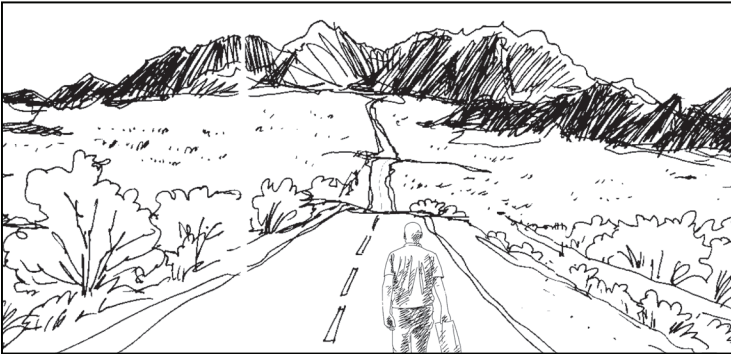




UTAH STATE REP. NORM THURSTON: THE ARCHITECT OF THE .05 CONCEPT

By William Aiken Jr.



Utah State Rep. Norm Thurston, District 62

For years, there's been positive data from other countries who have lowered their BAC threshold. Despite this strong evidence that lowering the BAC saved lives, that fact was negated in America since there was no example of a US state with a lower BAC. That changed when Utah implemented a .05 BAC in 2018. This test case generated a ton of data that was favorable. Also the data debunked the claims the law would ruin the restaurant industry.

Utah Rep. Norm Thurston is pioneer in leading the movement to lower the nation's BAC. As the first state to pass this law, Thurston had introduced the first bill to lower the legal BAC. He had to learn in a trial by fire setting and he came out victorious. I got a chance to speak with Rep. Thurston to reflect on the crafting of the bill, the success of .05 and how others states can follow Utah's lead.

In 1978, my late Mother, Doris Aiken started the national movement against drunken driving. In 1984, lowering the BAC became a passion for her after she heard Surgeon General. C. Everett Koop introduced the concept at a conference in San Diego. So it's an honor to be able to interview you.

1). Can you brief our readers on the trajectory of Utah's .05 law? How was it received by the public when it became the law? How has it impacted drunken driving?

As you can imagine, there was a significant difference of opinion about lowering the threshold to .05. The general public seemed very supportive because they understood that injuries and deaths from drunk driving are at unacceptable levels. Strangely, some worried about the impact on the state's reputation for visitors who somehow would be less likely to travel to a state that takes drunk driving seriously. On the whole, fears about impact on travel and tourism did not materialize, but the effect of the message seemed to have a real chilling effect on drunk driving. Pre-covid data showed that there was significant positive impacts for our communities.

2). Before you had drafted the bill, what motivated you? Was there a particular DWI tragedy or event that inspired you to take action?

I do not have a connection with DUI tragedies or victims. As a policy maker, I was inspired by a friend that had been working on anti-DUI messaging. In our conversations, we agreed that the messages being signaled to the public did not adequately communicate that driving after drinking is never a good idea. Even the idea that .08 is the cutoff suggests that many people could legally drive after having several drinks, even though we know they are impaired.

In looking at options, I originally wanted to send a message that two drinks is too much for anyone to drive safely, but after consulting with experts and looking for data, I concluded that a .05 standard made more sense and would send a similarly clear message.

3). There have always been powerful obstacles against passing anti-DWI legislation in the form of the alcohol industry and defense lawyers. What was your strategy to counter the narratives put out that lowering the BAC would be a disaster for Utah?

There were three key pieces of information that appealed to my colleagues, in order of importance.

1) Showing them the world map where .05 or lower is the norm worldwide. There are very few places that still tolerate .08 or higher standards.

2) Testimony from law enforcement that from their perspective nothing would change - individuals would still be arrested based on observable impairment and BAC data would be collected after the fact and used for prosecution. In other words, people are arrested because they are impaired, and this law will make it easier to get convictions.

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THE PRESIDENT'S LETTER: THE LEGALITIES SURROUNDING AUTONOMOUS VEHICLES

By William Aiken Jr.



