

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

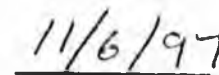
8506 SENATE TRANSPORTATION



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

**SR**

**4**



Official Business

# Alaska State Legislature

Senator Dave Donley

State Capitol  
Juneau, AK 99801-1182

## SPONSOR STATEMENT

### Senate Resolution 4

### Reducing Automobile Emissions Inspections in Alaska to Every Two Years

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Senate Resolution 4 requests the federal government to reduce automobile inspections in Alaska to every two years. Requiring yearly emission inspections is expensive and unnecessary. California, with the toughest emission standards in the country, only requires inspections every two years.

Requiring biennial automobile inspections will save money for motor vehicle owners and reduce the administrative burden on state and local governments.

DD/mlf

3/31/94

A M E N D M E N T

OFFERED IN THE SENATE

TO: SR 4

BY THE SENATE  
TRANSPORTATION  
COMMITTEE

Page 1, line 14-15:

Delete "WHEREAS requiring automobile emissions inspections every two years would still provide adequate air pollution control;"

**SENATE COMMITTEE REPORT**  
FIRST COMMITTEE OF REFERRAL

DATE: 2/14/94

FURTHER: Judiciary

Date of 5-Day Notice: 3/10/94  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4-5-94

Transportation Committee considered SR 4

Requesting the federal government to reduce automobile emissions inspections in Alaska to every two years.

and recommends:

replace with \_\_\_\_\_ CS \_\_\_\_\_ ( )

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**FISCAL NOTE INFORMATION**

Department	Date	Zero	Fiscal
SEN. TRANSP. CMTE	4/5/94	X	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

**DO PASS:**

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_

J. Kistner

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Tim Kelly - No Rec

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Chair: Signature and Recommendation

**SENATE RESOLUTION NO. 4**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY SENATORS DONLEY, Lincoln**

Introduced: 2/14/94  
Referred: TRA, JUD

**A RESOLUTION**

1 Requesting the federal government to reduce automobile emissions inspections in  
2 Alaska to every two years.

3 **BE IT RESOLVED BY THE SENATE:**

4 **WHEREAS** the federal government requires that the State of Alaska establish annual  
5 automobile emissions inspection programs in certain areas of Alaska; and

6 **WHEREAS** annual automobile emissions inspections impose a substantial cost burden  
7 on automobile owners; and

8 **WHEREAS** some states have programs that require automobile emissions inspections  
9 every two years; and

10 **WHEREAS** conducting automobile emissions inspections every two years would  
11 achieve substantial cost savings for automobile owners in the state; and

12 **WHEREAS** biennial automobile emissions inspections would reduce the administrative  
13 burden on the state, local governments, and citizens of Alaska; and

14 **WHEREAS** requiring automobile emissions inspections every two years would still  
15 provide adequate air pollution control;

16 **BE IT RESOLVED** that the Alaska State Senate respectfully requests the federal

1 government to allow the State of Alaska to require automobile emissions inspections every  
2 two years in those areas where automobile emissions inspection programs must be established.

3       **COPIES** of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President  
4 of the United States and President of the U.S. Senate; the Honorable Carol M. Browner,  
5 Administrator, Environmental Protection Agency; the Honorable Robert C. Byrd, President Pro  
6 Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of  
7 Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.  
8 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska  
9 delegation in Congress.

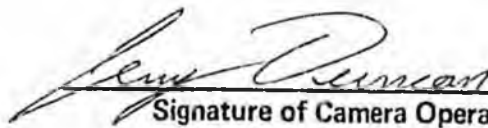


# RECORDS



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Signature of Camera Operator

11/6/97  
Date

**HB**


**1**



217 Second Street, Suite 200 • Juneau, Alaska 99801 • Tel (907) 586-1325, Fax (907) 463-5480

February 11, 1993

TO: Representative Harley Olberg, Chair  
and  
Member, House Committee on Community and Regional Affairs

FROM: Kent E. Swisher, Executive Director 

RE: SS HB 1 - Establishing a motor vehicle recycling grant fund and registration fee

The Alaska Municipal League supports SS HB 1, which would establish a grant fund to help municipalities pay the costs associated with recycling wrecked, junk, and abandoned motor vehicles. The bill also calls for the imposition of a minimal recycling registration fee to fund the program.

By a vote of its members in November 1992, the League adopted both a resolution supporting the creation of a motor vehicle recycling grant fund (Resolution 93-6, copy attached) and *Policy Statement* support. The 1993 *Policy Statement* (Part I, D.4, page 10) includes the following statement:

**Abandoned Motor Vehicle Fund** The League supports legislation that would fund the Abandoned Motor Vehicle Fund through a \$5.00 registration fee increase for all vehicles registered in the State of Alaska and the disbursement of those funds to communities and municipalities for the disposal of abandoned motor vehicles.

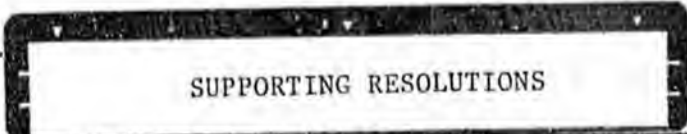
Increasing numbers of abandoned vehicles and the increasing costs of disposing of such vehicles in an environmentally responsible manner and in accordance with EPA regulations have unduly burdened local governments. Imposing a minimal registration fee to provide grants to cover the costs of motor vehicle recycling will spread the burden more equitably among all vehicle owners.

The Alaska Municipal League also supports the concept of SS HB 1 as part of its overall commitment to solid waste reduction (1993 *Policy Statement*, Part VI, B.4, page 48) and urges the committee to approve the bill.

Enclosure

cc: Representative Gail Phillips

LEG933.hb1 211

 SUPPORTING RESOLUTIONS

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

March 30, 1993

**SUBJECT:** Sectional Summary of CSSSHB 1(CRA)  
**TO:** Representative Gail Phillips  
**FROM:** Michael F. Ford *M.F.*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Intent section.

**Section 2.** Imposes a \$2 fee upon registration of a motor vehicle. Provides that the legislature may appropriate the money collected as fees to cover the cost of transporting junk or abandoned motor vehicles to recycling centers.

**Section 3.** Establishes the motor vehicle recycling grant fund. Provides that grants may be made to municipalities for the purpose of transporting junk or abandoned motor vehicles to recycling centers.

**Section 4.** Effective date.

MFF:gc  
93-289.glc

# Alaska State Legislature

## House of Representatives

Official Business



State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3718

### House Majority Leader

TO: Senate Transportation Committee  
FROM: Representative Gail Phillips  
RE: Sponsor's Statement CSSH B 1(CRA)  
(Recycling Junked and Abandoned Vehicles)

Present Alaska law does not provide for a state program of municipal grants for recycling junked and abandoned vehicles. HB 1 would create a such a program by charging an annual fee to vehicle owners at the time of vehicle registration and by creating a fund in the Department of Transportation and Public Facilities for the purpose of providing grants to municipalities for transporting such vehicles to recycling centers.

The program set forth in HB 1 would add a recycling fee of \$2 to the annual vehicle registration fee. DMV currently estimates nearly 490,000 vehicles are registered in the state which would yield approximately \$980,000 annually to go into the general fund. The bill also creates a municipal recycling grant fund. The legislature would appropriate money from the general fund into the municipal recycling grant fund from which the Department of Transportation/ Public Facilities would allocate grants to municipalities.

Several municipalities have participated in programs for the removal of vehicles on their own or in conjunction with state-sponsored "beautification" efforts. Other municipalities have participated in a federal program administered by the Dep't of Transportation/Public Facilities. During the last decade, over 7,000 vehicles have been removed from public roads under the federal program, with grants totalling \$522,000. However, continued funding of the federal program is uncertain.

Sponsor Statement HB 1 p. 2

Rural municipalities are particularly pleased with this legislation as it will provide them with the necessary funds to address a severe problem in rural Alaska - the inability to get rid of junked and abandoned vehicles in areas far removed from recycling centers. This concept has the support of the Alaska Municipal League, the Alaska Environmental Lobby and the Kenai Peninsula Borough.

Representatives of the Dep't of Transportation and Public Safety and the Dep't of Public Safety are here to answer any questions.



*Department of Transportation  
and Public Facilities*

# POSITION PAPER

BILL NO: CS SS HB 1

APPROVED: 

TITLE: Motor Vehicle Recycling  
Grant Fund and Fee

DATE: March 31, 1993

The department endorses this bill for it serves to provide a permanent, statewide solution to a widespread problem. With a little coordination it will supplement and continue an abandoned vehicle removal program that this department has administered for nearly 20 years.

The Federal Highway Administration provides that states may use a portion of their federal-aid highway funding for the removal of abandoned vehicles from within and along federal-aid highways. Since inception, the department has paid for the removal of approximately 7,000 vehicles at a cost of about \$500,000. This program has two principal limitations vis-a-vis the program defined in CS SS HB 1; first, it is limited to only federal-aid highways, and second, it may only be used for a one-time removal with the project sponsor obligated to maintain the "clean" status of such highways in perpetuity. The program has been offered to municipalities as a grant program, and the communities of Anchorage, Fairbanks North Star Borough, Matanuska-Susitna Borough, Juneau, Ketchikan, Sitka and Wrangell have participated to date.

Based upon our experience, the average cost of picking up an abandoned vehicle has been a little more than \$70 over the past 18 years; however based upon more recent project costs (since 1991) the per vehicle charge is about \$200. This implies that the Motor Vehicle Recycling Grant Fund will generate funding sufficient to remove approximately 10% of all vehicles registered within the state. This assumes an average life of 10 years per vehicle.

10 years * \$2.00 annual fee	=	\$20.00 per vehicle life
\$20 / \$200 per vehicle to pick up	=	10% of all vehicles removed.

*For Further Information contact Katy McIlueh at 465-3900.*

POSITION PAPERS

BILL NO: CS SS HB 1

TITLE: Motor Vehicle Recycling Grant Fund and Fee

DATE: March 31, 1993

The department, in administering the bill, intends to promulgate regulations addressing the administration of the program. Some method of allocating the funds to municipal entities, based upon such factors as total registered motor vehicles in a jurisdiction, the local cost of recycling, and the estimated number of cars to be picked up would be developed. The objective would be to allocate all available funding on an annual basis, in blocks sufficient to ensure it is used effectively. For example, in a given community it may be best to allocate funding once every 3 or 4 years, rather than lesser amounts annually, given the mobilization and logistic costs associated with the program.

BILL NO: CSSSHB 1

DATE: March 16, 1993

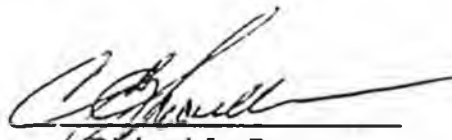
TITLE: "An Act relating to motor  
vehicle registration"

CONTACT: C.E. Swackhammer  
Deputy Commissioner  
465-4322

CSSSHB 1 would amend Alaska's motor vehicle registration law by imposing a \$2.00 fee on each motor vehicle registration or registration renewal. These funds would be available to provide grants to municipalities to recycle junked or abandoned vehicles. The fee would be applied to all vehicles registered except trailers; trailers are not included because the bill addresses "motor vehicles" rather than "vehicles". Registration forms will be revised to indicate the new fee and a new revenue account will be established to identify the fees collected under this bill.

The Division registered approximately 488,937 motor vehicles during 1992.

The Department of Public Safety supports this bill.



Richard L. Burton  
Commissioner

**Resolution of the Alaska Municipal League**

**Resolution No. 93-6**

**A RESOLUTION SUPPORTING FUNDING OF THE ABANDONED MOTOR  
VEHICLE FUND THROUGH A REGISTRATION FEE INCREASE FOR  
ALL VEHICLES AND THE DISBURSEMENT OF THOSE FUNDS  
FOR THE DISPOSAL OF ABANDONED MOTOR VEHICLES**

WHEREAS, there are more than 400,000 vehicles now registered in the State of Alaska, and

WHEREAS, the number of wrecked, junk, and abandoned automobiles has increased dramatically in the past few years, thus placing a severe strain on local municipalities and communities and their ability to dispose of these vehicles in all parts of Alaska, and

WHEREAS, Section 28.11.080 of the Motor Vehicle Laws of Alaska provides for "disposal facilities," and

WHEREAS, Section 28.11.110 of the Motor Vehicle Laws of Alaska provides for an "abandoned motor vehicle fund" and the "disbursement of those funds to municipalities upon presentation of a voucher for payment of services rendered," and

WHEREAS, the fund has not been financed as intended by previous legislatures and provided for within the statutes, and

WHEREAS, the cost of proper disposal of these vehicles as required by the U. S. Environmental Protection Agency regulations now averages considerably more than when the law was first written, thus causing an undue burden on the resources of local governments and communities, and

WHEREAS, there has been very little attention given to the funding of an abandoned vehicle disposal program on a statewide basis;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League urges the Alaska Legislature and the Governor to pass legislation to authorize an increase of \$5.00 per vehicle in the registration fee for all vehicles registered in the State of Alaska.

MAR 30 1993

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To John Peterson	From Develan	
For Gail Phillips Office	Co KPB Clerk's Office	
Dept.	Phone # 262-8608	
Fax # 465-3472	Fax # 262-8615	

Introduced by: Torgerson,  
Glick, Reilly  
Date: 03/02/92  
Action: Adopted  
Vote: Unanimous

KENAI PENINSULA BOROUGH  
RESOLUTION 93-21

**A RESOLUTION SUPPORTING STATE LEGISLATION RELATING TO  
MOTOR VEHICLE RECYCLING REGISTRATION FEES**

**WHEREAS,** HB 1 has been introduced in the State Legislature creating a Motor Vehicle Recycling Grant Fund and requiring the collection of a \$2.00 recycling registration fee to provide revenue for the program; and

**WHEREAS,** abandoned and junk vehicles can be found littered throughout Alaska; and

**WHEREAS,** municipalities do not generally have excess funds to deal with the collection and recycling of these vehicles; and

**WHEREAS,** these vehicles frequently have batteries and motor oil that tend to leak when left to degenerate over the years, and have the potential for ground water contamination; and

**WHEREAS,** the recycling and reuse of the scrap metal is the most beneficial use of this resource; and

**WHEREAS,** recycling eliminates the need to occupy valuable and costly landfill space; and

**WHEREAS,** it is appropriate for users to pay for the eventual recycling of automobiles;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**Section 1.** That the Borough Assembly supports and urges passage of House Bill 1, creating the Motor Vehicle Recycling Grant Fund.

**Section 2.** That the Borough Assembly encourages the legislature to make the annual appropriation of revenue collected from this program to the Motor Vehicle Recycling Grant Fund.

**Section 3.** That the Clerk shall send copies of this resolution to Governor Walter Hickel, Senators Suzanne Little, Judith Salo, Georgiana Lincoln, and Fred Zharoff, House Representatives Gail Phillips, Mike Navarre, Gary Davis, Irene Kay

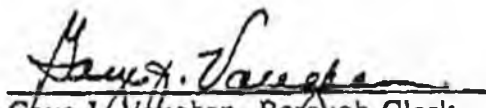
Nicholia and Cliff Davidson; and to the House State Affairs Committee.

Section 4. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS  
2nd DAY OF MARCH 1993.

  
Betty J. Glick, Assembly President

ATTEST:

  
Gaye J. Vaughan, Borough Clerk



# Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-463-3366

## TESTIMONY HB 1 Motor Vehicle Recycling Fund

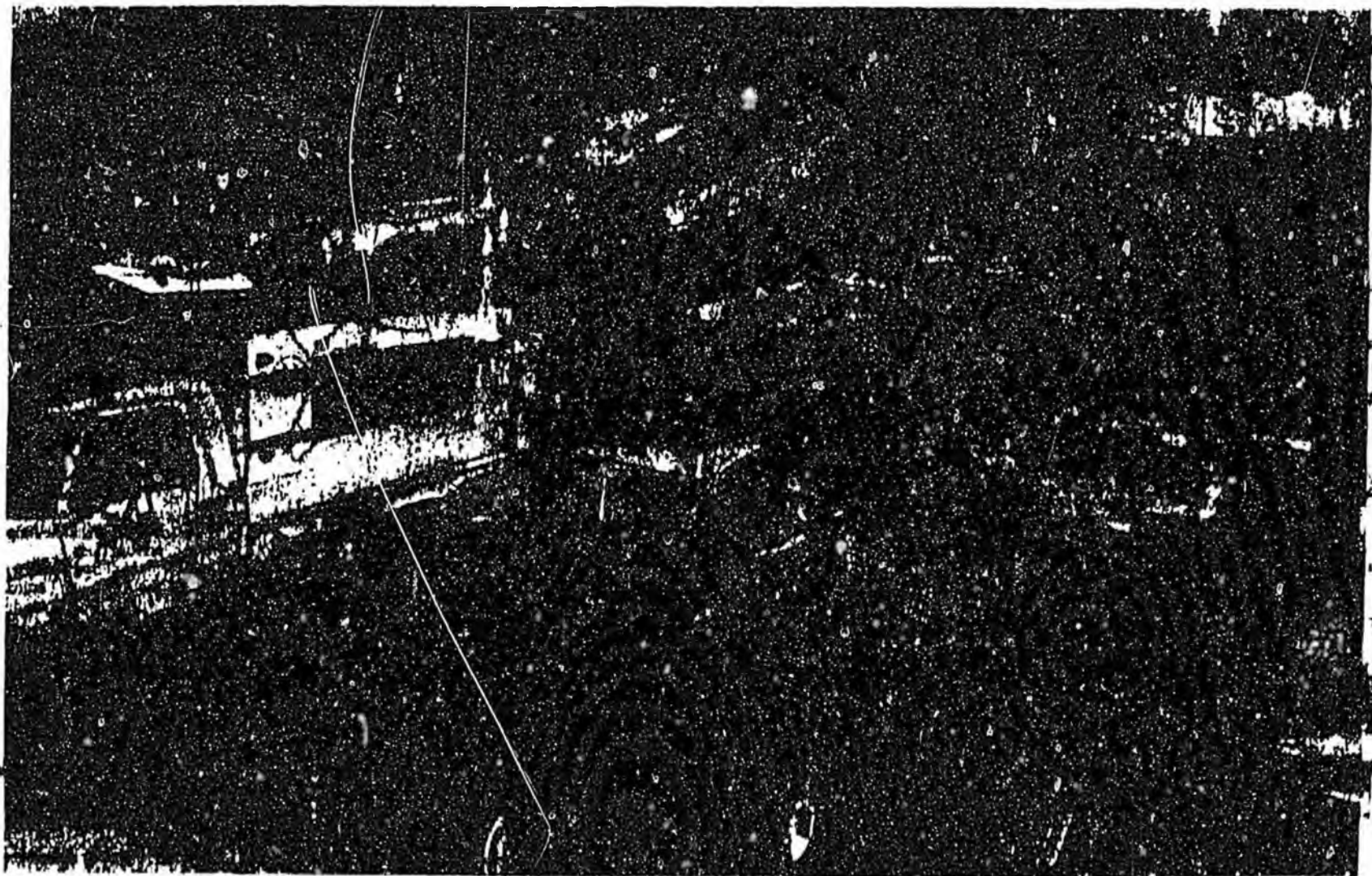
Mr. Chairman and members of the committee, my name is Irene Morris. I am from Juneau and I am presently a volunteer with the Alaska Environmental Lobby. The Lobby is a coalition of 20 Alaskan environmental groups.

