there is no intrinsic correlation between the idea of penalizing transportation improvement to promote safety.

The central problem with the system, as it stands, is that rewards (incentives), much like punishment (transfers), are attempts to regulate the states. These incentives or transfers are ways of keeping the states in some fashion of compliance, but does little to foster a working partnership with states. Ultimately, techniques of manipulation end in failure. The problem may, however, run deeper than this system alone, to the very essence of individual values.

CALIFORNIA'S SOLUTION

Democracy and its associated processes are the most efficient when they operate in a sphere of influence closest to the entities they serve. For the last century, as evidenced by ISTEA, the trend in government has been to centralize power in distant authorities. That trend is now being reversed. The current congress is moving toward returning power to the states, just as California is moving toward returning functions to local communities, with the money to pay for them and the flexibility to run them in the most efficient and effective manner possible.

Currently, Governor Wilson has implemented a competitive government program in California. The program is designed to reshape government, as we approach the 21st century, into a servant of the families and businesses of the state, so that it provides essential, necessary services at the lowest cost, and with the highest quality. The ultimate goal of the program is the birth of a state government that is honest, lean, innovative and accountable to its customers the people of the State.

Specific to the transportation arena, the governor directed the Business, Transportation and Housing Agency to pursue transferring authority for billions of dollars in transportation planning and project delivery responsibilities to regional and local entities, freeing the municipalities of state intrusion. This empowerment of local government will undoubtedly enhance efficiency and accountability.

REFERENCES

1. Kohn, Alfie, *Carrots, Sticks and Self-Deception*, Across the Board, January 1994. pp. 39-44.
2. Netherton, Ross D., *Federalism and the Intermodal Surface Transportation Efficiency Act of 1991*, NCHRP Legal Research Digest, February 1995, Number 32.
3. Wilson, Pete. *Competitive Government: A Plan for Less Bureaucracy, More Results*, April 1996.

Attachment I

Specifically, as presented in the 1996 DUI Management Information System Report:

- DUI arrests have fallen 42% since 1990, in 1994 by approximately 11% alone.
- Alcohol-involved traffic fatalities decreased again in 1994, by 5.2%, and have dropped by almost half since 1987, down 46% overall.
- The number of persons injured in alcohol-involved accidents during 1994 declined by 8.1%, for the eighth consecutive year, resulting in a 42.7% reduction in alcohol involved injuries over the 8-year time period.
- 13.1% of all 1993 DUI arrests were associated with a reported traffic accident, up from 11.1% the prior year.

Forty-nine percent these accidents involved an injury or fatality.

- The average blood alcohol concentration (BAC) of a convicted DUI offender, as reported by law enforcement, was approximately 0.17% in 1993, which is more than double the California illegal per se BAC limit of .08%. The average BAC reported on 1993 DUI abstracts of conviction was approximately 0.17%, the same as in 1991 and 1992.
- Among 1994 DUI arrestees, Hispanics, approximately 47%, again constituted the largest racial/ethnic group, and were arrested at a rate over double their adult population parity of 22.5% (1990 Census).
- The average age of a DUI offender in 1994 was 32.9 years.
- Less than 1% of arrested DUI offenders are juveniles, under age 18.
- Among convicted DUI offenders in 1993, approximately 68% were first offenders, and 32% were repeat offenders, with one or more prior convictions during the previous 7 years. The proportion of repeat offenders has decreased each year since 1989, when it stood at thirty-seven percent.
- Alcohol treatment, in conjunction with license restriction, were the most effective postconviction sanctions in reducing subsequent DUI incidents among DUI offenders, by a minimum of 11.8% over other sanction alternatives.
- Jail, in the absence of treatment or postconviction suspension, was the least effective sanction for first offenders in terms of DUI recidivism, with a minimum of 24.7% more DUI incidents than the next least effective sanction.
- License suspension was the most effective postconviction sanction in reducing the total accident risk of DUI offenders. With the imposition of preconviction administrative per se suspensions, beginning in July 1990, the postconviction total accident rates of all sanction groups were reduced. Because all DUI offenders were now suspended under the administrative per se law, the incremental impact of postconviction suspension actions became less distinct.