



# UTAH LEGISLATIVE PRIMER: BIAS IN TRAFFIC SAFETY RESEARCH

The National Transportation Safety Board (NTSB) has advocated for a 0.05 BAC arrest level since 2013. However, **the NTSB isn't part of the US Department of Transportation and has no regulatory or enforcement power. It was established to investigate major transportation accidents and hazardous material releases, and its research isn't valid evidence in a court of law.**

To sell 0.05 as the answer to our nation's drunk driving problem, the NTSB relies heavily on a small group of biased researchers who exaggerate 0.05 impairment. In just one example, NTSB favorites James Fell and Robert Voas changed "0.08" to "0.05" when paraphrasing federal data on alcohol impairment.

THE NTSB'S FIRST  
RECOMMENDATION FOR  
.05 CITES FELL AND VOAS

**13  
TIMES**

## 2008

"It would take an average **170-pound male more than four drinks within a 2-hour period to reach a BAC level of .08** ... while it would take more than **three drinks in 2 hours for an average 137-pound female to reach a .08 BAC level.**"

*—USDOT, NHTSA*

## 2014

"A 0.05 illegal BAC is not typically reached with a couple of beers after work or with a glass of wine or two with dinner. It takes at least **four drinks for an average 170-pound male to exceed 0.05 BAC in 2 hours** on an empty stomach (**three drinks for a 137-pound female**)."

*—Fell & Voas*

In reality, it takes little more than a single drink for a 120 lb woman to reach 0.05 BAC. This behavior isn't reckless or excessive drinking by any standard.

Only 2 percent of Utah's traffic fatalities involve drivers with a BAC between 0.05 and 0.08. To make *.05 per se* laws sound more impactful, the NTSB claims lower legal limits reduce alcohol-involved crashes and fatalities at all BAC levels. But studies in the US had mixed results - many even show the move doesn't deter drunk drivers at all. One study the NTSB cites actually found higher BAC limits reduced single-vehicle nighttime crashes in 1 in 9 states. Research isn't conclusive but the NTSB treats this "deterrent effect" as an unquestionable fact.

The NTSB and other supporters of Utah's .05 law argue that lower legal limits work abroad, but fail to mention that almost every study finds .05 laws aren't effective alone. They only work in conjunction with high visibility enforcement, like random roadside breath testing (which is illegal in the U.S.) and heightened public awareness for drunk driving:

**"0.5 mg/ml illegal BAC limits are not found statistically significant for the whole population unless it is accompanied by specific enforcement activities as random checks on the road."**

*—Albalate 2008 (European Union)*

**"Enactment of the lower legal blood alcohol limit with a combination of other severe sanctions has been more desirable in the prevention of alcohol-related fatalities."**

*—Desapriya 2009 (Japan)*

**"...the .05 law was introduced only two years before [random breath testing], and it is not really possible to separate the ongoing effects of the lower limit from the effects of RBT."**

*—Australian Federal Office of Road Safety, 1997*

**Public safety should rely on data-driven science, not on a solution in search of a problem.**