The Alaska Environmental Lobby supports HB 1, an act establishing a motor vehicle grant fund. This act would help ensure that junked and abandoned cars and trucks would be removed from state and municipal roadways. HB 1 would help relieve us of one of our more visible solid waste problems, as well as the potential safety and hazardous waste dangers which accompany these vehicles. It would also aide in keeping reuseable scrap metal out of our landfills.

Thank you.  
3/30/93



JUNEAU EMPIRE  
4/6/92



**Cars at E&L Auto:** Increased freight costs and a dramatic drop in the prices paid for recycled metals have made it unprofitable to dispose of junkers for free

Apr 9, 1992 Juneau  
EMPIRE

# Junk-car problem keeps piling up

# Junk-car problem keeps piling up

By ANNABEL LUND

THE JUNEAU CHAPTER

Junked cars abandoned along roadsides, park lands and on private property are unsightly, dangerous and an expensive headache for government officials and private landowners alike.

"It's a pretty discouraging problem. Sometimes I think people's cars break down and they just walk off and leave them for us to clean up. It's just plain irresponsibility," said Debra Purves, environmental and zoning inspector for the city-borough.

Purves is charged with disposing of the 50 or so vehicles abandoned on municipal property and state rights of way each year. It's a complicated process involving more than just calling - and paying - a wrecker to haul the junker away. She also has to track down the last registered owner, advertise her intent to impound the vehicle and try to determine who dumped the wreck to cite them for littering.

Private property owners who find abandoned vehicles on their land must dispose of the junkers.

"It can be irritating for private property owners to find out they have to pay to get rid of someone's abandoned vehicle. Anyone who owns a big parking lot - mall owners for example - can have a real

"It's a pretty discouraging problem. Sometimes I think people's cars break down and they just walk off and leave them for us to clean up. It's just plain irresponsibility."

- Debra Purves, environmental and zoning inspector

problem. They call up to complain that a car has been abandoned in their lot and I have to tell them it's their responsibility to remove it," Purves said.

The number of abandoned vehicles on private and public property has increased since the bottom dropped out of the metals recycling market, causing businesses that had accepted junked cars for free to charge for the service, Purves said.

It costs between \$25 and \$75 to get rid of a junked vehicle at the two businesses in Juneau that accept them: E&L Auto and Channel Sanitation Corp. That's still cheaper than the \$200 fine for littering that vehicle owners may be asked to pay if Purves can catch them.

Legally, the registered owner is responsible for disposing of the car properly, no matter who may have bought the vehicle without transferring the title or who actually abandoned the car or truck, she said.

Even if you do find the last reg-

istered owner, they'll tell you, "Oh, I sold it to so-and-so," or "I gave it to so-and-so." They pass the buck and it can be pretty aggravating. Of course, those excuses are probably true most of the time. That's why it's so important for people to follow up on the legal paperwork when they sell or give their cars away," she said.

The vehicle's last registered owner is tracked down using the vehicle identification number that may be found on a couple of places on every vehicle.

The police department's litter officer helps Purves track down the owners, but she estimates only about 5 percent are ever found.

The city-borough spends about \$4,000 to \$6,000 a year getting rid of the worst offending vehicles, but that covers only a few each month.

"They show up everywhere. It's a case of out of sight out of mind for people. There is no particular season for dumping junked cars," Purves

said.

The city-borough has received some financial help this year to clean areas of junked cars through the federally funded Abandoned and Unusable Vehicle Removal Program, operated in conjunction with the state Department of Transportation and the Federal Highway Administration. The program pays for the removal of junked automobiles from private public property within 1,000 feet of the federal highway system.

The program started last July and ends in mid-July this year.

The roadways included in the one-time program are Egan Drive, Front Cove and Thane roads, North Douglas and Glacier highways, Industrial Boulevard, Mendennan Loop and Back Loop roads. To remove a vehicle on private land under the program, the municipality must receive a written request from the registered owner.

Clearing away wrecked vehicles and other trash dumped on state land is the responsibility of the state Department of Natural Resources, said Andy Pekovich, manager of the agency's Division of Land Stewardship.

Pekovich said trying to track down those responsible for abandoned vehicles can be a headache not worth the trouble.

Please turn to Cars, Page 2

## Cars...

Continued from Page 1

"Every once in awhile we have to clean up junkers from the Montana Creek area. We tried to run down the owners, but it became such a big thing we finally just ended up paying to have them hauled away. It's a pain for the public to have to pay to remove someone else's junk, but it hasn't become a big problem for us yet," Pekovich said.

Increased freight costs and a dramatic drop in the prices paid for recycled metals have made it unprofitable for companies to continue to collect and dispose of junked automobiles for free.

It costs \$25 to drop off junked vehicles at Channel Corps, but it isn't that easy. The gas tank must be removed or cut open and drained by the owner, the oil, transmission fluid and battery also must be taken out before Channel will accept the car. And if Channel workers are required to ready the vehicle for crushing and shipment out of state, vehicle owners are charged \$55 an hour for the work.

The landfill receives 10 to 12 junked autos a month.

E&L Auto charges about \$75 for automobiles dropped off at their Crazy Horse Drive garage. Workers there prepare the vehicles for shipment outside. The company takes in about 50 junkers a month.

Vehicles considered hazardous to traffic are the responsibility of law enforcement agencies - the Alaska

State Troopers if they are left in trooper territory north of Brotherhood Bridge, and the Juneau Police if the vehicles are left in areas under city-borough jurisdiction.

Police Officer Mike Tagaban, who previously supervised the department's litter-enforcement efforts, said the police impound about five vehicles each month.

The state troopers remove 10 to 15 junked automobiles each year from Juneau highways, said Trooper 1st Sgt. John Clayman.

"But the state doesn't budget any money for impounding abandoned cars, so unless it's stolen or we can find the owner and make him remove it, sometimes all we can do is just push it out of traffic and into a ditch. It could end up costing us hundreds of dollars for old wrecks if we had them towed and impounded and we just don't have the funding," Clayman said.

The situation is one most Southeast communities share, said Clayman, who was stationed in Ketchikan before being transferred to Juneau.

"It's a problem everywhere in Southeast. There's just no place to put them. It's expensive and I don't know anyone who has a solution to it," he said.

The Southeast Conference, an organization composed of municipalities and chambers of commerce, is trying to develop some sort of plan to assist communities. The group last year received a \$50,000 grant from

the state Department of Environmental Conservation to identify the area's most pressing garbage problems and to look for a plan for areawide collection and cost-sharing.

Junked cars, waste oil, scrap metal, household hazardous waste, tires and batteries were cited as the most difficult products for small towns to get rid of, said Southeast Conference executive director Jim Kohler.

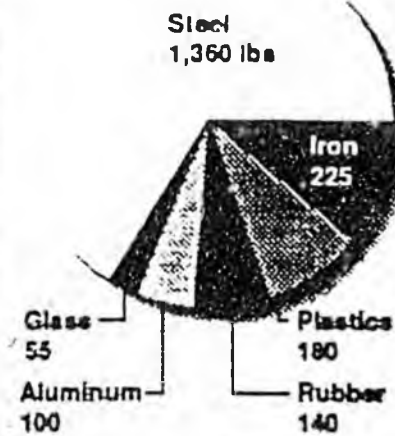
"Small communities don't generate enough material and don't have the fiscal ability to get rid of the stuff, but on a regional basis we think we can work out a system to make it cost efficient. The idea is to have communities collect and process the materials - it's called dock-side ready - and contract with a private company to collect it on a regular basis," Kohler said.

The Southeast Conference last week received an additional \$50,000 from the state for further work.

Meanwhile, Purves supports legislation sponsored by Homer Rep. Gail Phillips that would raise the state's annual vehicle registration fee by \$2 to provide money for municipalities to defray the cost of recycling junkers.

Because the price of recycled metals has dropped so low, cities are ending up having to pay to recycle junked autos. In some places like Anchorage where they pick up 2,500 vehicles a year, it can be very expensive. This is a way to help municipalities in that recycling effort, said Rep. Jordan, an aide to Phillips.

## Reusing cars



Estimated amount of recyclable materials in a 2,400 lb. vehicle.

Source: Motor Vehicle Manufacturers Association

The New York Times

# Germans move toward auto recycling laws

By TAMARA JONES  
Los Angeles Times

BONN, Germany — Good to the last drop is a slogan that may soon apply to Mercedes and Porsches under proposed laws that would require Germans to recycle their cars.

With already overburdened dumps growing more and more toxic by the year, Germany's Environmental Ministry is pushing for regulations to hold automakers responsible for their product from showroom to scrapheap.

If approved by the various ministries and the Cabinet, the recycling law could go into effect by next spring, forcing manufacturers to take back their cars

free of charge when the vehicles are ready for that proverbial auto-ban in the sky.

The reforms are considered just the first step toward sweeping legislation that could eventually affect a wide range of goods, from batteries to electronic products.

"If they know they'll have to be responsible for what they produce until the end of its so-called life cycle, then they'll already be thinking about recycling when products are in the

It could lure people into thinking that cars are environmentally friendly, as long as you can recycle their parts. How to deal with the pollution caused by auto plants and the forest-killing emissions from driving cars could

the back burner. We need to be thinking about a future without private cars altogether. ♪

— Wolfgang Heri  
Alliance 90-Greens Party

said. *Wolfgang Heri* is a spokesman at the Environmental Ministry.

Oddly enough, it is the environmental movement — not the auto industry — expressing ambivalence about the idea.

"It could lure people into thinking that cars are environmentally friendly, as long as you can recycle their parts," said Wolfgang Heri of the Alliance 90-Greens Party. "How to deal with the pollution caused by auto plants and the forest-killing emissions from driving cars could end up forgotten on the back burner."

"We need to be thinking about a future without private cars altogether," he said.

Although hearings on the car-recycling proposal are not expected to begin until late fall, no cry of alarm has been sounded yet from the country's powerful automobile industry, which has had some voluntary recycling programs in effect for years.

"We're going to have a meeting on the proposal later in the month and come up with a unified response," said Petra Mai of the Automobile Industry Association.

"What they're talking about is technically possible," she said, "but the proposal doesn't answer important questions like what condition the car must be in to be reclaimed, and how this should be administered."

The cost of recycling a car would vary, but it is expected to run at least \$500 per vehicle. Currently, the government requires Germans to have their cars examined every two years to confirm they are still roadworthy. Vehicles that fail must be taken off the road — either by sale to used-car dealers or by paying a junkyard about \$75 to \$100 to take them. Cars in Germany have an average life span of 10-12 years.

Cars would be exempted from the new laws if the cost of disposing of them exceeded the value of recycled materials, or if damage from a wreck made it too expensive or difficult to salvage.

Several manufacturers, including Volkswagen and Mercedes-Benz, already have initiated voluntary recycling programs and pilot projects to determine the most effective way to squeeze every last ounce of reusable material from a car that once would have simply landed on a junk pile.

Mercedes, which counts 10,000 separate components in a mid-class car, already uses recycled newspapers to make glove compartments and refines old brake fluid into cleansers.

About 75 percent to 80 percent of the metal parts in the average junked car already are recyclable, experts say.

The real concern, though, is what's left over after the vehicle has been shredded.

"Synthetic materials, like plastic, pose the biggest problem," Koelschbach said. Many of these materials cannot be burned or chemically destroyed because of toxins they would release, but left alone in a dump, this waste also can contaminate soil.

The amount of synthetics — valued by the industry for durability and low cost — has been steadily rising in new car production, from 29 percent in 1979 to 40 percent last year.

Since 1984, the industry has been required to identify each synthetic material used to make their disposal safer.

**State of Alaska  
Department of Environmental Conservation  
Pollution Prevention Office  
3601 C Street #1324  
Anchorage, AK 99503**

**AUTOMOBILE BODIES**

*(For Alaska Buyers see Section III "Statewide Recycling Centers")*

**ABC Recycling**

8081 Meadow Ave  
Burnaby, B.C.  
Canada, V3N 2V9

**Pacific Metals**

8360 Ontario St.  
Vancouver, B.C.  
Canada, V5X 3E5  
(604) 327-1148  
Joal Lotzker

**Puget Sound Iron and Metals**

2955 11th SW  
Seattle, WA 98134  
(206) 767-5179  
Frank Journey

**Seattle Iron and Metal**

2955 11th Ave. SW  
Seattle, WA 98134  
(206) 682-0040

**Skagit River Steel and Recycling**

P.O. Box 376  
Burlington, WA 98223  
(800) 869-7097

**The Purdy Company**

2929 SW Florida St.  
Seattle, WA 98124  
(206) 932-0992

## SECTION III: STATEWIDE RECYCLING CENTERS

*Reader's Note:* Contact the recycling center in your area prior to dropping off recyclables. Market conditions can be unstable, sometimes forcing centers to cut back on what materials are accepted and prices provided at buy-back centers. This listing is not an endorsement by ADEC. Please note that the listing may not be complete. Contact names, addresses and phone numbers may have changed after this printing. Please use the Correction & Addition form on page 44 to make any corrections.

LOCATION	ORGANIZATION/BUSINESS	SERVICES PROVIDED	COLLECTION LOCATION	CONTACT	PHONE
Anchorage	Alaska Metals Recycling	steel, non-ferrous metals, appliances, car bodies	97th & King	Leo or Liada	349-4833
	Alaskans for For Litter Prevention and Recycling (ALPAR)	recycling information and resources	P.O. Box 231231 Anchorage, 99523	Audrey Lee	272-9326
	Alaska Pollution Control POB 110374, Anchorage 99511	used oil recycling	10620 Old Seward Hwy.		344-5036
	Anchorage Recycling Center (ARC) (call regarding other services and programs offered)	aluminum cans, newspaper, office paper cardboard, glass, plastic milk jugs copper, brass, scrap aluminum	6161 Rosewood St.	Tom Turner	800- 478-2267
	ARC Satellite	aluminum cans, newspaper, glass plastic jugs	54th and Juneau	Tom Turner	800- 478-2267
	* Asset Recovery	Full Service Recycling	3237 Mountain View Drive	Jim Myers	279-1446
	* Mobile Metals	non-ferrous metals	pick up		277-7777
* Standard Steel & Metals Co.	non-ferrous metals, aluminum cans	2400 Railroad Avenue		272-8558	
Barrow	Ipalook Elementary School	aluminum cans	Ipalook Elementary School	Lois Lamoreaux	852-4711
Bethel	Allen Auxier "Can Man"	aluminum cans	Box 1054 Bethel, Ak. 99559	Allen Auxier	543-2273
Clam Gulch	Box 148, Clam Gulch, 99568 Recycling Co.	non-ferrous metals	Mile 115.8 Sterling Hwy.	Bob Hatten	262-5767
Coopers Landing	Anchorage Recycling Center	aluminum cans, glass, newspaper	Old Fire Station	Tom Turner	800- 478-2267

5-30-93 : 2:35PM : CONTAMINATED SITES-

SENT BY:

LOCATION	ORGANIZATION/BUSINESS	SERVICES PROVIDED	COLLECTION LOCATION	CONTACT	PHONE
Deering	City	aluminum cans, styrofoam packing	call for information	Michael Moore	363-2136
Eagle River	Anchorage Recycling Center	aluminum cans, newspaper	Easy Street/behind Cbejo's 10:00-2:00 Sat.	Tom Turner	800-478-2267
Fairbanks	Fairbanks North Star Borough	cardboard recycling information	Call for information	Sharon Grose	459-1321
	Good Sense Recycling Group 218 Driveway, FBX 99701	general recycling information	218 Driveway	Deborah Koons	455-6024
	Alaska Solid Waste	cardboard, aluminum, paper, glass, plastic jugs	400 Sanduri Road	Ralph Bartlett	452-1372 451-1517
	* K & K Recycling	Ferrous, non-ferrous	8.6 Old Richardson Hwy.		488-1409
Gustavus	Community	aluminum, glass, steel cans	Bins near small boat harbor	Rita Wilson	697-2245
Homer	Kenai Peninsula Borough	newspaper, cardboard glass, aluminum	Eagle Quality Center/ Landfill	Bob Pollard Kathy Mayer	235-6678 262-9657
Juneau	Auke Bay Cars	aluminum cans	14 Mile Glacier Hwy.		789-9407
	E&I. Auto	cars batteries, appliances, non-ferrous scrap iron, cardboard (no wax)	1005 Crazy Horse Drive	Ralph Burkhardt	790-CANS
	* Channel Sanitation	glass, large home items, cars batteries	(Lemon Creek) 5600 Tongass Ct.		780-4288
	Bazzel's Economy Printing	Toner cartridges, print ribbons,	Pick Up		789-2230
	Juneau Empire	newspaper	3100 Channel Drive		
	Jaws IV A Student Enterprise Juneau 2000 Foundation	aluminum cans	Price Plus 5165 Glacier Hwy.	Bill Lynn and Devin Jones	789-1062
	Mendenhall Flying Lions Club	white paper	Fred Meyers	Neil Atkinson	789-9179
	North Tongass Salvage	aluminum, metal, steel cans	variety of drop-off locations		789-7340
	Paper Chase Recycling Co.	paper	call for information	Michael Butler	780-4400

