

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Kay Ivey  
Governor of Alabama  
State Capitol  
600 Dexter Ave.  
Montgomery, AL 36130

Dear Governor Ivey:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Alabama are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Alabama passed relevant legislation in 2021 and improved its crash data collection procedures. We encourage you to continue your state's efforts to increase BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32,

incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that your state has incorporated some of the NHTSA guidelines into its state action plans; however, Alabama has not yet attained the BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In addition, we note that your state's BAC reporting rates have not increased significantly since we issued this recommendation. We urge you to reconsider your approach and to provide the leadership necessary for Alabama to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Alabama has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your position and to provide the leadership necessary to ensure that Alabama requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWL) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated (DWI) offenses.

We are pleased that Alabama enacted an all-offender IID mandate in 2011, and subsequently strengthened the mandate's requirements in 2018. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Alabama has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Alabama is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Alabama incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a

mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Alabama incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that Alabama enacted a law in 2014 regarding IIDs and license suspension; however, full mandatory IID use during license suspension is optional for most first-time offenders. We encourage you to continue your efforts and to ensure that all offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. William M. Babington  
Governor's Highway Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Michael J. Dunleavy  
Governor of Alaska  
State Capitol, Third Fl.  
PO Box 110001  
Juneau, AK 99811

Dear Governor Dunleavy:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Alaska are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendation H-12-36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Alaska has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your position and to provide the leadership necessary to ensure that Alaska requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of

Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Alaska has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Alaska is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Alaska incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Alaska incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that Alaska does not require full mandatory ignition interlock device (IID) use during license suspension for all DWI offenders. We urge you to reconsider your approach and to ensure that all offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Ms. Tammy Kramer  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Doug Ducey  
Governor of Arizona  
State Capitol  
1700 West Washington  
Phoenix, AZ 85007

Dear Governor Ducey:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Arizona are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that the Arizona legislature introduced, but failed to pass, relevant legislation in 2018. We encourage you to continue your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Alternate Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting

guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that your state has incorporated some of the NHTSA guidelines into its state action plans; however, Arizona has not yet attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In addition, we note that your state's BAC reporting rates have declined since we issued this recommendation. We urge you to reconsider your approach and to provide the leadership necessary for Arizona to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We acknowledge that Arizona participated in the National Liquor Law Enforcement Association pilot project in 2017 that included training and technical assistance for POLD data collection. We encourage you to continue working towards requiring law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Arizona has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider

your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Arizona is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are disappointed that Arizona has not included any elements to target repeat offenders and reduce DWI recidivism, nor any mechanism for regularly assessing these elements' success, in its impaired driving prevention plan or highway safety plan. We urge you to reconsider your approach and to provide the leadership necessary to include the recommended elements and mechanism for regularly assessing the success of these efforts in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Unacceptable Response."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your

impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Arizona incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that Arizona does not require full mandatory ignition interlock device (IID) use during license suspension for all DWI offenders. We urge you to reconsider your approach and to ensure that all offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Alberto Gutier  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Asa Hutchinson  
Governor of Arkansas  
State Capitol, Rm. 250  
Little Rock, AR 72201

Dear Governor Hutchinson:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Arkansas are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Arkansas passed relevant legislation in 2019 and that Arkansas State Police allocated funds to provide blood test training and kits to its officers. We encourage you to continue your state's efforts to increase BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32,

incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that your state has incorporated some of the NHTSA guidelines into its state action plans. Although Arkansas has not yet attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes, your state is close to achieving these levels. Pending Arkansas reaching the recommended reporting rates, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Arkansas has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Arkansas requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Arkansas has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending

passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan [HSP] provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We note that PAS technology has not been included in your HSP since 2018. Please inform us if you continue to use PAS technology, even though it was removed from your HSP. Pending your verification that Arkansas continues to use the recommended technology, Safety Recommendation H-13-6 is classified "Open–Acceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Arkansas incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its HSP and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Arkansas incorporated the recommended TZD targets and assessment mechanism into its HSP elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are pleased that Arkansas enacted an ignition interlock device requirement for all DWI offenders in 2015. Accordingly, Safety Recommendation H-13-9 is classified "Closed–Acceptable Action."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. William J. Bryant  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Gavin Newsom  
Governor of California  
State Capitol, Ste. 1173  
Sacramento, CA 95814

Dear Governor Newsom:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to California are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that the California legislature introduced, but did not pass, relevant legislation in 2019 and 2021. We also acknowledge that California improved its crash data recordkeeping, explored establishing testing standards, and benefitted from a court case that found no warrant is required to draw blood from a suspect. We encourage you to continue your efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We note that California has incorporated some of the NHTSA guidelines into its state action plans. Although California has not yet attained the BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes, your fatally injured driver reporting rates are increasing. We encourage you to provide the leadership necessary for California to reach the recommended BAC reporting rates for both fatally injured and surviving drivers. Pending such action, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

Although we acknowledge that some California counties, including Ventura and Sonoma, have ongoing POLD data projects, and that the California Highway Patrol (CHP) includes a POLD question on its driving-under-the-influence (DUI) investigation form, we are concerned that CHP officers are not required to collect POLD data as part of the DUI investigation. We urge you to provide the leadership necessary to require law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWL) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices for all individuals convicted of driving while intoxicated (DWI) offenses.