Back in the 2019 Spring issue of the RID newsletter I interviewed Sgt McConnell regarding the role Autonomous Vehicles would play in reducing DWI fatalities. Sgt McConnell gives an inspired presentation at a StopDWI conference in Lake Placid. So I invited him to share his expertise with RID's audience.

Sgt. McConnell cited human error as by far the most significant factor in causing crashes. He further emphasized that autonomous vehicles would practically eliminate crashes caused by human, including those of impaired drivers.

In doing research for this President's Letter, I discovered that since my interview, the laws now negate an intoxicated driver from riding in an AV. The only exception that would permit a driver to legally ride in a AV is one that is completely Autonomous.

Twenty-nine states — Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Mississippi, Nebraska, New York, Nevada, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Vermont, Washington and Wisconsin — and Washington D.C. have enacted legislation related to autonomous vehicles. (1)

Seven states—Florida, Georgia, Nevada, North Carolina, North Dakota, Utah, and West Virginia—do not require a driver behind the wheel or for the driver to be licensed if they are, providing that vehicle is deemed to be SAE Level 4 or 5 capable Jan 6, 2023. 4 and 5 level AV technology is years away from being available on the market. (2)

I went back to my interview with Sgt. McConnell. What struck me was the legal challenges surrounding AVs never came up. So much in the world has changed after Covid. There's been a major reframing of how we view the testimony of experts. Let's go back to the pre-Covid era and compare the before and after of how expert opinion was viewed by the public. In hindsight, the deference granted to them created a blind spot.

National Highway Traffic Safety Administration (NHTSA) lists the five levels of autonomous vehicles as follows:

Level 0 – No Automation

Most cars on U.S. roads today are in this category. Drivers maintain total control of their vehicles, although these cars can include some driver support features. These include lane-keeping assistance, automatic braking in emergencies, blind-spot warnings, and collision warnings.

Level 1 – Driver Assistance

Drivers are responsible for their level one vehicle's safe operation. These cars can either feature adaptive cruise control or steering assistance, but drivers must be ready at all times to assume control.

Level 2 – Partial Driving Automation

Level two vehicles combine driving assistance features and can accelerate, steer, and brake autonomously in limited instances. A few automakers offer level two vehicles today. Drivers must be engaged and alert so they can take control of these cars if needed.



Level 3 – Conditional Driving Automation

This technology isn't available to the public in the U.S. yet. Level three technology allows the car to drive itself when systems are engaged. Drivers are still required to be immediately available to take over vehicle operation.

Level 4 – High Driving Automation

These cars don't need a human driver. Travel routes can be programmed and contained within specific boundaries, and these cars will stop themselves if there is a system failure. Severely inclement weather conditions may limit level four vehicle operations.

Drivers can still override level four vehicles to take control if they have manual control equipment.

Level 5 – Full Driving Automation

Level five vehicles can drive autonomously anytime, anywhere, in any conditions. All occupants are passengers. When these cars become available, all passengers can drink.

After the Covid pandemic, it's wise to be more skeptical. Sometimes the experts get things horribly wrong and few of those experts have come forth to admit their mistakes. When I interviewed Sgt. McConnell, we were operating under the law at the time.

This Spring Tesla begins the process of launching an autonomous taxi service with level five capabilities in California. The market is pushing private ownership of autonomous vehicles toward level five technologies. It's heading in that direction. It's not there, yet. Drunken driving has continued to wreak havoc for decades. I can't tell you how frustrating this journey has been where nothing I've done can reduce this carnage and heartache. So I was thrilled that this new technology might be the silver bullet. But the reality is that solution is further down the road than what I first reported back in 2019.

Yes, hindsight is 20/20. Yet, there's an important lesson to learn here: don't allow enthusiasm to sway you at the expense of questioning authority.

Footnotes: 1). National Conference of State Legislators December 6, 2019
2). Motor Trends January 2023

William Aiken, Jr., President
Remove Intoxicated Drivers

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LOOKING DOWN THE ROAD

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3) Data showing that meaningful impairment begins much lower than .08. We didn't have data to combat the tourism argument, so our strategy was simply to highlight that tourists who are planning to come to our state and drive drunk are not welcome. Making Utah a safer state for everyone includes our guests, and we want them to be safe while they are here. I suppose the similarly timed announcements about statewide availability of ride share companies also offset that argument; people do have options.