5-30-93 2:36PM CONTAMINATED SITES

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3

12 10

3-30-93 2:37PM CONTAMINATED SITES

LOCATION	ORGANIZATION/BUSINESS	SERVICES PROVIDED	COLLECTION LOCATION	CONTACT	PHONE
	Pay-n-Save	plastic bags	Nugget Mall		789-2111
	Southeast Copy Supply	toner cartridges/will refurbish for reuse	9538 Talon Blvd.	Joan Harvey	789-3758
Kenai	Central Peninsula Community Recycling	glass, cardboard, newspaper, office paper	Borough Building	Peggy Mullen	262-7715
	Kenai Peninsula Borough	aluminum, glass, paper, cardboard	Soldotna Landfill	Kathy Mayer	262-9657
	Kenai Peninsula Recycling	all metals	Kalifornsky Road		283-4312
Ketchikan	Revilla Recycling	Paper, cans, glass, plastics Terminal	Saxman Seaport	Dick Allen	225-3101 247-9454
Kodiak	Kodiak Island Borough 710 MBI Bay Rd, Kodiak, 99615	aluminum cans, glass, baler at landfill	Bins located Bayside Grocers, Safeway, City Library, Bell Flats	Ray Camardella	486-5736
Mat-Su	Valley Refuse and Recycling	aluminum cans, all recyclable paper, cardboard, glass, plastic milk jugs, copper, brass, scrap aluminum	49 Mile Parks Hwy., behind Seven/Eleven	Dorothy Attwood	376-3663
Moose Pass	Katie Toth-Stanble Box 564, Moose Pass, 99631	aluminum cans	Mile 29 Seward Hwy.	Katie Toth-Stanble	288-3631
Palmer	Chemron Alaska Box 110374, Anchorage 99511	used oil	Hannan St.		746-0399
Petersburg	Boy Scouts Box 371, Petersburg, 99833	aluminum cans	Main and Gjon ballfield	Ken Elmore	772-3841
Seldovia	Kenai Peninsula Borough	cardboard, glass, aluminum, paper	S.O.S. Office		234-7400
Seward	Seward Community Recycling Action Program (SCRAP)	aluminum cans, other scrap metals, all paper, cardboard, newspaper	Bob's Market mile 2/ aluminum can bins in many locations	Carol Griswald	224-5620
Sitka	City & Borough of Sitka	aluminum cans, glass, plastics, other aluminum	Bins at: Sea Mart, Blatchley Middle School, rec. area at Granite Creek General Store	Larry Harmon	747-3294

4

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SENT BY : 3-30-93 : 2:36PM : CONTAMINATED SITES

LOCATION	ORGANIZATION/BUSINESS	SERVICES PROVIDED	COLLECTION LOCATION	CONTACT	PHONE
Skagway	Gary Hansen	aluminum cans, non-ferrous metals	call for info	Gary Hansen	983-2609 983-2944
Soldotna	Central Peninsula Community Recycling	glass, cardboard, newspaper, office paper	Fred Meyers	Peggy Mallen	262-7715
	Kenai Peninsula Borough	aluminum cans, glass, all paper cardboard	Soldotna Landfill-cardboard & drop off locations	Kathy Mayer	262-9657
Statewide	Pay N Save Stores	plastic bag recycling	all stores	contact nearest Pay N Save	
Thorne Bay	Community	aluminum cans	call for information	Don Hadlock or Coy Lester	828-3340 828-3973
Valdez	Alaska Pipeline Service Co/ PW Sound Conservation Alliance	call for information	call for information	Gary Moore	835-6035
Wasilla	Anchorage Recycling Center	aluminum cans, newspaper	Car's parking lot 10:00-2:00 Sat.	Tom Turner	800- 478-2267
Western Alaska	"Flying Cans program"	aluminum cans	40 communities	Tom Turner	800- 478-2267
	"Can Do Kids Program"	aluminum cans		Tom Turner	800- 478-2267
Yakutat	Community	aluminum cans		Skip Johnson	784-3323

5

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To	David Wignersworth	From	Matt Eddy
Co.		Co.	
Dept.		Phone #	
Fax #	562-4026	FAX #	464. 5097

**Resources:  
Automobile Bodies**



• BG Distributors  
P.O. Box 102896  
Anchorage, AK 99501  
1-800-478-8005

• Cash's Filtration  
340 East 76th Avenue  
Anchorage, Alaska 99518  
(907) 349-7649

• Century Mfg. Co.  
9251 Penn Avenue South  
Minneapolis, MN 55431  
(800) 328-2921



• Evergreen Antifreeze Recycling  
P.O. Box 203153  
Anchorage, AK 99520  
(907) 229-1431

• First Brand—Antifreeze Recycling  
(203) 731-8109

• Kleen-Flo Co.—Antifreeze Recycling  
(800) 328-7942

• Wynn Oil Co.—Antifreeze Recycling  
(818) 394-0231

**AUTOMOBILE BODIES** (X)  
(For Alaska Buyers see Section IV "Statewide Recycling Centers")

① ABC Recycling  
8081 Meadow Ave  
Burnaby, B.C.  
Canada, V3N 2V9

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8075085381 A. D. E. C. - S. C. R. O. : # 2

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**Pollution Prevention Resources:  
Battery Recycling**

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- 2 **Pacific Metals**  
8360 Ontario St.  
Vancouver, B.C.  
Canada, V5X 3E5  
(604) 327-1148  
Joel Louzker
- 3 **Puget Sound Iron and Metals**  
2955 11th SW  
Seattle, WA 98134  
(206) 767-5179  
Frank Journey
- 4 **Seattle Iron and Metal**  
2955 11th Ave. SW  
Seattle, WA 98134  
(206) 682-0040
- 5 **Skagit River Steel and Recycling**  
P.O. Box 376  
Burlington, WA 98223  
(800) 869-7097
- 6 **The Purdy Company**  
2929 SW Florida St.  
Seattle, WA 98124  
(206) 932-0992

**BATTERY RECYCLING**

**ABS Alaska Battery Recycling**  
2128 Van Horn Rd.  
Fairbanks, AK 99707  
(907) 452-2002

**Battery Specialist of Alaska**  
*Battery Recycling*  
1939 East 5th Avenue  
Anchorage, Alaska 99501  
(907) 276-5251



**FISCAL NOTE**

Revision Date: 03/30/93 Department Affected: DOT&PF  
Title: Motor Vehicle Recycling Grant Fund and Fee BRU: E&OS Division

Sponsor: Rep. Phillips Component:  
Requestor: Rep. Phillips Component Serial Number:

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	11.5	23.0	23.0	23.0	23.0	23.0
TRAVEL	2.0	3.5	3.5	3.5	3.5	3.5
CONTRACTUAL	8.0	16.0	16.0	16.0	16.0	16.0
SUPPLIES	1.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING:</b>	<b>22.5</b>	<b>44.5</b>	<b>44.5</b>	<b>44.5</b>	<b>44.5</b>	<b>44.5</b>

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

**FUNDING: (Thousands of Dollars)**

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	22.5	44.5	44.5	44.5	44.5	44.5
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL FUNDING:</b>	<b>22.5</b>	<b>44.5</b>	<b>44.5</b>	<b>44.5</b>	<b>44.5</b>	<b>44.5</b>

**POSITIONS**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$0

**ANALYSIS: (Attach a separate page if necessary)**

The bill would require initial expenditures to adopt the implementing regulations. Thereafter, the management of the grant program would require on-going coordination and outreach to numerous municipal entities. See page 2 for details.

Prepared by: Jeffery C. Ottesen

Phone: 465-2951

Division: Engineering & Operations Standards

Date: March 30, 1993

Approved by Commissioner: *Frank G. Turpin*

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: March 18, 1993

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ANALYSIS (cont. from page 1):

Note--this fiscal note assumes the per vehicle charge will be \$2 per vehicle, and that a total of 488,937 or more vehicles will be subject to the annual fee. Based on this assumption, the program will generate approximately \$977,874, of which we propose allocating approximately 4.5% to grant administration and oversight. If the fee were increased to \$5 per vehicle, the administrative cost could be reduced to about 2.5%.

The funding requested in FY 1994 is lower based upon the mid-year effective date. As the program got underway, the staff time would be used administer the grant, including soliciting then reviewing applications, discussing issues with municipal officials, and allocating grants on periodic basis during the fiscal year. We would envision two grant cycles per year, one allocated in late winter to allow municipalities to marshal their resources for a spring removal effort, and a second grant cycle in early summer, for additional efforts in later summer and early fall.

In the interest of the public we believe some nominal level of auditing in the field would be beneficial as this program would be allocating \$0.93 million per year. Our first level of reviews would involve asking maintenance superintendents how the cleanup was going in a given community. If their observations don't confirm what the grantee is indicating, we would follow-up with a field visit and/or audit of the grantee's records. The need for periodic audits and or legal involvement from the Dept. of Law is the basis for the continuing level of contractual services.

In some areas of the state, it may be beneficial if the program coordinator created a multi-jurisdiction contract with a crusher/hauler which they could utilize under a term contract arrangement. This would be particularly beneficial in coastal communities and river communities of the state, but would have statewide applicability. Such an approach would provide economy-of-scale benefits, thereby increasing the effectiveness of the overall program.

No new positions are requested to administer this program. An existing PCN, which has historically administered the federal-aid vehicle clean-up program, would be used to manage the program.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

ILL NO: CSSSHB 1

Revision Date: 3/16/93 Dept. Affected: Public Safety  
 Title: "An Act relating to motor vehicle registration" BRU: Motor Vehicles  
 Component: Field Services  
 Sponsor: Representative Phillips  
 Requestor: Representative Phillips COMPONENT SERIAL NO. 502

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	7.5	0	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>7.5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL</b>						
<b>REVENUE FUND SOURCE: 1004</b>	<b>489.0</b>	<b>997.9</b>	<b>997.9</b>	<b>997.9</b>	<b>997.9</b>	<b>997.9</b>

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.5	0	0	0	0	0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>7.5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared By: Juanita Hensley Phone: 465-4361  
 Division: Motor Vehicles Date: 3/16/93  
 Approved by Commissioner: *Richard A. Burton* Date: 3/15/93  
 Agency: Richard A. Burton, Dept. of Public Safety

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These funds are required for 100 hours of contract programmer time to revise all registration programs to collect the new fees and to revise all revenue reports so that the fees are correctly reported to AKSAS. This is a one-time expenditure only for the first year of the program.

Revenue fund source at \$2.00 per registration.

FY94 (6 months)	FY95	FY96	FY97	FY98	FY99
489.0	997.9	997.9	997.9	997.9	997.9

Revenue fund source at \$5.00 per registration.

FY94 (6 months)	FY95	FY96	FY97	FY98	FY99
1222.5	2445.0	2445.0	2445.0	2445.0	2445.0

This is based on a total of 488,937 motor vehicles registered in Alaska. These totals exclude commercial trailers, trailers, vehicles registered in the state but physically located in other states, and snowmachines.

**HB**

**61**



**Public Safety Employees Association, Inc.**

**"Representing Alaska's Finest"**

**1569 S. Bragaw #201, Anchorage, AK 99508**

**(907) 337-1979**

**Fax (907) 337-1753**



**International Union of  
Police Associations  
Local 92 AFL-CIO**

February 17, 1993

Representative Jim Nordlund  
State Capital  
Juneau, AK 99801-1182

Dear Representative Nordlund,

I would like to commend you on your sponsorship on HB61. This legislation is long overdue and I wish you success in your endeavor to further the safety and welfare of the citizens of Alaska.

As President of the Public Safety Employee's Association, I represent law enforcement officers working throughout the State of Alaska. We fully endorse this proposed legislation. It would not only assist law enforcement officers with their responsibilities, but would take another step towards getting Alaska's most dangerous and lethal drivers off the roads.

It is readily apparent that the current regulations do not go far enough. At a .08 alcohol level drivers are extremely dangerous. Their vision is impaired, their reactions are slowed and they are more inclined to take risks. A .10 limit is just too high. We as citizens of the State of Alaska need this legislation. Our lives may depend on it. If there is any assistance our Association can provide in seeing HB61 prevail, don't hesitate to call. Good luck and thank you for your hard work.

Sincerely,

Keith Perrin  
President

RECEIVED

FEB 22 1993

Ans'd.....

Representative Richard Foster  
Chairman, Transportation Committee  
State Capitol  
Juneau, Alaska

February 25, 1993

Dear Representative Foster,

I support HB 61, lowering the BAC to .08 as the legal limit to drive as a short-term control over a much more fundamental problem- the public attitudes toward alcohol use and abuse. It is one piece of a larger plan which looks at reducing injuries and deaths from motor vehicle crashes. Alcohol increases the odds that a crash will occur and increases the severity of injury when it does occur. In Alaska, the most severe injuries occur among young drivers between 16-24 years old who have been drinking. The demand for state services to pick up the pieces from these injuries is astounding. If this deters even one person from taking that fifth drink, it saves the state thousands of dollars.

The most evidence supporting the lowered BAC limit, rests with the effect on adolescent involvement in alcohol-related fatal crashes. Though this legislation targets all drivers, the effect on youth may be most effective. In a 1991 study done in Anchorage Emergency Rooms, the leading cause of injury and death for adolescents from 14-19 years old was motor vehicle crashes. Though impaired driving occurs with any alcohol content in the body, this legislation lowers the limit of how much alcohol the community will accept. It recognizes the magnitude of the problem and sends a message that Alaskans need to sober up for the privilege of driving a motor vehicle.

Joan Diamond  
Department of Health and Human Services  
Community Health Education/Injury Prevention  
Anchorage, Alaska

Post-It™ brand fax transmittal memo 7871 # of pages 1	
To Jim Nordmark	From Joan Diamond
Co. Uta Dennis	Co. MOA
Dept.	Phone # 943-4603
Fax # 465-2108	Fax # 258-6329



# ALASKA STATE MEDICAL ASSOCIATION

107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2662

March 30, 1993

Representative Jim Nordland  
House of Representatives  
State Capitol  
Interdepartmental Mail Stop: 3100  
Juneau, AK 99801-1182

Dear Representative Nordland:

Thank you for sponsoring House Bill 61. This bill would lower the legal limit of alcohol to 0.08 per cent for operating motor vehicles. This bill has strong support in the medical community, and we will assist you in any way we can to help with its passage. If the medical association can be of any assistance on this bill, do not hesitate to contact us.

Sincerely yours,

Donald R. Lehmann, M.D., A.B.F.P.  
Chairman, Legislative Affairs Committee  
Alaska State Medical Association

DRL:bj



## National Transportation Safety Board

Washington, D.C. 20594

December 28, 1993

Office of the Chairman

Honorable Jim Nordlund  
Alaska House of Representatives  
716 W. Fourth Avenue, #240  
Anchorage, Alaska 99501-2133

Dear Representative Nordlund:

This is in response to your recent letter to former Safety Board Chairman James Kolstad, regarding your legislation to reduce the blood alcohol concentration (BAC) from 0.10 percent to 0.08 percent that is now pending before the Finance Committee. I would like to share with you the conclusions of the National Transportation Safety Board based on its research and accident investigation experience.

There is considerable research that demonstrates measurable adverse effects of alcohol on performance, even at low BACs. An October, 1992 report to Congress by the National Highway Traffic Safety Administration concluded:

The scientific literature clearly documents the detrimental effects of alcohol on driver performance. There is no threshold for alcohol impairment, i.e. there is no lower level at which impairment starts, or below which no impairment is found . . . . Safety considerations and scientific evidence will support lowering the acceptable level to whatever the legislature chooses, down to any measurable BAC.

This finding has been supported by studies completed as early as 1950 which documented that the impairment threshold of a drivers' ability to drive occurs at concentrations of 0.035 to 0.040 percent. Many other, more recent, studies have confirmed this finding, and have documented impairing effects at lower concentrations.

The 1977 study by H. Laurell, "Effects of Small Doses of Alcohol on Driver Performance in Emergency Traffic Situations," found effects on driver performance at BACs below 0.05 percent, studied in two contexts: (1) in a critical car-driving situation involving emergency braking and evasive maneuvers, and (2) in a "surprise" situation that followed the first situation and involved the sudden appearance of a human-shaped obstacle blocking the roadway. Overall, detrimental effects of alcohol at an average BAC as low as 0.042 percent were found.

Other studies substantiate performance impairment at very low BACs. For example, in an article published in 1970, "Alcohol Disturbance of Visual Acuity for Moving Objects," H. Honneger stated that the ability to distinguish close, but separated, moving objects seems to be consistently impaired at BACs sometimes as low as 0.03 percent. C. E. Billings and R. L.

Honorable Jim Nordlund  
Page 2

Wicks, in a report prepared for the FAA ("Effects of Alcohol on Pilot Performance during Instrument Flight," FAA-AM-72-4), stated that the ability to divide attention between tasks can be impaired at very low BACs (0.02 percent). Earlier (1964) findings by O. Gruner et. al., also concluded that very low BACs impair the ability to divide attention between tasks. Further studies (H. Franks et.al., "The Relationship Between Alcohol Dosage and Performance Decrement in Humans," Journal of Studies on Alcohol, 1976) indicate that the ability to stand upright without swaying begins to decrease significantly at a BAC as low as 0.04 percent.

The American Medical Association and the National Safety Council's Committee on Tests for Intoxication, have developed a table that places the effects of a BAC of 0.03 percent in the "euphoria" range. The behavioral symptoms of this level of intoxication include increased self-confidence, decreased inhibitions, loss of efficiency in finer performance tests, and diminution of attention, judgment, and control. These symptoms were expressly characterized as not compatible with the safe operation of motor vehicles.

Further, a 1985 study by Dr. Herbert Moskowitz shows evidence of impairment on divided attention and information processing tasks beginning at a BAC as low as 0.015 percent. At a 1987 international conference, Dr. Moskowitz reported on an exhaustive review of research on low BAC effects he conducted for the National Highway Traffic Safety Administration. Based on this review, Dr. Moskowitz states that "there is no lower threshold level below which impairment does not exist for alcohol."

A 1964 Indiana University study entitled, "The Role of the Drinking Driver in Traffic Accidents" by R. F. Borkenstein, determined that the relative probability of being involved in an accident is about 4 times greater than normal at 0.08 BAC, and about 25 times greater than normal at 0.15 BAC.