Although California has operated multiple pilot programs in counties throughout the state allowing DWI offenders to use ignition interlock devices (IIDs), it has not taken any action to enact legislation requiring use of IIDs by all offenders. We urge you to reconsider your approach and to ensure that all convicted DWI offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-12-45 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We note that in 2019 your state considered, but failed to pass, legislation to require a per se BAC limit of 0.05 percent or lower for all drivers. We encourage you to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Acceptable Alternate Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that California is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that California incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that California incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We acknowledge that California law currently requires repeat DWI offenders to use an IID after license suspension; however, IID use is voluntary for first-time offenders. We encourage you to provide the leadership necessary to ensure that California requires IID use for all convicted DWI offenders prior to full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Ms. Barbara Rooney  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Jared Polis  
Governor of Colorado  
136 State Capitol  
Denver, CO 80203-1792

Dear Governor Polis:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Colorado are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Colorado improved its crash data collection process through changes to its enforcement documentation procedures. We encourage you to continue your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32,

incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Colorado has incorporated some of the NHTSA guidelines into its state action plans. Although Colorado has attained the BAC reporting rate of at least 80 percent of fatally injured drivers, we note that you have not yet attained the rate of at least 60 percent of surviving drivers in fatal crashes. Pending Colorado's reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Colorado has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Colorado requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that your state has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending

passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that your state is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

Although we acknowledge that Colorado has programs in place to reduce recidivism among high-risk DWI offenders and a mechanism to regularly assess program success using performance metrics, we are concerned that your state does not have any measures to improve ignition interlock device (IID) compliance. We encourage you to provide the leadership necessary to include the recommended measures to improve IID compliance in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide

a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Colorado incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that Colorado law currently requires repeat DWI offenders to use an IID after license suspension; however, IID use is voluntary for first-time offenders. We encourage you to ensure that Colorado requires all DWI offenders to use an IID before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Ms. Shoshana Lew  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Ned Lamont  
Governor of Connecticut  
210 Capitol Ave.  
Hartford, CT 06106

Dear Governor Lamont:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Connecticut are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that the Connecticut legislature introduced, but failed to pass, relevant legislation in 2019. We further note that Connecticut updated its crash form, which improved crash reporting procedures, and, through related updates required by recent cannabis legislation, is working toward mandatory BAC testing following fatal crashes. We encourage you to continue your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that your state has incorporated some of the NHTSA guidelines into its state action plans; however, Connecticut has not yet attained the BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In addition, we note that Connecticut's BAC reporting rates have fluctuated since we issued this recommendation with no overall trend of improvement. We urge you to reconsider your approach and to provide the leadership necessary for Connecticut to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Connecticut has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Connecticut requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of transportation safety improvements (MWL) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that your state has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are pleased that Connecticut has included PAS technology in its highway safety plans. Accordingly, Safety Recommendation H-13-6 is classified "Closed–Acceptable Action."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Connecticut incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Connecticut incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are pleased that, in 2014, Connecticut enacted an ignition interlock device requirement for all offenders convicted of a DWI. Accordingly, Safety Recommendation H-13-9 is classified "Closed–Acceptable Action."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Garrett Eucalitto  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable John Carney  
Governor of Delaware  
Legislative Hall  
Dover, DE 19901

Dear Governor Carney:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Delaware are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are disappointed that Delaware has not enacted or attempted to enact legislation or regulations to improve BAC test-level reporting. We urge you to reconsider your approach and to provide the leadership necessary to improve your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting

guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Delaware has incorporated some of the NHTSA guidelines into its state action plans. Although Delaware has attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers, we note that you have not yet attained at least 60 percent reporting of surviving drivers in fatal crashes. Pending Delaware reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We acknowledge that, in 2017, Delaware participated in the National Liquor Law Enforcement Association pilot project, including training and technical assistance for POLD data collection. We encourage Delaware to continue working towards requiring law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWL) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated offenses.

We are pleased that Delaware enacted an all-offender IID mandate in 2014. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety

Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We note that your state considered, but failed to pass, legislation to require a per se BAC limit of 0.05 percent or lower for all drivers in 2017. We encourage you to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of such legislation, Safety Recommendation H-13-5 is classified "Open–Acceptable Alternate Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that your state is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that Delaware has programs in place to reduce recidivism among those with prior impaired-driving arrests; however, your state does not have any measures to improve IID compliance nor a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary

to include the recommended measures to improve IID compliance, and a mechanism to assess the success of these programs, in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Delaware incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are pleased that Delaware enacted an all-offender IID mandate in 2014. Accordingly, Safety Recommendation H-13-9 is classified "Closed–Acceptable Action."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Nathaniel McQueen, Jr.  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair  
Washington, DC 20594



June 21, 2022

The Honorable Muriel Bowser  
Mayor  
District of Columbia  
1350 Pennsylvania Ave., NW  
Washington, DC 20004

Dear Mayor Bowser:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to the District of Columbia are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are pleased that the District developed a comprehensive BAC testing program, which it subsequently expanded in 2016. Accordingly, Safety Recommendation H-12-34 is classified "Closed–Acceptable Action."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC

reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that the District has incorporated some of the NHTSA guidelines into its action plans; however, you have not yet attained the BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In addition, we note that your BAC reporting rates have fluctuated since we issued this recommendation, with no overall trend of improvement. We urge you to reconsider your approach and to provide the leadership necessary for Washington, DC, to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are pleased that the District's prosecution reports include a POLD question for each arrest and any fatality investigation. Accordingly, Safety Recommendation H-12-36 is classified "Closed–Acceptable Action."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are pleased that, in January 2013, the District implemented an IID program that requires all offenders to use an IID for a specified amount of time during the post-conviction license suspension phase. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety

Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that the District has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to provide the leadership necessary to ensure that the District passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

Although we note that PAS technology was previously included in the District's highway safety plan, we are concerned that it has not been included since 2018. Please inform us if you continue to use PAS technology, even though it was removed from your highway safety plan. Pending verification that you continue to use the recommended technology, Safety Recommendation H-13-6 is classified "Open–Acceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that the District incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into your highway safety plan,

and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that the District incorporated the recommended TZD targets and assessment mechanism into your highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that the District does not require full mandatory IID use during license suspension for all DWI offenders. We urge you to reconsider your approach and to ensure that all offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Everett Lott  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Ron DeSantis  
Governor of Florida  
The Capitol  
400 South Monroe St.  
Tallahassee, FL 32399

Dear Governor DeSantis:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Florida are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are disappointed that Florida has not enacted nor attempted to enact legislation or regulations to improve BAC test-level reporting. We encourage you to provide the leadership necessary to improve your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that your state has incorporated some of the NHTSA guidelines into its state action plans; however, Florida has not yet attained the BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In addition, we note that your state's BAC reporting rates have not increased significantly since we issued this recommendation. We urge you to reconsider your approach and to provide the leadership necessary for Florida to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Florida has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. Again, we urge you to reconsider your approach and to provide the leadership necessary to ensure that Florida requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We note that Florida mandates IID use for repeat DWI offenders, but not for first-time offenders. We encourage you provide the leadership needed to ensure that Florida enacts a law to require the use of IIDs for all convicted DWI offenders. Pending such action, Safety Recommendation H-12-45 is classified "Open–Acceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Florida has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. Please reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan [HSP] provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We note that, although you indicated that you were discussing the merits of PAS technology and it was part of a pilot project in 2001, Florida is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or HSP provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Florida incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its HSP and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Florida incorporated the recommended TZD targets and assessment mechanism into its HSP elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that, in 2016, Florida introduced, but failed to pass, legislation to require IID use by DWI offenders who refused BAC and controlled-substance testing. Florida currently does not require IID use prior to license reinstatement. We encourage you to provide the leadership needed to ensure that Florida enacts a law to require the use of IIDs for all convicted DWI offenders before license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Alternate Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Will N. Watts, Jr.  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Brian Kemp  
Governor of Georgia  
206 Washington St.  
111 State Capitol  
Atlanta, GA 30334

Dear Governor Kemp:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Georgia are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are disappointed that Georgia has not enacted or attempted to enact legislation or regulations to improve BAC test-level reporting. We urge you to reconsider your approach and to provide the leadership necessary to improve your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that your state has incorporated some of the NHTSA guidelines into its state action plans; however, Georgia has not yet attained the BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. We encourage you to provide the leadership necessary for Georgia to reach the recommended BAC reporting rates for both fatally injured and surviving drivers. Pending such action, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Georgia has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Georgia requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We note that Georgia currently requires only repeat offenders to use an IID after license suspension. We further note that, in 2021, Georgia's legislature introduced, but failed to pass, a bill that would require IID use by all offenders. We encourage you to provide the leadership necessary to ensure that Georgia enacts a law that requires the use of an IID before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-12-45 is classified "Open–Acceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Georgia has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your position and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Georgia is not using PAS technology, as recommended. Again, we urge you to reconsider your approach and include in your state's impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are disappointed that Georgia did not include any elements to target repeat offenders and to reduce DWI recidivism in its impaired driving prevention plan or highway safety plan. Again, we urge you to reconsider your position and to provide the leadership necessary to include the recommended elements and a mechanism for regularly assessing the success of the program in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Unacceptable Response."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Georgia incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that Georgia currently requires only repeat offenders to use an IID after license suspension. We further note that, in 2021, Georgia's legislature introduced, but failed to pass, a bill that would require IID use by all offenders. We encourage you to provide the leadership necessary to ensure that Georgia enacts

such a law, as recommended. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Allen Poole  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable David Y. Ige  
Governor of Hawaii  
Executive Chambers  
State Capitol  
Honolulu, HI 96813

Dear Governor Ige:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Hawaii are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Hawaii passed legislation in 2021 to clarify its implied consent law and to fund a state drug and alcohol toxicology testing laboratory. We encourage you to continue your state's efforts to increase BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such action, Safety Recommendation H-12-34 remains classified "Open–Acceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting

guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that your state has incorporated some of the NHTSA guidelines into its state action plans. Although Hawaii has attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers, we note that you have not yet attained at least 60 percent reporting of surviving drivers in fatal crashes. Pending Hawaii reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 remains classified "Open–Acceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that your state has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. Again, we encourage you to provide the leadership necessary to ensure that Hawaii requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We note that Hawaii considered, but failed to pass, legislation to require a per se BAC limit of 0.05 percent or lower for all drivers in 2017 and 2021. We again encourage you to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending

passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Acceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are pleased that Hawaii has included PAS technology in its highway safety plans. Accordingly, Safety Recommendation H-13-6 is classified "Closed–Acceptable Action."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that your state incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into your highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Hawaii incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We acknowledge that Hawaii enacted an ignition interlock device requirement for all convicted DWI offenders in January 2008. Because you took this action before we issued this recommendation, Safety Recommendation H-13-9 is classified "Closed–Reconsidered."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Jade Butay  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Brad Little  
Governor of Idaho  
700 W. Jefferson, 2nd Fl.  
Boise, ID 83702