4) I've noticed that studies by NHTSA and the NTSB, touting the positive effects of .05, have received little fanfare in the news. Do you believe the media has been fair and balanced in their reporting on Utah's lowering of the BAC?

It's hard for the media to report science. Reporters often lack the skills to repackage it in a way that gets the public's attention.

5) .05 shouldn't be a partisan issue. Yet, in my state of New York it's been quite a challenge to get both sides on board to support the bill. To what extent did your .05 bill have bipartisan support among your Utah colleagues?

It was not a partisan issue here. There was both opposition and support from individuals in both parties.

6) Can a public figure or powerful politician on the national stage make a difference in the individual states, who are trying to pass a version of .05? Or is .05 an issue that's best addressed at the state and local level?

NTSB has been advocating for .05 for years and now NHTSA is also on board. I don't know that having a public figure at the national level would have much impact, but it can't hurt.

As I work with other states, it is clear that they need local champions that are trusted voices, especially those from law enforcement and health care that can talk about the devastating impact of drunk driving on public health and safety.

7) As someone who's been working to pass .05 in New York state since a bill was introduced in 2013, what advice do you have for those of us, who are seeking to follow Utah's example?

Tell the story with data. Show that .05 is a reasonable standard (USA is an outlier) that connects with an unacceptable level of impairment. Nobody at .05 should be on the road. At some point, people will understand that even if there is a small impact on business (although data shows that won't happen), it's not the kind of business we should be supporting.

IN MEMORIAM: RENEE BARCHITTA

By William Aiken Jr.



Renee being recognized by Chief Louis Falco III, Rockland County for her years of dedication as a road safety advocate.

Renee L. Barchitta, 73, of Roxbury, peacefully passed away on Friday, January 24, 2025 at her home in Roxbury following a valiant battle with cancer.

After losing her uncle, Salvatore to a drunken driver, Renee got involved with RID. She soon rose to become a powerful voice in the anti-DWI movement. One afternoon, I was riding in my car when I heard Renee's voice

come over the radio. She had phoned into a popular national show, which is never easy to get through. She spoke eloquently and confidently about an issue she was passionate about, the harms of marijuana. The host asked Renee to stay on after the next break. Renee came across as a creditable guest, who was booked on the show to denote her expertise.

Born on September 19, 1951 in Brooklyn NY, she was the daughter of the late Sol and Hannah (Zepper) Satz. She grew up in Queens NY where she graduated from of Martin Van Buren High School and Queens College. In 1992 she received an MS in Public Administration from the Sage Colleges in Albany and Troy.

In 1975 she married Roger Barchitta. She and her husband Roger moved from New York City to Roxbury in 1976 where they resided for a total of almost 24 years. They also resided in Hamden and Delhi before moving to Albany in 2000. She retired in 2010 Renee and Roger finally settled in 2012 in Roxbury.

Renee worked for over 12 years as the Coordinator / Educator of the Delaware County STOP DWI Program. She also served as Editor of the New York State Traffic Safety Journal "Stop Signs". She was a nationally recognized Highway Safety advocate /activist by the National Highway Traffic Safety Administration that led to her being appointed in 2000 as a Highway Traffic Representative by the NYS Governor's Traffic Safety Commission where she served until her retirement. She was known by her colleagues and coworkers as a tireless and dedicated worker totally committed to making Delaware County and New York State roads as safe as possible for the public she served so well.

Renee enjoyed music, especially Jazz. She loved dressing up and going out for dinner and dancing at the local Jazz venues when she and her husband lived in Albany. She also loved growing her own food in a spacious organic vegetable garden at her Roxbury home. She loved working in the dirt, making things grow and cooking from recipes she collected from old and new cook books.

She is survived by her devoted and loving husband: Roger Barchitta of Roxbury along with her close cousin Marlene Sackheim of Pensacola Florida that Renee considered a sister and many cousins and family members. Renee had many friends who always saw her as a fun-loving, generous, caring empathic person who always put others before herself.

A celebration of Renee's life is being planned and will be announced in the spring.

Arrangements are under the direction of Miller Funeral Home, Roxbury.

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