Additional research completed in late 1987 by the National Academy of Sciences provided further information on the effects of low levels of alcohol. In enacting the Commercial Motor Vehicle Safety Act of 1986, the Congress asked the Academy to study the effect of various alcohol level on the performance of truck drivers. The Academy's Transportation Research Board brought together a group of nationally recognized experts on the effects of alcohol, who concluded that "performance of driving related tasks decreases at any BAC above zero and crash risk increases sharply as BAC rises." The National Academy of Sciences recommended, and Federal Highway Administration regulations established, 0.04 BAC as the level at which commercial drivers would have an illegal alcohol level. Any alcohol ingestion can result in the commercial driver being put out of service for 24 hours.

Honorable Jim Nordlund

page 3

In 1989 the Safety Board recommended that the U.S. Department of Transportation:

Issue rules specifying zero (no alcohol) as the blood alcohol concentration for private sector employees in safety sensitive positions for all transportation modes and for Federal employees in safety sensitive positions.

The Board also has recommended State legislation specifying BAC's below 0.04 percent for both commercial vehicle operators and for pilots of general aviation aircraft.

Similarly, Federal regulations prohibit aircraft crews from ingesting alcohol in the eight hours prior to flight operations and they may not have an alcohol level of 0.04 percent or above. The Safety Board has recommended that the alcohol level for air crews be the lowest level that can be reliably measured.

When combined with the impairing effects of other potential stressors found in highway operations such as complex traffic response demands, fatigue, vibration and noise, the presence of alcohol even at very low blood alcohol concentrations must be considered a clear and definite risk to safe highway operations. Therefore, legislation to lower the BAC definition of intoxication to 0.08 percent would certainly be a most modest positive step.

I hope that this information is useful to you and your colleagues. Please let us know if there is any way the Safety Board can be of additional assistance.

Sincerely,



Carl Vogt  
Chairman

cc: Representative Ron Larson  
Co-Chair, House Finance Committee

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

P.O. BOX 111200  
JUNEAU, ALASKA 99811-1200  
PHONE: (907) 465-4322  
FAX: (907) 465-4362

January 7, 1994

The Honorable Jim Nordlund  
Alaska State Legislature  
Court Building, Room 608  
Juneau, AK 99801-1182

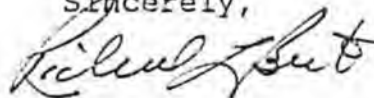
Dear Representative Nordlund:

I am writing in response to your correspondence requesting support from the Department of Public Safety for House Bill 61. HB 61 is one of the pieces of legislation the Department of Public Safety has placed as a priority. One of the recommendations the department made when testifying at the Alcohol Task Force hearings was to enact legislation setting the under-the-influence driving per se levels at .08 percent or lower. Junita Hensley from my staff has been following this piece of legislation and will continue to work with you and your staff, as well as the members of the various committees, as it makes its way through the Legislature.

Laws that will enhance the safety of driving on our roadways and especially those laws which will help reduce the number of alcohol-related accidents and fatalities are always a priority for this department.

You can be assured the department will continue to support HB 61. My staff and I look forward to working with you in the upcoming legislative session.

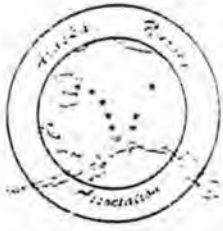
Sincerely,



Richard L. Burton  
Commissioner

cc: Lee Ann Lucas  
Special Asst., DPS

Nita Hensley  
Chief of Driver Svcs, DMV



# ALASKA NURSES ASSOCIATION

237 E. 3rd Avenue #3 Anchorage, AK 99501-2523  
(907) 272-0827 FAX: (907) 272-0292

February 14, 1994

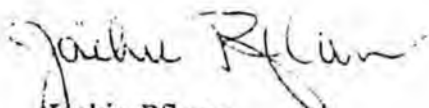
Representative Jim Nordlund  
Judiciary Committee  
Alaska State Legislature  
State Capitol (MS 3100)  
Room 608-Ct  
Juneau, Alaska 99801-1182

Dear Representative Nordlund:

On behalf of the Alaska Nurses Association, the Legislative Committee would like to endorse HB 61. We understand that this bill proposes to impose a more restrictive legal limit on alcohol consumption above which the person will lose the privilege to drive.

Research has demonstrated that there is a significant correlation between the establishment of a lower blood alcohol and the subsequent reduction of alcohol related injuries and fatalities. Given the significant economic and human consequences of drunk driving in this state, we applaud your efforts to establish these tougher limits. If we can be of any additional assistance, please let us know.

Sincerely yours,

  
Jackie Pflaum  
Legislative Chair

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

Richard L. Burton  
Commissioner  
P.O. BOX 111200  
JUNEAU ALASKA 99811-1200  
PHONE: (907) 465-4322  
FAX: (907) 465-4362

March 7, 1994

Representative Jim Nordlund  
House Task Force on Alcohol and Alcohol Abuse  
Room 426  
State Capitol  
Juneau, Alaska 99801-1182

Dear Representative Nordlund:

In 1992, 89 traffic crashes on Alaska roadways resulted in the deaths of 108 people. Included in this total are 13 pedestrians, 7 motorcyclists, 8 ATV/snowmachine riders and 80 vehicle drivers.

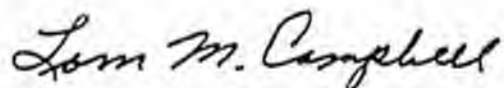
The major contributors to fatal traffic crashes were alcohol, speeding, and driver inattention, in that order. Sixty-three of these people died in 51 alcohol or drug-related crashes. The number of pedestrian fatalities was 13, with the rate of alcohol involvement being 84.6 percent compared to 52.6 percent in all other types of fatalities. A far higher average of alcohol involvement then found in the rest of the Nation.

In reviewing the recently released House Task Force Report on Alcohol and Alcohol Abuse, we at the Highway Safety Planning Agency would like to thank the Task Force for their many hours of work in compiling the information to make that report possible. It is our consensus that this report clearly identified the magnitude of the alcohol problem in Alaska and also went on to identify how State dollars can best be expended to meet the challenge of reducing injury and fatalities of our States most valuable resource, it's people.

On behalf of Commissioner Burton and the Department of Public Safety, we applaud the Task Force on their work and look forward to working with them in a concerted effort to make their recommendations a reality.

Again, "Thank You" to you and all the members for a job well done.

Sincerely,



Lorn M. Campbell  
Administrator  
Highway Safety Planning Agency

cc: Richard Burton, Commissioner



607 14th Street NW • Suite 1110 • Washington, DC 20005  
Phone (202) 347-5215 • FAX (202) 347-5250

March 7, 1994

Sen. Bart Sharp  
Room 514  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Sharp:

Like many advocates working on the drunk driving issue, my experience is a personal one. It was my daughter's death at the hands of a multiple repeat-offender drunk driver that launched MADD, and as founder of MADD, I have been a longtime activist working to strengthen the penalties against drunk drivers. Sadly, drunk driving continues to be a dreadful problem on our nation's highways, and that is precisely why we should all seek long-term, effective means to address this problem.

It is our belief that the proposed lowering of the BAC from .10 percent to .08 percent is not a long-term, effective solution. It will not impact the drunk driving problem, and will certainly not affect the real cause of the majority of crashes: the drivers who drive at high BAC levels.

Indeed, research (both government and independent studies) over the past twenty years shows that 70 to 75 percent of those convicted of driving while drunk have a BAC of at least 0.15 percent and many have levels of .20 percent or higher. Lowering the BAC to .08 percent will not impede the problem drivers, who now get behind the wheel with BACs well above the current .10 limit. These are the real dangers on our roads; the ones we should concentrate on.

Furthermore, there is no identifiable decrease in the rate of alcohol-related fatalities in those states that have reduced their legal BAC to .08 percent. In 1991, in two separate reports (one most recently done by the California Department of Motor Vehicles) the analysis of the California experience has proven what one would expect from a .08 statute-- crashes and fatalities have continued to persist at the high BAC levels where the dangerous drunk drivers are found.

A study done by the National Highway Traffic Safety Administration (NHTSA) on the California experience showed that among fatalities of drivers who had BACs of .15 to .19, the number of fatalities increased over the comparative years, rather than decreasing. The California study notes, as does the NHTSA report, there was no significant change in alcohol related crashes in California after implementation of .08. In fact, there were *increased* alcohol related crashes in two of the study sites.

March 7, 1994

Page 2

Legislative and enforcement efforts should concentrate on the problem drinkers, arresting more of them rather than diluting enforcement efforts by shifting the focus to include drivers with lower BACs. The American Beverage Institute is interested in supporting sanctions that work. That is why we are introducing legislation such as the Graduated Penalty bill similar to the one introduced in Washington State. This legislation focuses on the real culprits on our highways, the high BACs, the repeat offender drivers.

The hospitality industry has long worked side by side with anti-drunk driving activists on this issue and believes strongly that drunk driving affects all of us. ABI equally believes that we must continue to look for meaningful, long-term solutions instead of hastily adopting short-term, ineffective legislation. The Alaskan Legislature must affirm its commitment to this problem by supporting strategies that really work-- not ones that feel good but do very little.

Thank you for your attention to this critical matter.

Sincerely,

A handwritten signature in cursive script that reads "Candace Lightner".

Candace L. Lightner

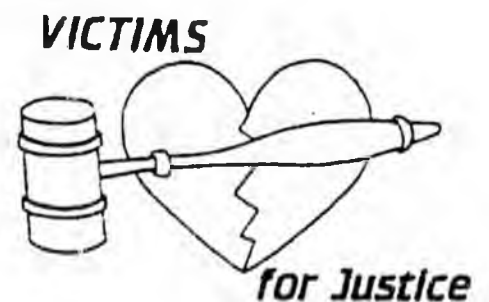
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**POSITION STATEMENT  
FROM THE COALITION OF**

**THE ALASKA PEACE OFFICER'S ASSOCIATION  
and MOTHERS AGAINST DRUNK DRIVERS**

before the  
19th Alaska Legislature  
March 1993



SB 32/HB 61  
LOWERING THE PRESUMPTIVE LEVEL TO .08%

Drinking and driving under the influence of drugs or alcohol continues to be a matter of grave concern to the citizens of Alaska. Behavior and attitudes toward the drinking driver have changed remarkably in the last decade. Drinking and driving is no longer as socially acceptable as it once was. People have come to understand and realize the high price we pay for such excesses. As attitudes change in recognition of the problem, so should our laws.

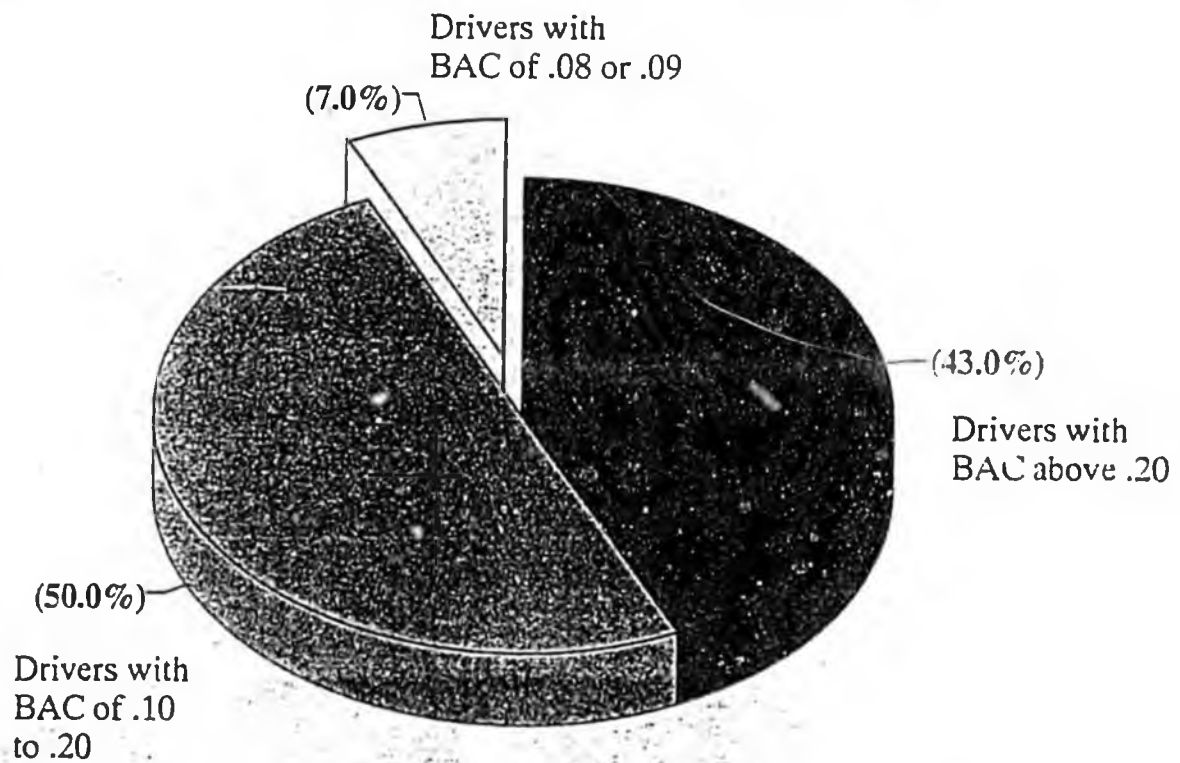
The trend nationally has been to lower the presumptive level in Driving While Intoxicated cases from .10% to .08%. Studies show that drivers with this lower level of alcohol in their blood are significantly impaired. Drivers with this level of impairment are responsible for a large percentage of motor vehicle accidents causing untold damage to property and human life.

We believe that there is a relationship between a lower limit of blood alcohol content and the reduction of the alcohol related accidents. The passage of this bill will assist law enforcement in removing the impaired driver off the roadways, and the citizens of Alaska will be better protected.

Besides lowering the presumptive level of intoxication from .10% to .08%, we encourage the legislature to change the Implied Consent Law to require motorists to submit to a test of any combination of blood, breath, or urine tests, with the type of test to be administered left to the discretion of the arresting officer. Presently, the only test required is a breath test which is incapable of determining drug intoxication.

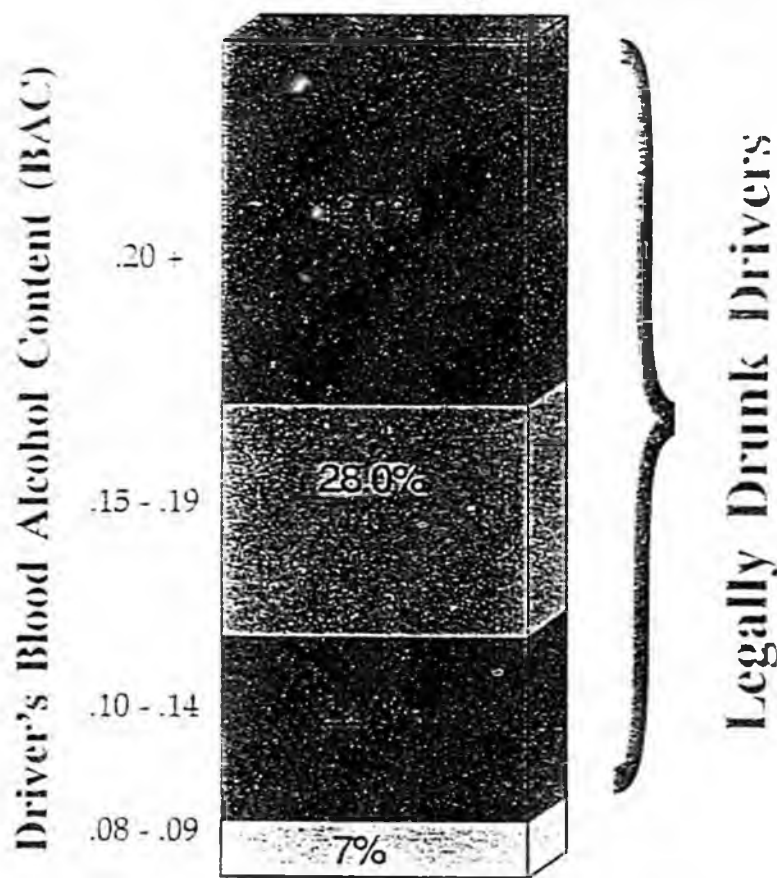
Further, we propose rescinding the statutory language that became effective in 1991 which allows people who refuse to take a breath test and people who are DWI re-offenders to have a limited license. This language makes Alaska ineligible for Federal 410 Funds (approximately \$400,000 annually). Another requirement of 410 Funds is that the state adopt the .08% presumptive intoxication level within 4 or 5 years of the receipt of the funds. Unless the legislature changes the language mentioned above, the State of Alaska will continue to be ineligible for federal funds.