Dear Governor Little:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Idaho are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are disappointed that Idaho has not enacted nor attempted to enact legislation or regulations to improve BAC test-level reporting. We urge you to reconsider your position and to provide the leadership necessary to improve your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting

guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Idaho incorporated some of the NHTSA guidelines into its state action plans. Although Idaho has not yet attained the BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes, your fatally injured driver reporting rates are increasing. We encourage you to provide the leadership necessary for Idaho to reach the recommended BAC reporting rates for both fatally injured and surviving drivers. Pending such action, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We understand that your state participated in the National Liquor Law Enforcement Association pilot project in 2017 that included training and technical assistance for POLD data collection. We encourage you to continue working towards requiring law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWL) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are pleased that Idaho requires IID use by all offenders to reinstate a license after a DWI conviction. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -8 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that your state has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that your state is not using PAS technology, as recommended. We urge you to reconsider your position and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that Idaho has programs in place to reduce recidivism among drivers with prior DWI arrests; however, your state does not have any measures to improve IID compliance, nor a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary to continue these efforts and to include the recommended measures in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that your state incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that Idaho currently requires IID use to reinstate a license after a conviction; however, IID use to obtain limited driving privileges during license suspension is optional. We encourage you to enact a law to require mandatory IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Brian W. Ness  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable JB Pritzker  
Governor of Illinois  
Office of the Governor  
207 State House  
Springfield, IL 62706

Dear Governor Pritzker:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Illinois are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that the Illinois legislature introduced, but failed to pass, mandatory driver testing legislation in 2014 and that the Illinois Department of State Police adopted new testing regulations in 2015. We encourage you to continue your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Illinois has incorporated some of the NHTSA guidelines into its state action plans. Although Illinois has attained the recommended BAC reporting rate of at least 80 percent for fatally injured drivers, we note that your state has not yet attained at least a 60 percent reporting rate of surviving drivers in fatal crashes. Pending Illinois reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Illinois has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Illinois requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that your state has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We note that, although Illinois did not include PAS device use in its highway safety plan, your state has allowed local police departments to use the technology. We further note that Illinois passed a temporary 18-month approval of preliminary breath testing equipment, which can be used as a PAS. We encourage you to include the recommended PAS provisions in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-6 is classified "Open–Acceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that Illinois has programs in place to reduce recidivism among drivers with prior impaired driving arrests; however, the state does not have any measures to improve ignition interlock device (IID) compliance, nor a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary to include the recommended measures and mechanism in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Illinois incorporated the recommended TZD targets and assessment mechanism into your highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We acknowledge that Illinois law currently requires repeat DWI offenders to have an IID after license suspension; however, it is only optional, not required, for first-time offenders. We encourage you to provide the necessary leadership to ensure that Illinois enacts a law to require all convicted DWI offenders to use IIDs before full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Ms. Cynthia Watters  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Eric Holcomb  
Governor of Indiana  
State House, Rm. 206  
Indianapolis, IN 46204-2797

Dear Governor Holcomb:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Indiana are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are disappointed that Indiana has not enacted nor attempted to enact legislation or regulations to improve BAC test-level reporting. We urge you to reconsider your approach and to provide the leadership necessary to improve your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting

guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that your state has incorporated some of the NHTSA guidelines into its state action plans; however, Indiana has not yet attained the BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. Although your state's reporting rates have declined since we issued this recommendation, we understand that Indiana's 2020 highway safety plan includes elements to improve BAC reporting rates. We encourage you to provide the leadership necessary for Indiana to implement its plan and to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

#### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that your state has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Indiana requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

#### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are disappointed that Indiana has not required IID use for all convicted DWI offenders. We urge you to reconsider your approach and to ensure that all

convicted offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-12-45 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that your state has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are pleased that Indiana has included PAS technology as part of its highway safety plans. Accordingly, Safety Recommendation H-13-6 is classified "Closed–Acceptable Action."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that Indiana has antirecidivism strategies in place, including DWI courts, an IID management program, and judicial training. We further note that your IID management program could work to increase IID compliance, and your grant funding process could provide a regular assessment tool. We encourage you to continue working to include the recommended measures and a mechanism to assess the success of these programs in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Indiana incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that Indiana has not required IID use for all convicted DWI offenders. We urge you to reconsider your approach and ensure that all convicted offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Devon McDonald  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Kim Reynolds  
Governor of Iowa  
1007 E. Grand Ave.  
Des Moines, IA 50319

Dear Governor Reynolds:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Iowa are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are disappointed that Iowa has not enacted or attempted to enact legislation or regulations to improve BAC test-level reporting. We urge you to reconsider your approach and to provide the leadership necessary to improve your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting

guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Iowa has incorporated some of the NHTSA guidelines into its state action plans; however, you have not yet attained the BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. Although your state's reporting rates have declined since we issued this recommendation, we understand that your 2020 highway safety plan includes efforts to improve Iowa's BAC reporting rates. We encourage you to provide the leadership necessary for Iowa to implement its plan and to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We acknowledge that, in 2018, Iowa participated in the National Liquor Law Enforcement Association pilot project, which included training and technical assistance for POLD data collection. We further note that Iowa plans to expand its POLD program to improve enforcement capacity. We encourage you to continue working towards requiring law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are pleased that Iowa requires all DWI offenders to use an IID after license suspension, and that all repeat offenders must use an IID to have their license reinstated after a conviction. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Iowa has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that your state is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while

intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that Iowa has programs in place to reduce recidivism among drivers with prior DWI arrests; however, your state does not have any measures to improve IID compliance nor a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary to include the recommended mechanism in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Iowa incorporated the recommended TZD targets and assessment mechanism into its highway safety plan. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that Iowa currently requires all DWI offenders to use an IID after license suspension, and all repeat offenders to use an IID to have their license reinstated after a conviction; however, first-time offenders are not required to have an IID for license reinstatement. We further note that, in 2021, the Iowa legislature introduced, but failed to pass, a bill that would have required IID use by all DWI offenders. We encourage you to provide the leadership needed to enact a law to require all DWI offenders to use an IID before their license can be reinstated. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Alternate Action."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Stephan Bayens  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Laura Kelly  
Governor of Kansas  
Capitol  
300 SW 10th Ave., Ste. 212S  
Topeka, KS 66612

Dear Governor Kelly:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Kansas are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Kansas passed legislation in 2018 and 2019 to revise its implied consent laws. We further note that Kansas made regulatory changes to approve additional field blood-test kits. We encourage you to provide the leadership needed to continue your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 remains classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that your state incorporated many of the NHTSA guidelines into its state action plans; however, Kansas has not yet attained the BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In addition, we note that your state's BAC reporting rates have decreased significantly since we issued this recommendation. We urge you to reconsider your approach and to provide the leadership necessary for Kansas to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We note that Kansas has been working to increase POLD data collection, and that police departments in Kansas City started a program to track and categorize POLD data collected on impaired-driving arrest and accident report forms. We encourage you to provide the leadership needed to require that law enforcement agencies collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 remains classified "Open–Acceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Kansas has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are pleased that Kansas included PAS technology in its highway safety plans. Accordingly, Safety Recommendation H-13-6 is classified "Closed–Acceptable Action."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Kansas incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Kansas incorporated the recommended TZD targets and assessment mechanism into its highway safety plan. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are pleased that Kansas requires all offenders to use an ignition interlock device after a 30-day license suspension period. Accordingly, Safety Recommendation H-13-9 is classified "Closed–Acceptable Action."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Ms. Julie Lorenz  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Andy Beshear  
Governor of Kentucky  
700 Capitol Ave., Ste. 100  
Frankfort, KY 40601

Dear Governor Beshear:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Kentucky are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Kentucky made regulatory changes in 2017 to update its breath alcohol test procedures, and updated its collision reporting and analysis system database to eliminate a backlog and improve data-entry efficiency. We encourage you to provide the leadership needed to continue Kentucky's efforts to increase BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such action, Safety Recommendation H-12-34 remains classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We are disappointed that Kentucky has not included BAC reporting goals for impaired fatally injured or surviving drivers in the commonwealth's action plans, as recommended. We urge you to reconsider your approach and to provide the leadership necessary for Kentucky to include BAC reporting in its action plans and to reach the recommended BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Kentucky has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Kentucky requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are pleased that Kentucky enacted a law in 2015 to require IID use during the license suspension period. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -8, and -10 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Kentucky has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Kentucky is not using PAS technology as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the

plan should also provide a mechanism for regularly assessing the success of these efforts.

Although Kentucky has not incorporated any measures to improve IID compliance nor a mechanism to regularly assess the success of its programs, we note that you have programs in place to reduce recidivism among those with prior impaired-driving arrests. We encourage you to provide the leadership necessary to include the recommended IID compliance measures and an assessment mechanism in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Kentucky incorporated the recommended TZD targets and assessment mechanism into its highway safety plans elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-10**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

Although Kentucky enacted a law in 2015 to require IID use during the license suspension period, we note that you do not require IID use to reinstate a driver's license after a DWI conviction. We encourage you to provide the leadership needed to ensure that Kentucky requires all drivers convicted of DWI to use an IID before their license is fully reinstated. Pending such action, Safety Recommendation H-13-10 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Jim Gray  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable John Bel Edwards  
Governor of Louisiana  
PO Box 94004  
Baton Rouge, LA 70804

Dear Governor Edwards:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Louisiana are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are pleased to learn that Louisiana has developed a comprehensive BAC testing program. Accordingly, Safety Recommendation H-12-34 is classified "Closed–Acceptable Action."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC

reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We are pleased that Louisiana has incorporated many of the NHTSA guidelines into its state action plans, and that your state has attained the recommended BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. Accordingly, Safety Recommendation H-12-35 is classified "Closed–Acceptable Action."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Louisiana has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Louisiana requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Louisiana has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Louisiana is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that Louisiana has programs in place to reduce recidivism among drivers with prior DWI arrests; however, your state does not have a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary to include an assessment mechanism in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Louisiana incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that Louisiana does not require full mandatory ignition interlock device (IID) use during license suspension for all DWI offenders. We urge you to reconsider your approach and to provide the leadership necessary to ensure that all offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Ms. Lisa Freeman  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Janet Mills  
Governor of Maine  
1 State House Station  
Augusta, ME 04333

Dear Governor Mills:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Maine are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendation H-12-36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Maine has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Maine requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 remains classified "Open—Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation

Safety Improvements (MWL) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are disappointed that Maine has not required IID use for all convicted DWI offenders. We urge you to reconsider your position and to provide the leadership necessary to ensure that all convicted offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-12-45 remains classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Maine has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 remains classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing technology [PAS] during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Maine is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 remains classified "Open–Unacceptable Response."

#### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that your state incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

#### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Maine incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

#### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that Maine has not required IID use for all convicted DWI offenders. We urge you to reconsider your position and to provide the leadership

necessary to ensure that all convicted offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 remains classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Michael Sauschuck  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Larry Hogan  
Governor of Maryland  
100 State House  
Annapolis, MD 21401

Dear Governor Hogan:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Maryland are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Maryland has taken several actions toward implementing this recommendation, including the 2015 Maryland Department of State Police mandate for automated crash reporting and the 2016 law to increase the license suspension period for drivers refusing to take BAC tests. We further note that legislation related to BAC testing was introduced, but did not pass, in 2019 and 2021. We encourage you to continue to provide the leadership necessary to increase Maryland's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 remains classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Maryland has incorporated some of the NHTSA guidelines into its state action plans. We note that Maryland previously attained BAC reporting rates of over 80 percent of fatally injured drivers; however, we are disappointed that, in recent years, Maryland's reporting rates for fatally injured drivers have declined. In addition, Maryland's BAC reporting rates for surviving drivers remain at consistently low levels. We urge you to reconsider your approach and to provide the leadership necessary for Maryland to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Maryland has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Maryland requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are pleased that Maryland currently requires IID use for all for all offenders convicted of DWI and subject to license suspension. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that your state has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are pleased that your state has included PAS technology in your highway safety plans. Accordingly, Safety Recommendation H-13-6 is classified "Closed–Acceptable Action."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that your state incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that your state incorporated the recommended TZD targets and assessment mechanism into its highway safety plan. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

Although we note that Maryland currently requires all DWI offenders convicted and subject to a license suspension to use an IID, we are disappointed that you do not require full mandatory IID use during license suspension for all DWI offenders. We urge you to reconsider your approach and to ensure that all offenders are required to use IIDs before their license is fully reinstated. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Ms. Christine Nizer  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Charlie Baker  
Governor of Massachusetts  
State House  
Office of the Governor, Rm. 360  
Boston, MA 02133

Dear Governor Baker:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Massachusetts are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Massachusetts has taken several actions toward implementing this recommendation, including the 2016 regulations to update your blood-testing procedures and 2018 crash-data-reporting and collection-procedure update. We further note that legislation related to BAC testing was introduced, but did not pass, in 2013 and 2019; legislation related to mandatory consent was introduced in 2021 and is still active in committee. We encourage you to continue to provide the leadership needed to increase Massachusetts's BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Massachusetts has incorporated some of the NHTSA guidelines into its state action plans. We note that Massachusetts has attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers, and we encourage you to provide the leadership necessary for Massachusetts to reach the reporting rate of at least 60 percent of surviving drivers. Pending such action, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We acknowledge that Massachusetts established a law in 1982 that requires POLD data to be reported at the time of sentencing, and this program continues to be funded. We encourage you to continue providing the leadership necessary for Massachusetts to require law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We acknowledge that Massachusetts currently requires repeat convicted DWI offenders to use an IID after license suspension. In 2016, the Massachusetts

legislature introduced, but did not pass, legislation to expand the IID mandate. Similar legislation was again introduced, and remains active in committee, in 2021. We are disappointed that Massachusetts has not considered legislation to address the full intent of this recommendation and we urge you to reconsider your approach and to enact a law to require mandatory IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-12-45 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Massachusetts has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We note that Massachusetts has included the use of PAS devices in its highway safety plan program since 2008. We further note that the commonwealth purchased the devices in 2008 through grant funding provided by the Massachusetts Executive Office of Public Safety and Security. Because these actions were completed before this recommendation was issued, Safety Recommendation H-13-6 is classified "Closed–Reconsidered."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

Although Massachusetts does not have any measures to improve IID compliance nor a mechanism to regularly assess the success of these programs, we note that the commonwealth has programs in place to reduce recidivism among offenders with prior DWI arrests. We encourage you to provide the leadership necessary for Massachusetts to include the recommended measures and an assessment mechanism in its impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Massachusetts incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We acknowledge that Massachusetts currently requires repeat convicted DWI offenders to use an IID after license suspension. In 2020 and 2021, the Massachusetts legislature introduced, but did not pass, legislation to expand the IID mandate. We encourage you to continue providing the leadership necessary for Massachusetts to

enact a law that requires mandatory IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Alternate Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Terrence Reidy  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Gretchen Whitmer  
Governor of Michigan  
PO Box 30013  
Lansing, Michigan 48909

Dear Governor Whitmer:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Michigan are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that the Michigan legislature introduced legislation to expand the implied consent law in 2017 and to expand impairment testing methods in 2021; the 2017 bill failed and the 2021 bill remains active in committee. In addition, the Michigan State Police updated its crash reporting form in 2016 to include alcohol as a contributing factor, and provides officer training on crash reporting. We encourage you to continue providing the leadership necessary to increase Michigan's BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that your state has incorporated some of the NHTSA guidelines into its state action plans; however, Michigan has not yet attained the BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In addition, we note that your state's BAC reporting rates have declined since we issued this recommendation. We urge you to reconsider your approach and to provide the leadership necessary for Michigan to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that your state has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Michigan requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are disappointed that your state does not require IID use by all drivers arrested for DWI offenses. We urge you to provide the leadership necessary to ensure that Michigan requires the recommended IID use. Pending such action, Safety Recommendation H-12-45 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -8, and -10 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We acknowledge that Michigan has considered, but failed to pass, legislation in 2019 to require a per se BAC limit of 0.05 percent or lower for all drivers. We encourage you to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Acceptable Alternate Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Michigan is not using PAS technology, as recommended. We encourage you to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Michigan incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan, and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Michigan incorporated the recommended TZD targets and assessment mechanism into its highway safety plan. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-10**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that your state has not mandated IID use during the license suspension period for all drivers arrested for DWI offenses. We urge you to provide the leadership necessary to ensure that Michigan requires the recommended IID use. Pending such action, Safety Recommendation H-13-10 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Tim Walz  
Governor of Minnesota  
130 State Capitol  
75 Rev. Dr. Martin Luther King, Jr. Blvd.  
St Paul, MN 55155