## Alcohol Related Fatalities by Driver's Blood Alcohol Content



American Beverage Institute, 1994

## Drunk Driving: Who's the Problem?



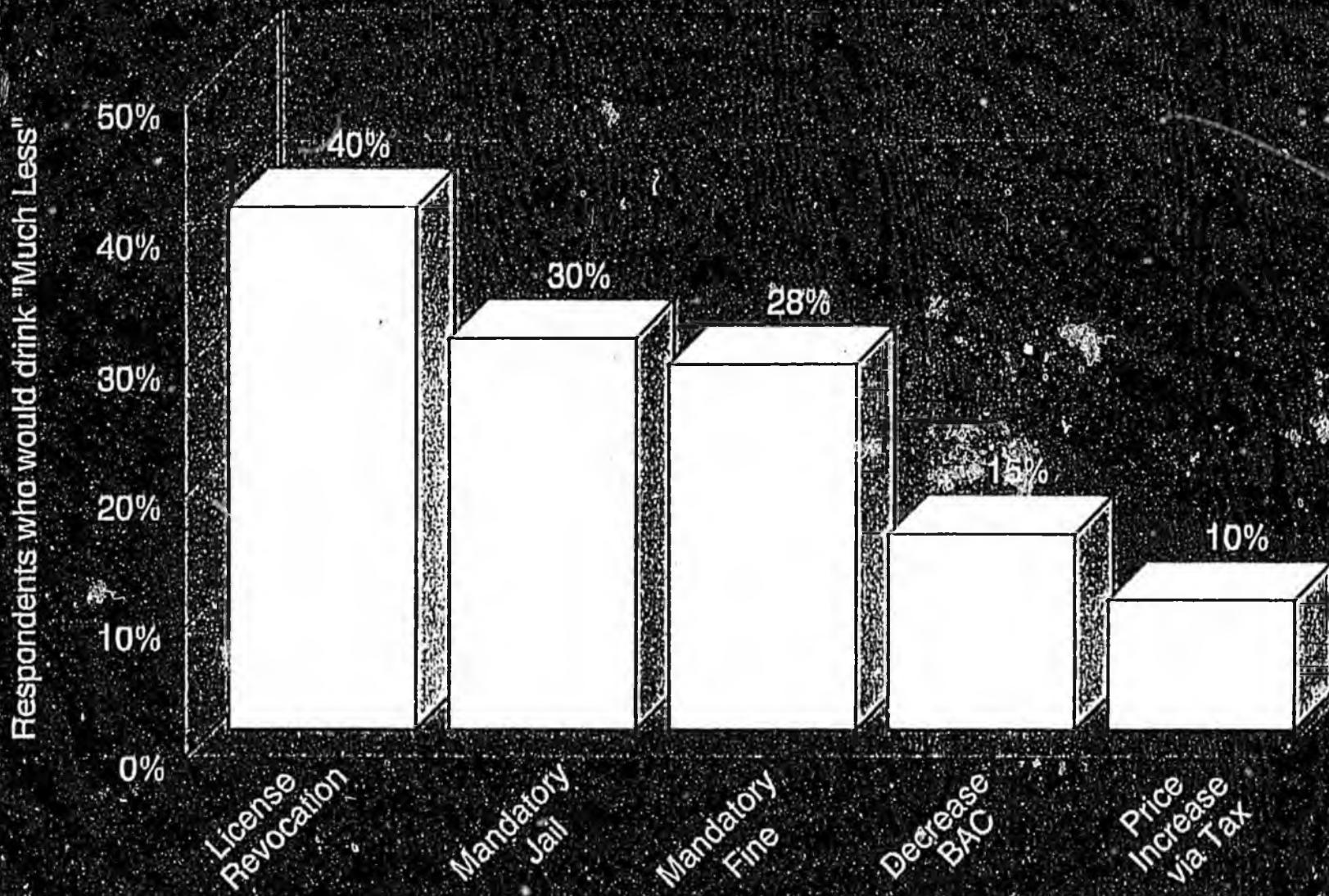
Lowering the intoxication threshold from .10% to .08% would do nothing to reduce the deaths caused by drivers already legally drunk. 93% of the deaths caused by drunk drivers would be by drivers at or above a BAC of .10%.

Percent of Alcohol Related Fatalities

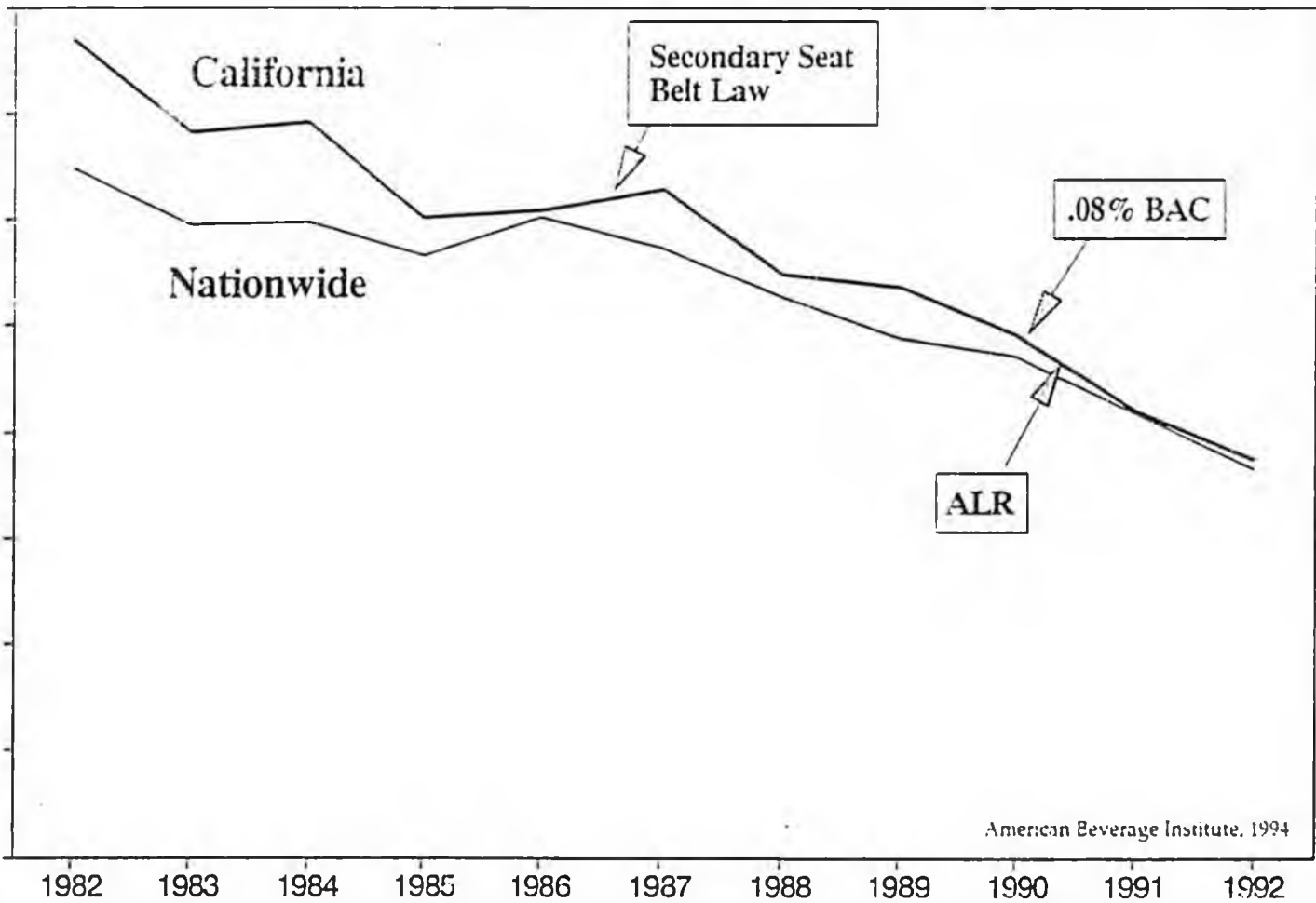
Source: Unpublished tabulations by the National Highway Traffic Safety Administration

American Beverage Institute, 1994

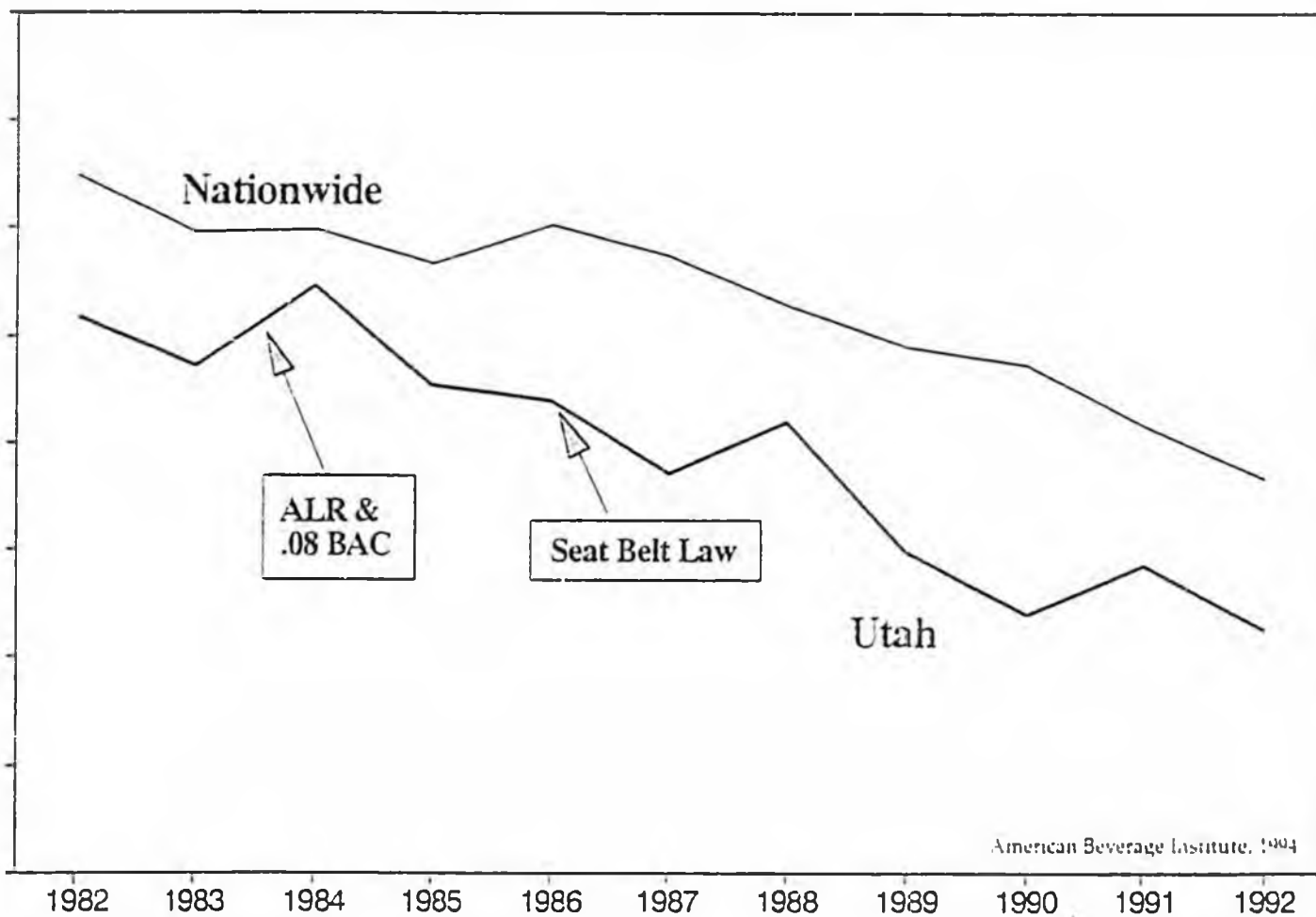
# Deterrent Impact of Individual Measures on Drinking Drivers



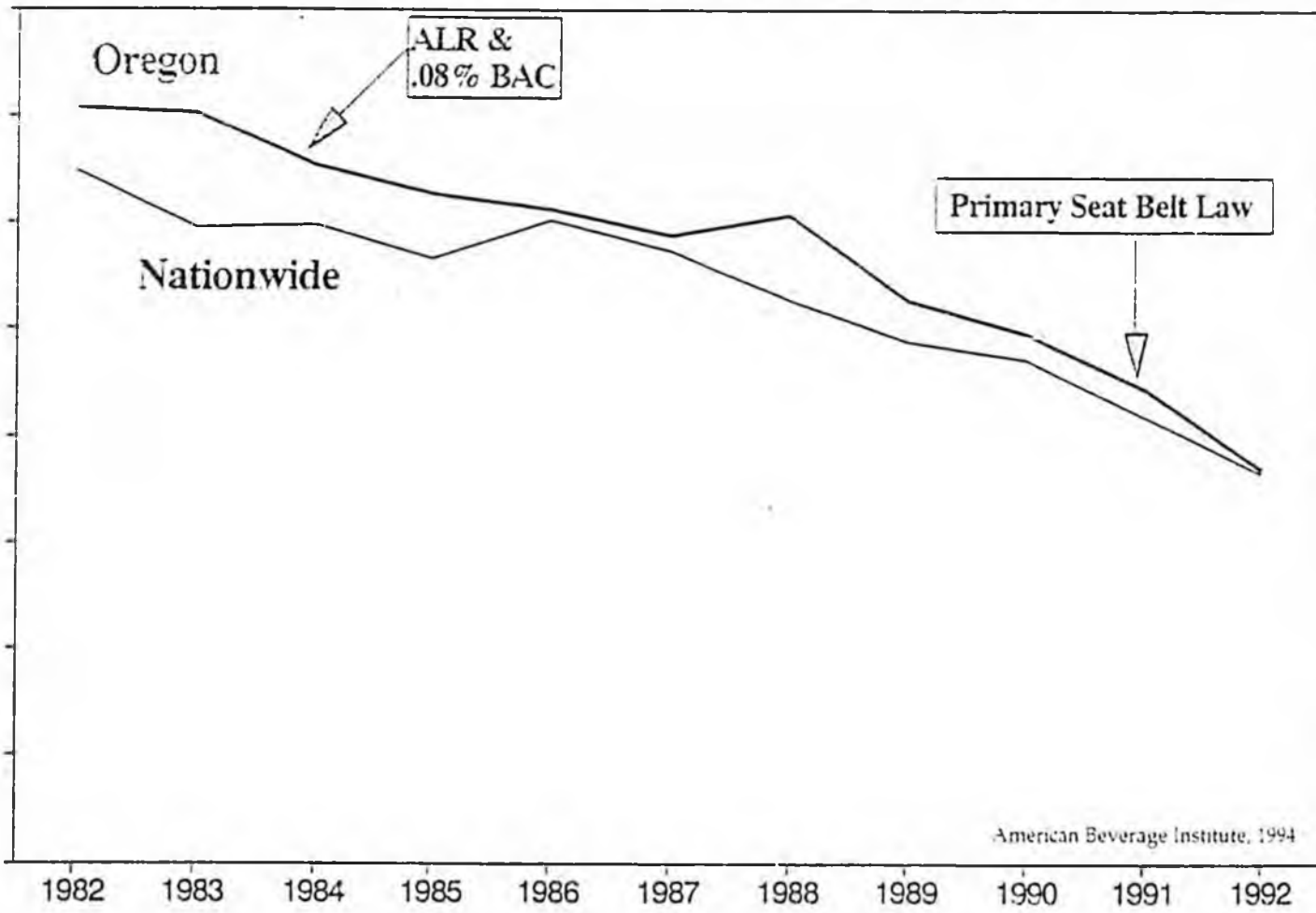
### Alcohol Related Fatalities per 100 million Vehicle Miles Traveled



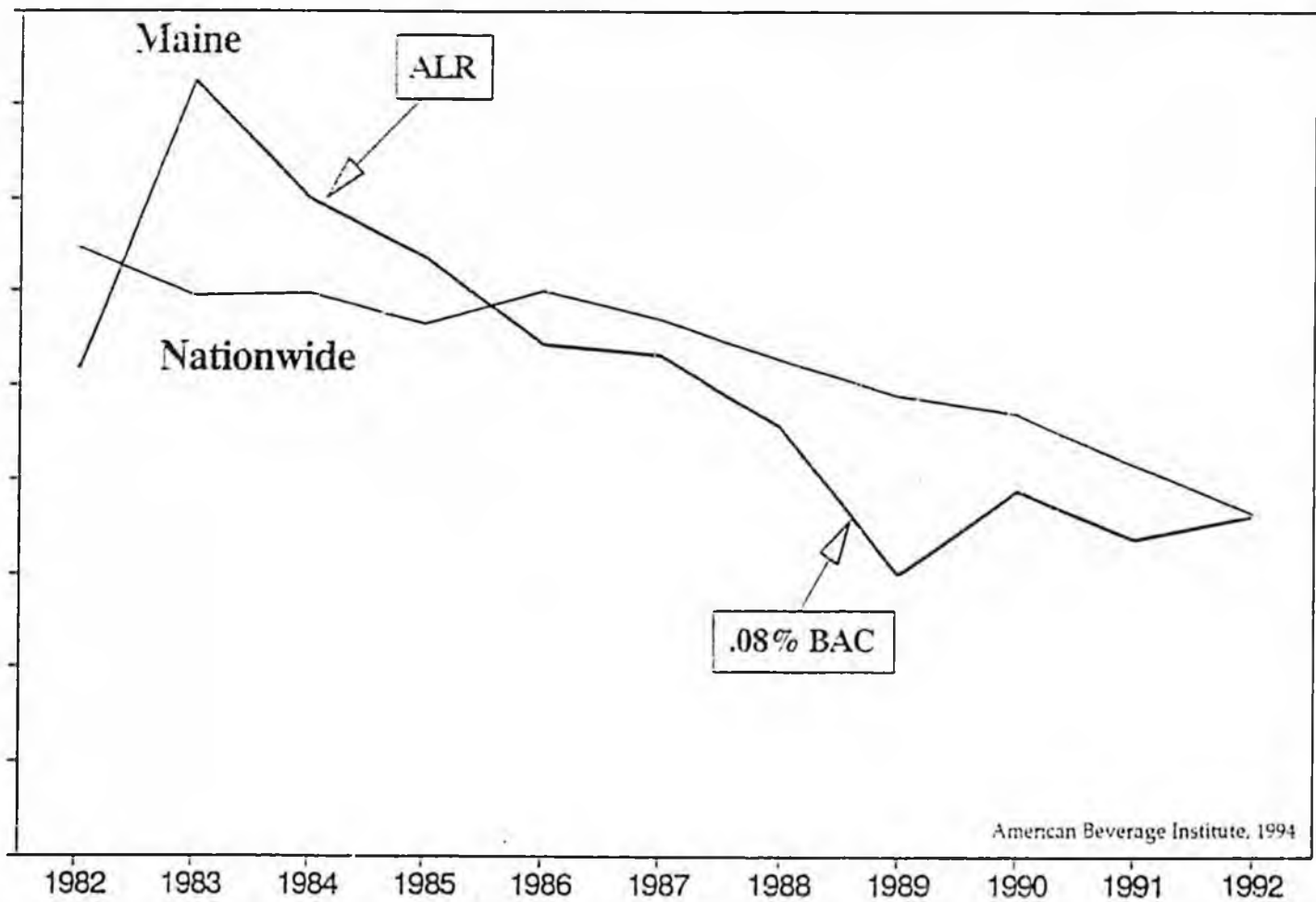
### Alcohol Related Fatalities per 100 million Vehicle Miles Traveled



### Alcohol Related Fatalities per 100 million Vehicle Miles Traveled



### Alcohol Related Fatalities per 100 million Vehicle Miles Traveled



American Beverage Institute, 1994

Robert Nakada  
173 W. Pioneer Ave.  
Homer, Ak. 99603

Honorable Senator:

I am writing to ask you not to pass HOUSE Bill No. 51. The bill that will change the legal limit for intoxication from .10 to .03 percent. I have thought about the ramifications of this action and am against it for the following reasons.

1. It will seriously hurt the tourist industry as visitors from other states, thinking that the federal intoxication limit applies here, as in every other state, could unknowingly surpass the proposed new state limit, but be legal in any other state. In this way you would be making criminals of otherwise law-abiding citizens. For example, I know of one bartender that almost got fired because she served wine to a customer in a larger glass, and was told that could put them over the limit without their knowledge. You could be doing the same thing to out of state visitors and residents alike.
2. It won't take many out of state visitors taking tales home to cause drops in tourist flow. It could even make the national news.
3. This could hurt non-tourist related business and conferences as well. A business man could be flying in on a one day meeting and could be leaving the same night. He could have two drinks on his flight in, rent a car to drive to the meeting, get arrested for DWI with a limit that only applies to this state. He would have to spend at least three days here, (state minimum jail time for DWI) and possibly lose the contract and his job as a bonus.
4. I have known people who gauge their sobriety on a rule-of-thumb (one drink an hour), spend a long and quiet evening in the company of others and at the end of the evening actually consider whether they are a threat to themselves or others before driving.
5. This would do nothing to increase conviction of the dangerous, "hundred mile an hour" type of drunk driver, who is usually in the .20 or above range, the type who belts down a bunch of beers, climbs in his car so drunk he can't find the key hole, and runs down people in crosswalks. This is the type of drunk driver I, as a parent and pedestrian (and driver), am concerned about stopping.
6. Designated drivers are fine, if you are really going out to an event (ie. New Year's Eve, the Superbowl Game), but what about an anniversary or a quiet candlelit dinner? It would not feel right to have a third person there as chauffeur, just so you can both have a drink with your dinner.

I urge you again not to pass this bill. Thank you for your time.



THIS COMMUNICATION

April 19, 1993

RECEIVED APR 20 1993 CPNM

Dear Editor,

The traffic deaths on our Alaskan highways is sobering!

In your editorial published on 6 April you stated that in 1991 half of the 101 people that died on our highways were alcohol-related deaths. This misleading tidbit of information was written to support passage of House Bill 61. A bill that would lower the Blood Alcohol Level, BAC, from the existing 0.10 to 0.08.

Unlike you dear editor I got off my couch and did a little research of my own. Hold on to your seats folks - are you going to be suprised!

I got a copy of the 1991 Alaska Traffic Accidents report from the Department of Transportation-Public Facilities, DOT-PF, located on Peger Road. On page 41 of this report Table C.3.1 blows a large hole in what you claim. This table is titled "Human Factors Contributing to Alaska Traffic Accidents, 1991.

This table shows that in 1991 there were 131 fatalities on our Alaskan highways contributed to human factors. Alcohol-related fatalities total 38. This means that out of the 131 fatalities caused by human factors in 1991, there were 93 people killed by sober drivers!

This figure is no where the "half" you claim. What this table indicates is that your chances of getting killed by a sober driver over a driver who consumes alcohol is around 2.5 to 1. Notice I stated a driver who consumes alcohol instead of the more common mis-used term "drunk" driver. This is because DOT-PF says that alcohol-related accidents are accidents where any level of alcohol is detected or suspected. I point this out because I do not want to accuse responsible people of being drunks just because they consume alcohol and drive.

I also discovered that DOT-PF showed four fatalities attributed to vehicles and four more fatalities attributed to roadways and environment. That brings the total fatalities for 1991 to 139. Now use your couch calculator to find that for every alcohol-related fatality in 1991 there were 3.65 non-alcohol-related fatalities.

Why not round thing off and say that when you get on our Alaskan road system your chances of getting killed by a sober driver in a shoddy vehicle on black ice is four times greater than getting wiped out by a driver who drank one or one hundred glasses of wine! You don't believe me? Get off your couch and start getting the facts.!!

Non-alcohol-related deaths accounted for 72.7% of all fatalities in Alaska in 1991. Non-alcohol-related accidents accounted for 91.2% of all accidents in Alaska in 1991. Hey! Nine out of ten accidents in Alaska are caused by sober people!

So why do we want to direct our attention to lowering the BAC level when we have the numbers to show where the heavier problems are? The BAC level of 0.10 is working. Thanks to Mothers Against Drunk Drivers, M.A.D.D., and their aggressive public awareness programs we, the public, have become more responsible when it comes to drinking and driving.

With the 0.10 BAC on the law books alcohol-related accidents for 1991 were 8.8%. If we want to pass new laws, tougher laws, how about unsafe speed which caused 19.2 % of all accidents. Or driver inattention, 11.5%, failure to yield, 10.9%?

Even the founder of M.A.D.D., Candy Lightner, states that lowering the BAC level to 0.08 will not solve the problem with drinking drivers. Candy wants to concentrate on the repeat offender and the BAC level of 0.15 with stiffer fines and sentencing. She states that lowering the BAC won't make a difference to these offenders and that M.A.D.D. needs to focus on the programs and laws that will make the most difference.

And dear editor don't believe everything you read about how States with existing BAC levels of 0.08 have lowered alcohol-related deaths. In California, the state everybody seems to refer to, you read that their alcohol-related fatalities dropped 12% when they put in the 0.08 BAC level. What you never read in the papers is that the year California made this astonishing report the number of alcohol-related collisions actually remained the same and that the laws requiring motorized seatbelts and airbags effective the same year accounted for the lower fatalities!

How come nobody asks how Washington State is doing? Look into it - you would be suprised.

Then there is the question of that almighty breath-alcohol tester used by all law enforcement agencies to determine your BAC level. This testing device, known as the Dial-a-drunk device in legal circles, is not quite the accurate piece of junk people have become accustomed to.

Since this is the critical device that determines your innocence or guilt the court systems have recognized the need for accuracy. Seems in Nebraska the Supreme Court ruled that all BAC level readings had to be reduced by 52%. The judges ruled that the defendant is entitled to the benefit of any "margin of error" as the breath-tester is the evidence used to make or break the case. Other State courts have allowed a margin of error from 22% on up. Guess what it is for Alaska?

Did you know that hyperventilating before breathing out could reduce alcohol levels by as much as 12% ? Or hcliding your breath prior to exhaling into a breath-alcohol tester could raise your alcohol level by as much as 19% ? If you have ever been picked up for driving under the influence and sat in the back of the patrol car and complained that it was to hot? Increased body temperatures will increase BAC levels.

Knowing all this new information I think it is obvious we should be addressing the real problems on our Alaskan roads. Tougher laws for speed violators and repeat offenders who are "drunk" drivers. Enhance enforcement of all existing traffic laws would probably do what we want, lower our accident and fatality rates.

Remember dear editor, if you want to burn a witch at the stake, don't use wet wood! Are you really for safer roads or do you just want everybody to stop drinking, period!

Sincerely,

Larry J. Hackenmiller



518 Farmers Loop Road  
457-1327

Fairbanks, Alaska 99712

# How Reliable Is BREATH-ALCOHOL TESTING?

## Flaws

Unfortunately, while breath-alcohol analysis might appear to be an ideal means of identifying OUIA drivers, it is flawed. Breath testers, such as the Breathalyzer and the Intoxilyzer, make absolutely no allowance for variations in human physiology and biochemistry. These instruments equalize all subjects tested, which accounts for the flawed nature of breath testing.

Chief among the flaws is the assumption that all subjects tested are characterized by the specific alveolar breath-blood alcohol relationship referred to previously. The reality is that this relationship can vary significantly among individuals and a particular breath test result can be either lower or higher than the actual BAC. This problem prompted the Nebraska Supreme Court in February, 1987, to rule partially in favor of a defendant who was evaluated with the Intoxilyzer and found to have a BAC of 0.164%. Although the Court upheld the defendant's conviction because other evidence strongly supported his OUIA status, it decided that his BAC reading should be reduced by approximately 52%. This margin of error was derived from the testimony of a pharmacologist who served as an expert defense witness in the case. Moreover, the Court cited a 1978 ruling (*State of Nebraska v. Bjornsen*), which held that a defendant is entitled to the benefit of any margin of error associated with the result of a particular test.

Interestingly, Kurt Dubowski of the University of Oklahoma, one of the foremost proponents of breath-alcohol analysis in the U.S., has made a recommendation that supports the decision of the Nebraska Supreme Court. In testimony he gave in evidentiary hearings in the case of *Municipality of Anchorage v. Serrano* (Alaska Court of Appeals, 1982), Dubowski stated that all BAC results from breath analysis ought to be reduced by a safety factor of 0.025%, based on his research data. Although not as substantial a reduction as that adopted by the Nebraska Supreme Court, the Dubowski safety factor would be significant, particularly in borderline cases.

The factor of temperature is also critical in breath testing. An increased body temperature for a particular individual would produce a false high BAC result (and vice versa), since it would cause more alcohol to escape from the blood into the breath.

Additional uncertainty in breath test results stems from variables such as differences in the breathing techniques of subjects, possible trace respiratory gas contamination, and the timing of a breath test. With regard to the first, the Department of Alcohol and Drug Addiction Research of the Karolinska Institute, Stockholm, Sweden, reported in the early 1980's that, if subjects hold their breath prior to exhalation, the level of alcohol in the expired air can increase by as much as 18%. Alternatively, hyperventilating before breathing out could reduce alcohol levels by as much as 12%. In effect, then, breathing technique can account for an over-all variation of 30% in test results.

Breath examinations do not take into account trace gases that are expired by all individuals, whether or not they have consumed alcohol. These are often the products of metabolic processes and are exhaled in minute quantities, although the amounts vary on an individual basis. In the case of Intoxilyzer and Breathalyzer analyses, trace gas contamination can produce a false high BAC reading. The extent of such increases would be expected to be small, but the effect could be critical, especially in a borderline case. One way to deal with this problem could be to give a suspect the option of another test when he would be alcohol-free, to ascertain whether or not trace gases make a natural contribution to the breath test result.

The last of the variables cited, the timing of a breath test, is crucial. For example, when an individual has consumed alcoholic beverages during a meal, the food in his or her stomach will reduce the rate of absorption of alcohol into the bloodstream. Several hours can elapse before complete absorption occurs. If this person is arrested as a suspected OUIA driver after completing that meal, the BAC at the time of arrest can be below the minimum 0.10% limit for a definite OUIA classification. However, by the time this person is tested, often one to two hours after arrest, the BAC very well could exceed 0.10%, and this would be the key piece of chemical evidence used against this defendant in a court of law.

Pertinent to this issue is testimony given in a DWI case by expert defense witness Jay Zimmerman, associate professor of physiology, St. John's University. The defendant had eaten a bacon cheeseburger and french fries nearly one hour before he was involved in an accident that led to his arrest. About two hours later, he underwent two consecutive Breathalyzer tests conducted 10 minutes apart. Zimmerman testified that the high fat content of this food substantially would delay the absorption of alcohol into the bloodstream.

Therefore, he maintained, the two BAC readings, 0.15% and 0.16%, respectively, could not be used to predict conclusively that the defendant's BAC at the time of the accident had been 0.10% or higher. Although the defendant was found guilty, Zimmerman's testimony ultimately had a positive effect, for the conviction was reversed (*People v. Meriz*, State of New York, 1986).

Breath-alcohol testing is obviously an imperfect approach to identifying intoxicated drivers. This point was made quite effectively by attorney Stephen Scaring, who successfully defended former New York Knicks basketball star Dave DeBusschere in a DWI case. DeBusschere was arrested in Long Island's Nassau County in July, 1986, and voluntarily took a Breathalyzer test that registered a BAC of 0.16%. During the subsequent trial, Scaring argued that the Breathalyzer used to evaluate his client was "antiquated, unreliable and capable of being calibrated incorrectly," and he scornfully termed the instrument "Dial-a-Drunk." After a not guilty verdict was returned on Nov. 26, 1986, Nassau County District Court Judge Harold Fertig, who presided over the trial, concluded that the jury had ignored the Breathalyzer evidence.

Noted Miami attorney Richard Essen and his staff handle about 1,000 DWI cases annually. He also has attacked the reliability of the breath test, telling the New York *Daily News* (Oct. 19, 1986), "If you have chewing gum in your mouth . . . it can cause an inaccurate reading." Essen has been remarkably successful in defending his clients.

The stand taken by Scaring, Essen, and numerous other attorneys recently was reinforced by a researcher in *Clinical Chemistry*, whose critical commentary is noteworthy:

In general, manufacturers' specifications for the accuracy and precision of scientific instruments are conservative, for obvious reasons, but it is especially important that they be conservative when the measurements are used as evidence in a legal proceeding. There now are abundant experimental results that show that the manufacturers' specifications for accuracy and precision of their breath analyzers are far too optimistic. . . . Manufacturers of quantitative evidential breath-alcohol analyzers need to use explicit, unambiguous specifications for accuracy and precision that are consistent with results of research published in the scientific literature. Subjects should be informed that breath-analyzer results can be less accurate than direct BAC measurements, and a direct blood test should be advised when the breath result is at or near statutory limits. The practice of reporting an appropriate amount of uncertainty along with breath test results should also be adopted.

This view is, in effect, a plea for fair play among all parties involved in DWI cases. If these recommendations are implemented and strictly adhered to, justice will be served better.



# MADD

## Mothers Against Drunk Driving

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511 E. John Carpenter Frwy., Suite 700 • Irving, Texas 75062-8187 • Telephone (214) 744-MADD • FAX (214) 869-2206/2207  
NATIONAL OFFICE

### RESPONSES TO EDITORIAL COMMENTS FROM CANDY LIGHTNER

MADD is disappointed that Candy Lightner, in her new role as lobbyist for the American Beverage Institute, has chosen the opposite side of the issue on lowering the BAC to .08. MADD's position on this issue is well-founded and MADD is confident that adoption of this measure will help save lives.

Candy Lightner has not been involved with MADD since 1985 and is not a spokesperson for MADD.

MADD did not simply pull the .08 BAC illegal limit out of the air. The decision of the Board of Directors of MADD to advocate .08 as the illegal per se level for drivers over the age of 21 was based on research and studies and the impact of lowering the BAC in reducing alcohol related fatalities.

The evidence is uncontroverted that even experienced drivers' driving skills are impaired at .08 and this would set the level at which the driving skills are proven to be compromised for the vast majority of drivers. (NHTSA)

Research indicates that the risk of crash involvement is 3 times higher for drivers with a BAC level of .08 than it is with a zero BAC and the relative fatality risk for drivers in single vehicle crashes with BACs between .05 and .09 is 11 times greater than for drivers with a zero BAC.

A BAC level of .08 means about four drinks within one hour on an empty stomach for an average male weighing 160 pounds. Unlike Ms. Lightner, MADD does not consider this level of consumption to be "social drinking".

Lowering the BAC level to .08 does not mean that the average individual will be prohibited from stopping and having a drink on the way home from work. However, there is no minimum acceptable safe level and it has been MADD's position since the organization was founded that individuals simply should not drink and drive.

MADD agrees with Ms. Lightner that the high BAC driver and the chronic alcohol abuser represents a dangerous threat to society and that the majority of alcohol related crashes involve offenders with BACs exceeding .08. However, these heavy drinking drivers are not

the only problem and this does not mean that we can ignore the thousands of victims who are killed or injured by offenders with a BAC lower than the average and in the .08 or below range. It is no consolation to the family of a victim who was killed or injured, that the offender's BAC level was "only" .08 rather than .15.

Ms. Lightner has stated that most of the drivers who are involved in fatal crashes have a high BAC and are repeat offenders. While the majority of these drivers do have a high BAC level, 85% of them have no prior DUI conviction and are not repeat offenders. If we removed every repeat DUI offender from the road today, we would have no impact on 85% of all the highway crashes that are alcohol related.

MADD's approach to stopping impaired driving is to address the problem across the board. We must impact the potential offender, the first offender and the repeat offender. We must look for solutions to deal with the high BAC driver and the lower BAC driver. .08 BAC is just one of the tools that must be used in the war against drunk driving. We cannot exclude any measure that has life saving potential.

There is no simple solution nor single cure-all to stop impaired driving. MADD recognizes that we must continue to examine and advocate for stronger measures to impact the high-BAC driver; we would hope that our lawmakers and the public would recognize the equally important need to address the problem of impaired drivers at all BAC levels. The lives and welfare of the citizens of this country cannot be sacrificed for the profit derived from the sale of one less or one more drink.

Ms. Lightner's decision to become a paid lobbyist for the American Beverage Institute is a personal decision she has made at this point in her life and should not be used to cloud the issues surrounding the efforts of MADD and other highway safety advocates to stop impaired driving and save lives.