Dear Governor Walz:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Minnesota are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Minnesota has taken several actions toward implementing this recommendation, including the 2016 implementation of a new crash records form and system and, in 2018, funding multiple data-quality assessment and improvement projects. We encourage you to provide the leadership necessary to increase Minnesota's BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such action, Safety Recommendation H-12-34 remains classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that your state incorporated some of the NHTSA guidelines into its state action plans. We note that Minnesota has attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers, and we encourage you to provide the leadership necessary for your state to reach the reporting rate of at least 60 percent of surviving drivers. Pending such action, Safety Recommendation H-12-35 remains classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We note that Minnesota has taken several actions to implement this recommendation, including: (1) developing an impaired-driving analytics program to better deploy enforcement resources, (2) ongoing operation of its POLD project, (3) creating a database to track all officer contacts involving alcohol. We encourage you to provide the leadership necessary for Minnesota to continue working towards requiring law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 remains classified "Open–Acceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

Although Minnesota currently does not require all convicted DWI offenders to use an IID before their license can be reinstated, we note that, in 2021, the Minnesota legislature introduced—but failed to pass—a bill to make IID use by all convicted DWI offenders mandatory. We encourage you to provide the leadership necessary to enact a law to require mandatory IID use for all DWI offenders. Pending such action, Safety Recommendation H-12-45 are classified “Open—Acceptable Alternate Action.”

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, “Prevent Alcohol- and Other Drug-Impaired Driving.”

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Minnesota has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified “Open—Unacceptable Response.”

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Minnesota is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired-driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified “Open—Unacceptable Response.”

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Minnesota incorporated the recommended elements to target repeat offenders and reduce DWI recidivism and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Minnesota incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

As we stated above, although Minnesota currently does not require all convicted DWI offenders to use an IID before their license can be reinstated, we note that, in 2021, the Minnesota legislature introduced—but failed to pass—a bill to impose mandatory IID use by all convicted DWI offenders. Again, we encourage you to provide the leadership necessary to enact a law to require mandatory IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Alternate Action."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Michael J. Hanson  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Tate Reeves  
Governor of Mississippi  
PO Box 139  
Jackson, MS 39205

Dear Governor Reeves:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Mississippi are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that in 2016, the Mississippi legislature introduced, but failed to pass, legislation to mandate blood tests in serious injury accidents. In addition, the Mississippi Office of Highway Safety implemented the Traffic Records Coordinated Program to facilitate test result reporting. We encourage you to provide the leadership necessary to increase Mississippi's BAC test-level reporting through improvements to its regulations and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Mississippi incorporated some of the NHTSA guidelines into its state action plans. Although Mississippi's 2017 highway safety plan included a goal of maintaining a 45-percent reporting rate, which you achieved for fatally injured drivers between 2015 and 2019, we are disappointed that Mississippi has not attained the recommended BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. We urge you to reconsider your approach and to provide the leadership necessary for Mississippi to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that your state has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Mississippi requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are pleased that Mississippi currently requires all offenders convicted and subject to a license suspension to use an IID. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Mississippi has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We note that PAS technology was included in Mississippi's 2014 highway safety plan and equipment was purchased; however, it was not included in subsequent plans. Please inform us if you continue to use PAS technology, even though it was removed from your state's highway safety plan. Pending completion of the recommended action, Safety Recommendation H-13-6 is classified "Open–Acceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that Mississippi has programs in place to reduce recidivism among those with prior impaired-driving arrests; however, you do not have any measures to improve IID compliance nor a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary to include the recommended measures to improve IID compliance and a mechanism to assess the success of these programs in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Mississippi incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that Mississippi requires all offenders convicted and subject to a license suspension to use an IID; however, you do not require IID use for license reinstatement. We encourage you to continue your efforts and to ensure that all offenders are required

to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Ray Sims  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Mike Parson  
Governor of Missouri  
Capitol Building, Rm. 216  
PO Box 720  
Jefferson City, MO 65102

Dear Governor Parson:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Missouri are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

Although Missouri has not enacted, nor attempted to enact, legislation or regulations to improve BAC test-level reporting, we note that you set goals in your state highway safety plan to develop blood-draw policies for use with emergency medical services, hospitals, and law enforcement agencies, and to improve your blood-draw search warrant process. We encourage you to provide the leadership necessary to increase Missouri's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Missouri has incorporated many of the NHTSA guidelines into its state action plans. Although Missouri has attained the recommended 60 percent BAC reporting rate for surviving drivers in fatal crashes, you have not yet consistently attained the 80 percent reporting rate for fatally injured drivers. Pending Missouri reaching and maintaining the recommended reporting rate for fatally injured drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