# 1992

## Traffic Deaths — ALASKA

SUMMARY - 1992 ALASKA TRAFFIC DEATHS

31 December 1993

Factors Contributing To Alaska Traffic Accident Deaths - 1992

FACTOR	DEATHS	PER CENT
Alcohol	46	30.5 %
Unsafe Speed	34	22.5 %
Human Factors, Other	17	11.3 %
Roadway & Environment	15	9.9 %
Driver Inattention	12	8.0 %
Failure To Yield	7	4.6 %
Passenger; Wrong Lane Use	5	3.3 %
Pedestrian Error	5	3.3 %
Traffic Control Ignored	5	3.3 %
Vehicular	5	3.3 %
	151	100 %

SOURCE: Alaska Department Of Transportation And Public Facilities,  
DOT-PF, "1992 Alaska Traffic Accidents"

Table C.4.1. Page 46 - See reverse side this document

Table C.5.1. Page 48 - See reverse side this document

Table C.7.1. Page 52 - See reverse side this document

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# 1992

## ALASKA TRAFFIC ACCIDENTS

SUMMARY - 1992 ALASKA TRAFFIC ACCIDENTS

31 December 1993

NUMBER OF OCCURRENCES - Alaska Traffic Accidents by Frequency  
and Factor Type

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES	PER CENT
Unsafe Speed	3,156	18.6 %
Roadway & Environment	2,990	17.6 %
Human Factors - Other	2,976	17.5 %
Failure to Yield	2,014	12.0 %
Driver Inattention	1,823	10.7 %
Alcohol	1,583	9.3 %
Passing; Wrong Lane Use	767	4.5 %
Improper Turning	668	4.0 %
Following To Closely	630	3.7 %
Vehicular	362	2.1 %
	16,969	100 %

SOURCE: Alaska Department of Transportation And Public Facilities,  
DOT-PF, "1991 Alaska Traffic Accidents"

Table C.4.1 Page 46 - See reverse side this document

Table C.5.1 Page 48 - See reverse side this document

Table C.7.1 Page 52 - See reverse side this document

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**D**

# 1992 ALASKA TRAFFIC ACCIDENTS

Table C.4.1  
Human Factors Contributing to Alaska Traffic Accidents  
by Accident Injury Severity, 1992

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Alcohol, test given . . . .	396	288	77	36	797
Alcohol, no test given . .	114	81	23	4	222
Alcohol suspected . . . . .	375	155	28	6	564
Illegal drugs . . . . .	9	5	5	1	20
Prescription medication . .	3	2	1	.	6
Lost consciousness . . . . .	10	11	1	.	22
Fell asleep . . . . .	46	47	14	4	111
Driver inattention . . . . .	1,193	571	47	12	1,823
Passenger distraction . . . .	29	22	3	.	54
Physical disability . . . . .	7	5	2	.	14
Illness . . . . .	9	4	2	.	15
Driver inexperience . . . . .	259	111	18	4	392
Unsafe backing . . . . .	474	24	2	.	500
Failure to yield . . . . .	1,384	571	52	7	2,014
Following too closely . . . .	423	200	5	2	630
Passing; wrong lane use . . .	617	119	26	5	767
Pedestrian error . . . . .	28	59	19	5	111
Traffic control ignored . . . .	361	235	20	5	621
Improper turning . . . . .	543	108	16	1	668
Unsafe speed . . . . .	2,174	350	98	34	3,156
Other human factor . . . . .	826	256	23	5	1,110
ALL HUMAN FACTORS . . . . .	9,280	3,724	482	131	13,517

Table C.5.1  
Vehicular Factors Contributing to Alaska Traffic Accidents,  
by Accident Injury Severity, 1992

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Defective accelerator . . . . .	11	3	1	.	15
Defective brakes . . . . .	59	29	1	2	91
Tire failure; inadequacy . . .	34	23	2	1	60
Steering failure . . . . .	9	6	.	1	16
Windshield inadequacy . . . .	6	.	.	.	6
Defective headlights . . . . .	3	6	1	.	10
Other lighting defect . . . . .	24	7	2	.	33
Oversized vehicle . . . . .	10	3	.	1	14
Defective tow hitch . . . . .	13	.	.	.	13
Other vehicular factor . . . . .	67	32	5	.	104
ALL VEHICULAR FACTORS . . . .	236	109	12	5	362

Table C.7.1  
Factors Contributing to Alaska Traffic Accidents,  
by Accident Injury Severity and Factor Type, 1992

FACTOR TYPE	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Human . . . . .	9,280	3,724	482	131	13,617
Roadway . . . . .	1,589	508	32	8	2,137
Environmental . . . . .	610	214	22	7	853
Vehicular . . . . .	736	109	12	5	862
ALL FACTOR TYPES . . . . .	11,715	4,555	548	151	16,969

# 1991 Traffic Deaths — ALASKA

SUMMARY - 1991 ALASKA TRAFFIC DEATHS

1 October 1992

FACTORS Contributing To Alaska Traffic Accident Deaths - 1991

FACTOR	DEATHS	PER CENT
Alcohol	38	27.3%
Unsafe Speed	26	18.7%
Other Human Factors	16	11.5%
Driver Inattention	15	10.8%
Passing; Wrong Lane Use	11	7.9%
Pedestrian Error	9	6.5%
Failure to Yield	8	5.8%
Traffic Control Ignored	8	5.8%
Roadways & Environmental	4	2.8%
Vehicle	4	2.9%
	139	100 %

SOURCE: Alaska Department of Transportation And Public Facilities,  
DOT-PF, "1991 Alaska Traffic Accidents"

Table C.3.1. Page 41 - See reverse side this document

Table C.4.1. Page 43 - See reverse side this document

Table C.5.1. Page 45 - See reverse side this document

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**A**

# 1991 ALASKA TRAFFIC ACCIDENTS

SUMMARY - 1991 ALASKA TRAFFIC ACCIDENTS

1 October 1992

NUMBER OF OCCURRENCES - Alaska Traffic Accidents by Frequency and Factor Type

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES	PER CENT
Unsafe Speed	3,506	19.2%
Roadways & Environmental	3,368	18.5%
Human Factors - not listed	3,002	16.4%
Driver Inattention	2,097	11.5%
Failure to Yield	1,992	10.9%
Alcohol	1,501	8.8%
Passing Wrong Lane	820	4.5%
Improper Turning	695	3.8%
Following To Closely	687	3.8%
Vehicle	473	2.6%
	18,241	100 %

SOURCE: Alaska Department of Transportation And Public Facilities, DOT-PF, "1991 Alaska Traffic Accidents"

Table C.3.1 Page 41 - See reverse side this document

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**B**

## 1991 ALASKA TRAFFIC ACCIDENTS

Table C.3.1  
Human Factors Contributing to Alaska Traffic Accidents by Accident Injury Severity, 1991

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Alcohol, test given....	450	273	71	30	814
Alcohol, no test given ..	112	72	29	2	215
Alcohol suspected .....	377	167	72	6	572
Illegal drugs .....	9	3	2	1	17
Prescription medication ..	4	3	2	2	11
Lost consciousness .....	12	8	3	.	23
Fall asleep .....	53	53	10	2	118
Driver inattention .....	1,404	618	60	15	2,097
Passenger distraction .....	40	26	4	.	70
Physical disability .....	16	2	1	.	19
Illness .....	11	10	3	.	24
Driver inexperience .....	260	136	18	1	415
Unsafe backing .....	420	21	5	.	446
Failure to yield .....	1,354	581	49	8	1,992
Following too closely .....	500	179	7	1	687
Passing, wrong lane use .....	649	136	24	11	820
Pedestrian error .....	37	31	17	2	94
Traffic control ignored .....	386	231	28	9	654
Improper turning .....	548	127	16	4	695
Unsafe speed .....	2,436	916	128	26	3,506
Other human factor .....	812	261	34	5	1,112
ALL HUMAN FACTORS .....	9,880	3,856	533	132	14,400

118  
1601

Table C.4.1  
Vehicular Factors Contributing to Alaska Traffic Accidents, by Accident Injury Severity, 1991

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Defective accelerator ..	10	3	1	.	14
Defective brakes .....	71	27	7	2	107
Tire failure, inadequacy ..	43	17	4	.	70
Steering failure .....	16	9	1	.	26
Windshield inadequacy ..	2	1	.	.	3
Defective headlights .....	3	5	.	1	10
Other lighting defect .....	33	11	2	.	46
Oversized vehicle .....	19	3	.	.	22
Defective tow hitch .....	11	1	1	.	13
Other vehicular factor ..	118	40	3	1	162
ALL VEHICULAR FACTORS ..	332	118	19	4	473

Table C.5.1  
Environmental and Roadway Factors Contributing to Alaska Traffic Accidents, by Accident Injury Severity and Factor, 1991

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Animal action .....	299	78	12	.	389
Clare .....	16	24	4	.	64
View obstructed; limited ..	213	107	18	1	339
Other envir. factor .....	109	24	3	1	137
Bad lane marking .....	35	11	.	.	46
Construction debris .....	10	4	.	.	14
Pavement deteriorated ..	23	7	.	.	30
Pavement slippery .....	1,611	503	32	2	2,150
Inadequate shoulders .....	28	4	3	.	35
Sign missing or occluded ..	3	3	.	.	6
Signal inoperative .....	3	2	.	.	7
Other roadway factor .....	120	34	2	.	156
ALL ENVIR. AND ROADWAY ..	2,492	798	74	4	3,368

ALCOHOL-RELATED CRASHES - 1976 thru 1992

Year	FATAL CRASHES				DEATHS				NON-FATAL INJURY CRASHES			
	Total Crashes	Alcohol Related	< Diff >	% Alcohol Related	Total Deaths	Alcohol Related	< Diff >	% Alcohol Related	Total Crashes	Alcohol Related	< Diff >	% Alcohol Related
1976	111	67	41	60.4%	124	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1977	130	64	66	49.2%	136	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1978	112	59	53	52.7%	127	59	68	46.5%	3,263	651	2,612	20.0%
1979	81	45	36	55.6%	91	69	22	75.8%	3,161	663	2,498	21.0%
1980	79	43	36	54.4%	88	64	24	72.7%	3,348	707	2,641	21.1%
1981	90	50	40	55.6%	100	76	24	76.0%	3,852	899	2,953	23.3%
1982	98	54	44	55.1%	107	54	53	50.5%	4,104	897	3,207	21.9%
1983	135	53	82	39.3%	150	64	86	42.7%	4,476	959	3,517	21.4%
1984	123	61	62	49.6%	137	70	67	51.1%	4,743	956	3,787	20.2%
1985	107	58	49	54.2%	127	69	58	54.3%	4,170	779	3,391	18.7%
1986	89	46	43	51.7%	101	50	51	49.5%	3,620	656	2,964	18.1%
1987	70	40	30	57.1%	76	44	32	57.9%	3,318	676	2,642	20.4%
1988	86	43	43	50.0%	97	48	49	49.5%	3,500	634	2,866	18.1%
1989	79	44	35	55.7%	84	46	38	54.8%	3,622	652	2,970	18.0%
1990	92	47	45	51.1%	98	48	50	49.0%	3,775	674	3,101	17.9%
1991	90	45	45	50.0%	101	50	51	49.5%	3,890	678	3,212	17.4%
1992	89	50	39	56.2%	108	61	47	56.5%	3,786	665	3,121	17.6%
Total	1,420	738	682	52.0%	1,592	872	720	54.8%	56,628	11,146	45,482	19.7%

N/A - not available

NOTE: Alcohol injury data from 1978 to 1984 was extrapolated from the hard copy of line charts found in previous HSPs. No supporting data can be found in DOT's accident summaries until 1986.

ALCOHOL-RELATED CRASHES - 1976 thru 1992

Year	NON-FATAL INJURIES				PROPERTY DAMAGE CRASHES				ALL TRAFFIC CRASHES			
	Total Injuries	Alcohol Related	< Diff >	% Alcohol Related	Total Crashes	Alcohol Related	< Diff >	% Alcohol Related	Total Crashes	Alcohol Related	< Diff >	% Alcohol Related
1976	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1977	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1978	4,695	986	3,709	21.0%	9,537	909	8,628	9.5%	12,912	1,619	11,293	12.5%
1979	4,560	994	3,566	21.8%	10,277	929	9,348	9.0%	13,519	1,637	11,882	12.1%
1980	4,992	1093	3,899	21.9%	9,735	1,043	8,692	10.7%	13,162	1,793	11,369	13.6%
1981	5,783	1394	4,389	24.1%	10,158	1,156	9,002	11.4%	14,100	2,105	11,995	14.9%
1982	6,047	1367	4,680	22.6%	12,541	1,241	11,300	9.9%	16,743	2,192	14,551	13.1%
1983	6,705	1468	5,237	21.9%	13,509	1,275	12,234	9.4%	18,120	2,287	15,833	12.6%
1984	6,852	1062	5,790	15.5%	14,499	1,338	13,161	9.2%	19,365	2,355	17,010	12.2%
1985	6,038	908	5,130	15.0%	13,423	1,052	12,371	7.8%	17,700	1,889	15,811	10.7%
1986	5,424	741	4,683	13.7%	11,149	790	10,359	7.1%	14,858	1,492	13,366	10.0%
1987	4,984	799	4,185	16.0%	9,902	733	9,169	7.4%	13,290	1,449	11,841	10.9%
1988	5,215	702	4,513	13.5%	9,714	724	8,990	7.5%	13,300	1,401	11,899	10.5%
1989	5,550	752	4,798	13.5%	10,663	790	9,873	7.4%	14,364	1,486	12,878	10.3%
1990	5,859	792	5,067	13.5%	12,423	917	11,506	7.4%	16,290	1,638	14,652	10.1%
1991	5,669	743	4,926	13.1%	11,910	1,013	10,897	8.5%	15,890	1,736	14,154	10.9%
1992	5,561	661	4,900	11.9%	11,726	923	10,803	7.9%	15,601	1,638	13,963	10.5%
Total	83,934	14,462	69,472	17.2%	171,166	14,833	156,333	8.7%	229,214	26,717	202,497	11.7%



U.S. Department  
of Transportation  
National Highway  
Traffic Safety  
Administration

Post-It<sup>®</sup> brand<sup>™</sup> transmittal memo 7671 # of pages 1/18

To: LORN CAMPBELL	From: NEILL KAMMERS
Co: AHTSPA	Co: NHTSA
Dept.	Phone # 206 533 5934
Fax # 407.463.5860	Fax #

### Alcohol-Related Deaths Three-Year Averages

State	Before .08	After .08	Difference
California	2,591 (87-89)	2,215 (90-91)*	376 less fatalities/yr. A 14.5% decrease
Utah	138 (80-82)	114 (84-86)	24 less fatalities/yr. A 17.4% decrease
Oregon	316 (80-82)	270 (84-86)	46 less fatalities/yr. A 14.5% decrease
Maine	111 (85-87)	70 (89-91)	41 less fatalities/yr. A 37% decrease
<b>Total 4 States</b>	<b>3,156</b>	<b>2,669</b>	<b>487 less fatalities/yr A 15.4% decrease</b>

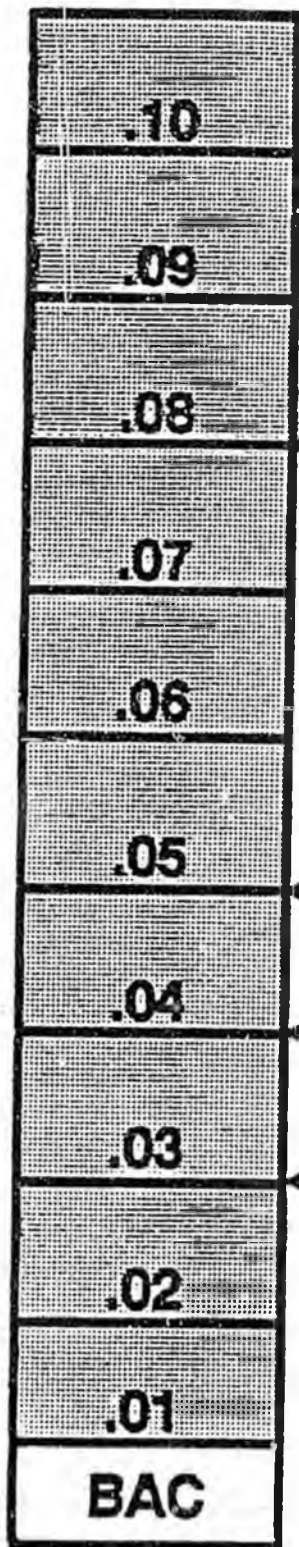
\* California fatalities are 2-year average of 1990-1991; 1992 data not complete as of 3/93.

### Drunk Driving Arrests Three-Year Averages

State	Before .08	After .08	Difference
California (CHP only)	135,260 (87-89)	140,715 (90-92)	+5,455 arrests/yr. A 4% increase.
Utah	9,400 (80-82)	13,700 (84-86)	+4,300 arrests/yr. A 45% increase.
Oregon	29,369 (80-82)	24,743 (84-86)	-4,626 arrests/yr. A 16% decrease.
Maine	9,693 (85-87)	11,827 (89-91)	+2,134 arrests/yr. A 22% increase.
<b>Total 4 States</b>	<b>183,722</b>	<b>190,985</b>	<b>+7,263 arrests/yr. A 3.9% increase.</b>



AUTO SAFETY HOTLINE  
(800) 424-6303  
Wash. D.C. Area 305-0123



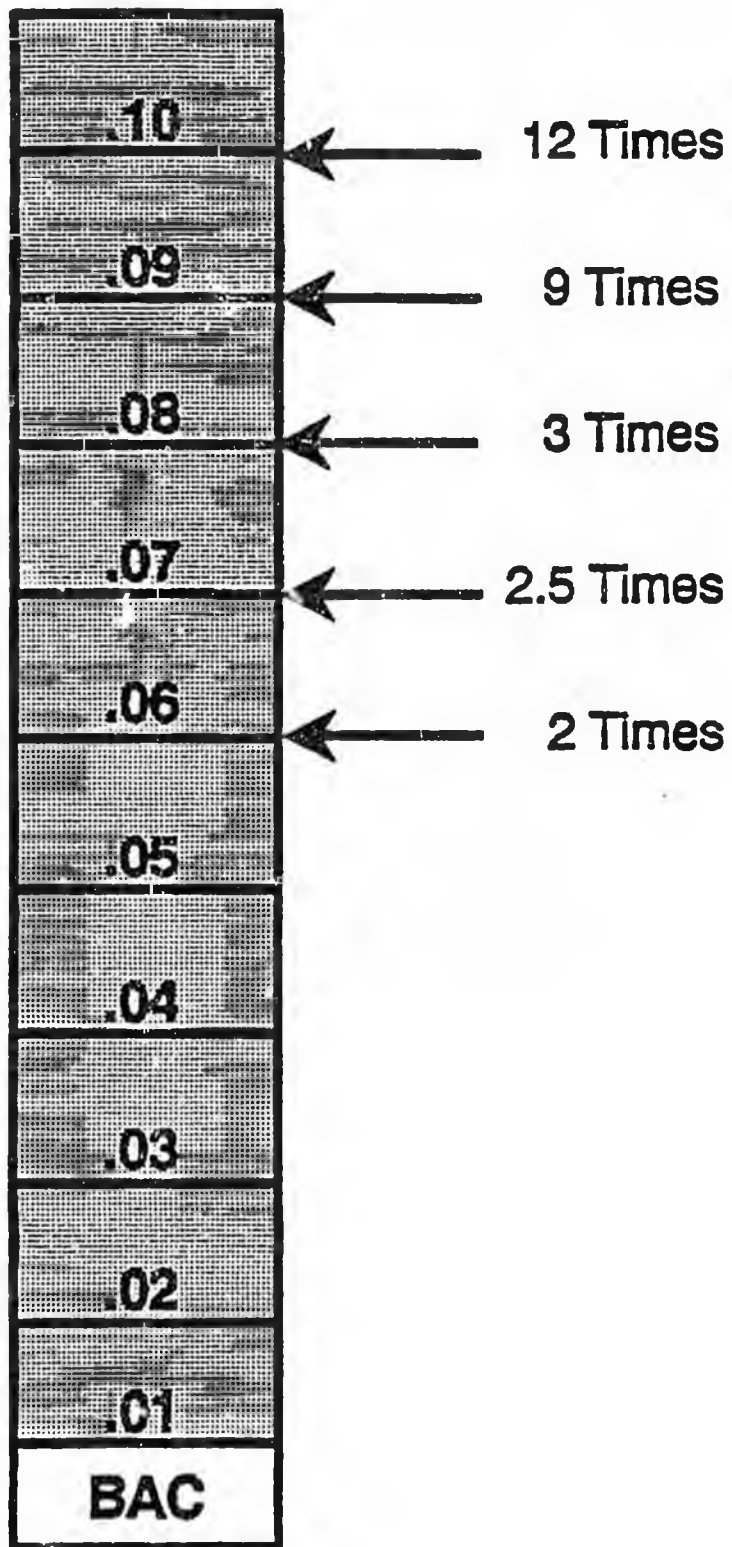
Concentrated Attention, Speed Control, Braking, Steering, Gear Changing, Lane Tracking, Judgment

Tracking, Divided Attention, Coordination, Comprehension, Eye Movement

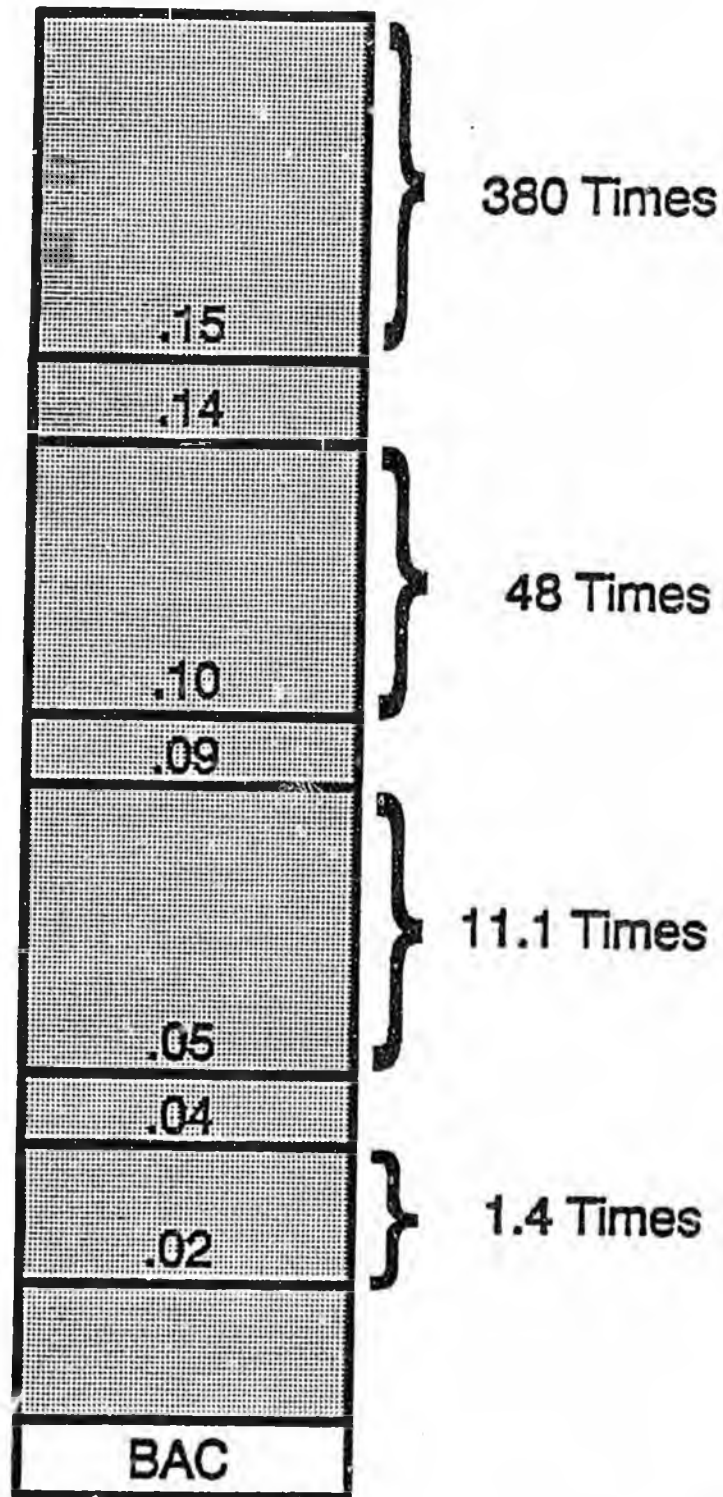
Simple Reaction Time, Emergency Response

Choice Reaction Time

## BAC and Impairment



**BAC and Crash Risk**



**Relative Fatality Risk for Drivers in  
Single Vehicle Crashes by BAC  
(Zador, IIHS, 1991)**

3111 C STREET  
ANCHORAGE, ALASKA 99503-3957  
561-7007

WHILE IN SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
465-4968

Alaska State Legislature  
House of Representatives



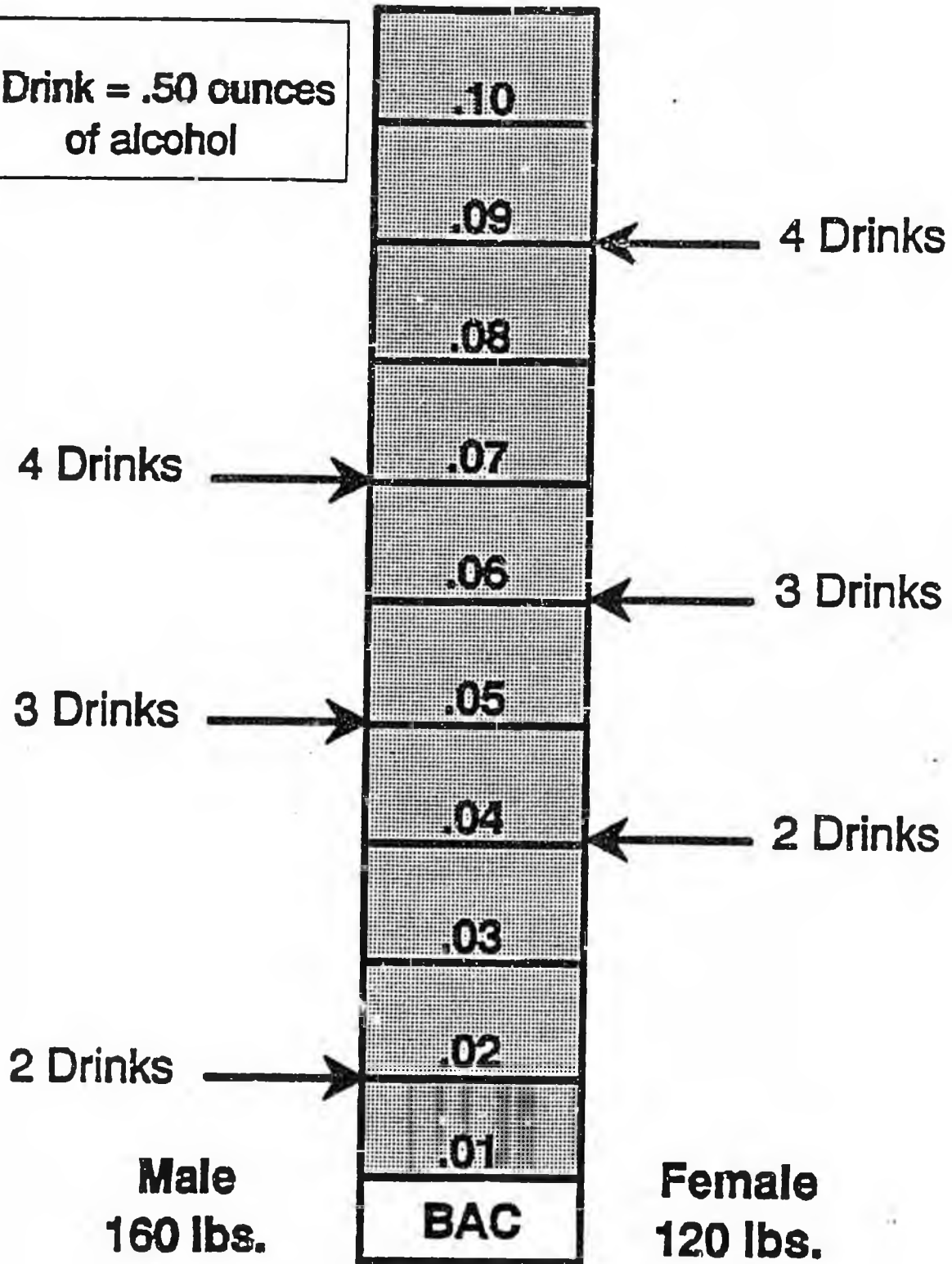
DISTRICT 14:  
SAND LAKE  
SPENARD  
TAKU-CAMPBELL

Representative Jim Nordlund

	# OF DRINKS TO .10 BAC (1HR PERIOD)	#OF DRINKS TO .08 BAC (1HR PERIOD)
FEMALE 100 LBS.	2	2
FEMALE 140 LBS.	3	3
FEMALE 180 LBS.	4	3
MALE 120 LBS.	3	3
MALE 160 LBS.	5	4
MALE 200 LBS.	6	5
MALE 240 LBS.	7	6

\* Information from the "Controlled Drinking Guide" published by The Alaska Center for Responsible Alcohol Control

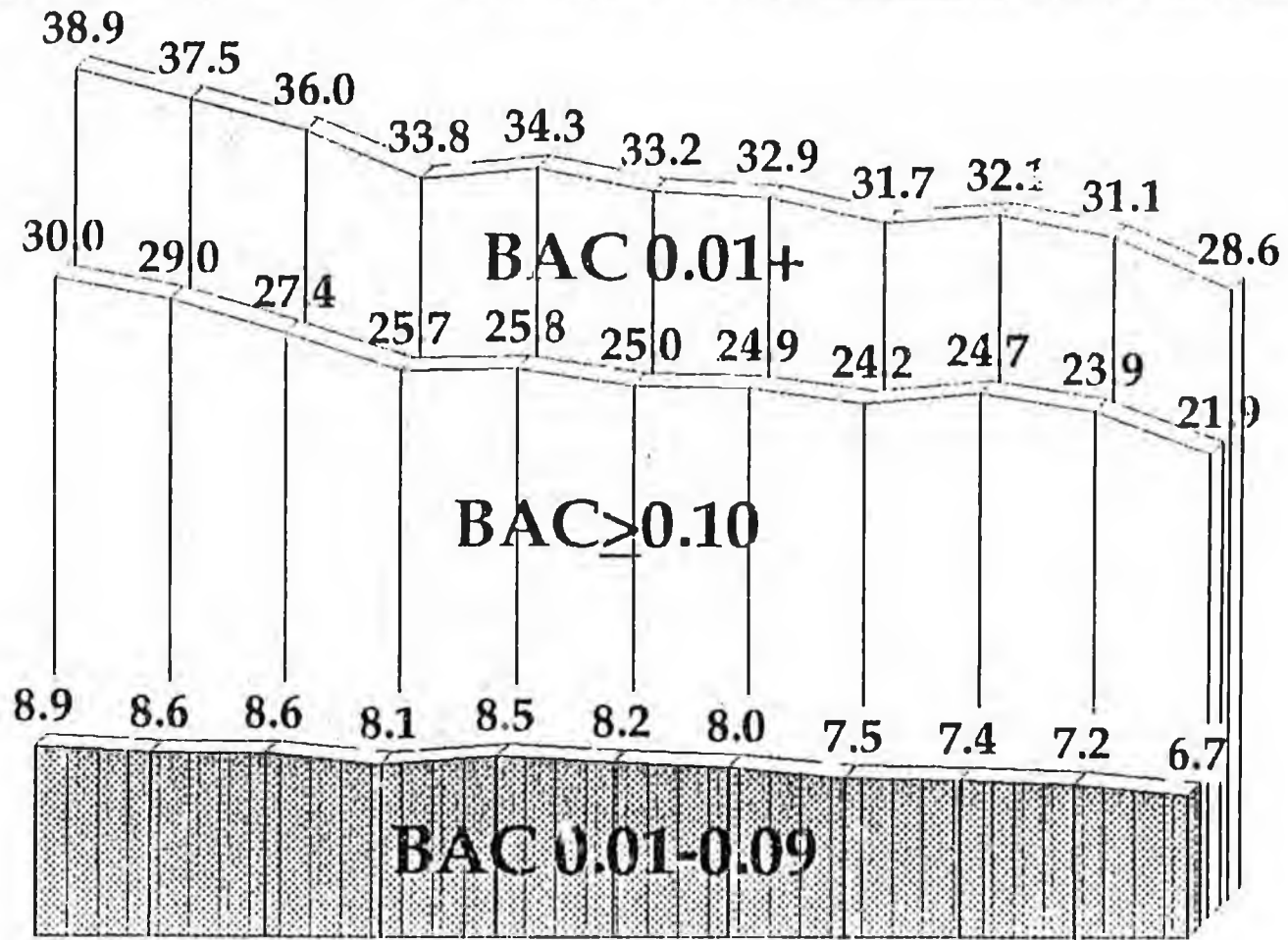
1 Drink = .50 ounces  
of alcohol



**Number of Drinks and BAC In One  
Hour of Drinking**

# Estimated Proportion of Drivers Involved in All Crashes with Effective Blood Alcohol Concentration

Percentage of Drivers



1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992

BAC = Blood Alcohol Content

## **Effectiveness of .08 Per Se**

- **NHTSA Evaluated Effects of .08 in California**
- **Results:**
  - **81% knew BAC limit was stricter**
  - **Increase in DUI arrests**
  - **12% reduction in A/R fatalities**
  - **Some of effects due to ALR**

## **.08 Per Se**

### ***Will .08 be cost effective?***

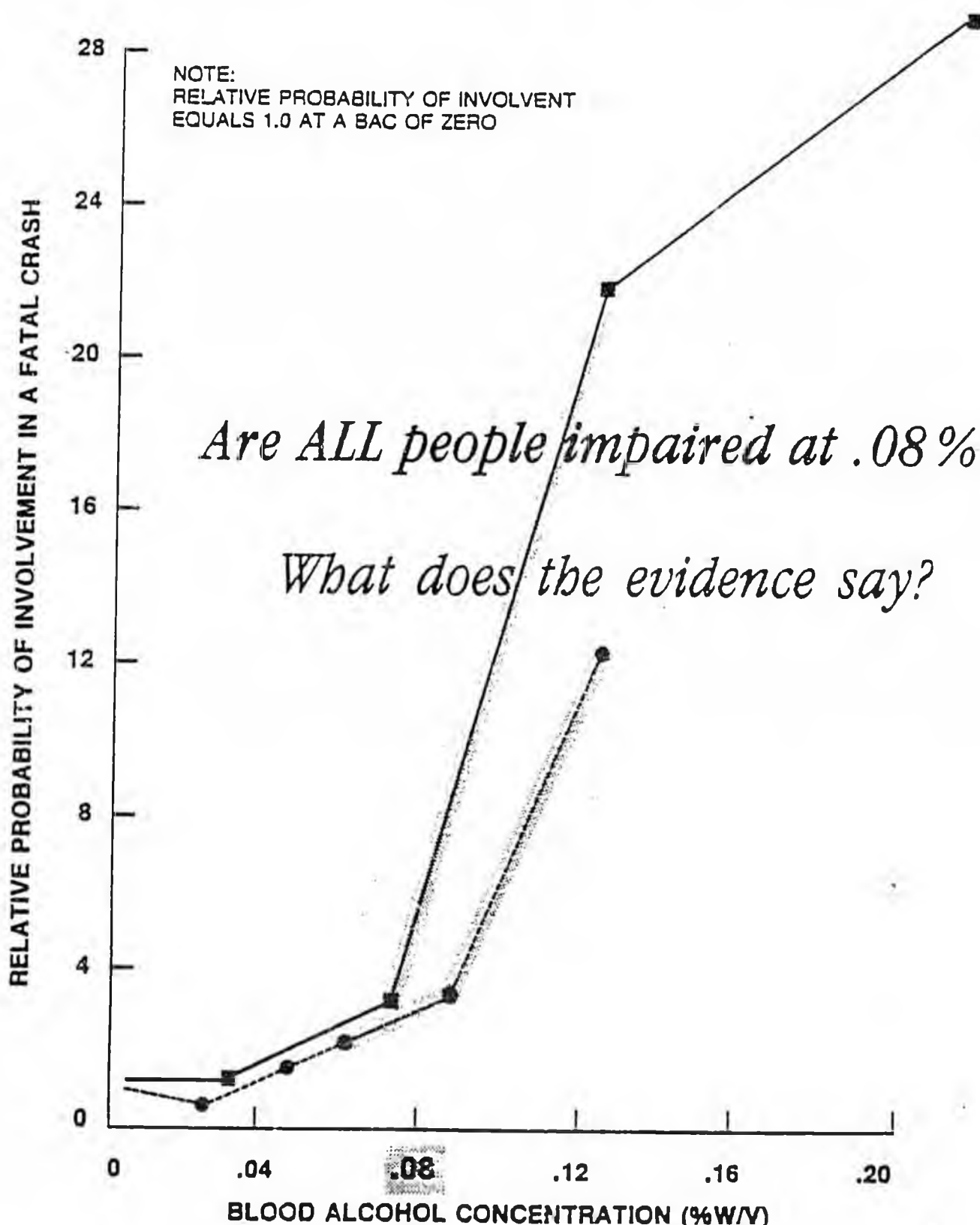
The costs associated with the increased DWI arrests that will occur will be more than offset by **lives saved** due to reductions in alcohol-related fatalities. Eventually, reductions in drinking and driving should also occur and arrests will go back down.

## **BAC Limits in Other Countries**

<b><u>Country</u></b>	<b><u>Illegal Per Se</u></b>
Canada	.08
Great Britain	.08
Australia	.05 - .08
Austria	.08
Switzerland	.08
Netherlands	.05
Norway	.05
Finland	.05
Sweden	.02

# Relative Probability of Involvement in Fatal Crashes for Drivers with BACs at Given Levels

RL



*Are ALL people impaired at .08%?*

*What does the evidence say?*

● GRAND RAPIDS, MICHIGAN, 300 FATAL OR SERIOUS CRASHES (Hurst 1974) ■ VERMONT, 108 FATAL CRASHES (Hurst 1974)

COMPLIMENTS OF  
SENATOR BILL LEONARD