Although we note that the Missouri police have general orders to collect POLD data, using the state's Alcohol Incident Form, for arrests involving alcohol-impaired drivers, there is no requirement to collect this information on the state's crash report forms. We encourage you to continue working toward requiring law enforcement agencies to collect POLD data as part of any arrest or investigation involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Missouri has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement [HVE] of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We note that Missouri implemented an HVE program that includes use of portable breath-testing equipment, which is considered a PAS device. We encourage you to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Acceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Missouri incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide

a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that your state incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that Missouri does not require full mandatory ignition interlock device (IID) use during license suspension for all DWI offenders. We urge you to reconsider your approach and to ensure that all offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Patrick McKenna  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Greg Gianforte  
Governor of Montana  
State Capitol  
PO Box 200801  
Helena, MT 59620

Dear Governor Gianforte:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Montana are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendation H-12-36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Montana has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Montana requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation

Safety Improvements (MWL) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

#### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We acknowledge that Montana requires repeat DWI offenders to use an IID after license suspension and allows courts to assign IID restrictions to first-time offenders. We encourage you to continue working to ensure that Montana requires IID use by all drivers convicted of DWI offenses. Pending such action, Safety Recommendation H-12-45 is classified "Open–Acceptable Alternate Response."

We issued Safety Recommendations H-13-5 through -8, and -10 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

#### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Montana has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

#### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Montana is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

#### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Montana incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

#### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Montana incorporated the recommended TZD targets and assessment mechanism into its highway safety plan. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

#### **H-13-10**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

As mentioned, we acknowledge that Montana requires repeat DWI offenders to use an IID after license suspension and allows courts to assign IID restrictions to

first-time offenders. We encourage you to continue working to ensure that Montana requires IID use by all drivers before full license reinstatement. Pending such action, Safety Recommendation H-13-10 is classified "Open–Acceptable Alternate Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Malcolm Long  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair  
Washington, DC 20594



June 21, 2022

The Honorable Pete Ricketts  
Governor of Nebraska  
PO Box 94848  
Lincoln, NE 68509

Dear Governor Ricketts:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Nebraska are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendation H-12-36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We note that Nebraska encourages law enforcement agencies to voluntarily collect POLD data and that the Nebraska Office of Highway Safety asked Mothers Against Drunk Driving to collect information regarding court-ordered participants in its Victim Impact Panels. We encourage you to provide the leadership necessary to continue working towards requiring Nebraska's law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of

Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Nebraska has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

Although Nebraska is not currently using PAS technology as recommended, we note that in 2017, Nebraska purchased devices capable of passive sampling for departments to use. We further note that previous attempts to use the technology had limited effectiveness due to wind. We encourage you to provide the leadership necessary to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Acceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that Nebraska has programs in place to reduce recidivism among drivers with prior impaired-driving arrests; however, the state does not have any

measures to improve ignition interlock device (IID) compliance nor a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary to include the recommended measures to improve IID compliance and an assessment mechanism in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that your state incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are pleased that, in 2021, Nebraska enacted an IID requirement for all convicted DWI offenders. Accordingly, Safety Recommendation H-13-9 is classified "Closed–Acceptable Action."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. John Selmer  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Steve Sisolak  
Governor of Nevada  
Capitol Building  
101 N. Carson St.  
Carson City, NV 89701

Dear Governor Sisolak:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Nevada are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Nevada passed legislation in 2015 revising your implied consent laws. In addition, you are working to create an electronic data storage system for crash records and citations. We encourage you to provide the leadership necessary to increase Nevada's BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Nevada has incorporated some of the NHTSA guidelines into its state action plans. Although Nevada previously attained reporting rates of over 80 percent of fatally injured drivers, we are disappointed that the reporting rates have declined in recent years. In addition, Nevada's reporting rates for surviving drivers remain consistently low. We urge you to reconsider your approach and to provide the leadership necessary for Nevada to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Nevada has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your position and to provide the leadership necessary to ensure that Nevada requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We note that Nevada currently requires all convicted DWI offenders to use an IID after license suspension and for license reinstatement; however, there are exceptions to the requirement for a person with a doctor's order who is unable to give a deep lung sample and for a person who lives more than 100 miles from a device manufacturer. We encourage you to enact a law to require mandatory IID use for all DWI offenders. Pending such action, Safety Recommendation H-12-45 is classified "Open–Acceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Nevada has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your position and to provide the leadership necessary to ensure that the Nevada legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Nevada is not using PAS technology, as recommended. We urge you to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that Nevada has programs in place to reduce recidivism among drivers with prior DWI arrests and has measures to improve IID compliance; however, you do not have a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary to include a mechanism to assess the success of these programs in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Nevada incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that Nevada currently requires all convicted DWI offenders to use an IID after license suspension and for license reinstatement; however, as noted above, there are exceptions to the requirement for a person with a doctor's order who is unable to give a deep lung sample and for a person who lives more than 100 miles from a device manufacturer. We encourage you to enact a law to require mandatory

IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. George Togliatti  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Chris Sununu  
Governor of New Hampshire  
Office of the Governor  
107 North Main St., Rm. 208  
Concord, NH 03301

Dear Governor Sununu:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to New Hampshire are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that New Hampshire is working to improve its crash- and EMS-reporting storage and accessibility by using an electronic data storage system. We encourage you to provide the leadership necessary to increase New Hampshire's BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such actions, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We note that New Hampshire has incorporated some of the NHTSA guidelines into its state action plans. We are encouraged to see that, for 6 of the past 8 years, New Hampshire has attained the recommended 80 percent BAC reporting rate of fatally injured drivers and the 60 percent BAC reporting rate of surviving drivers in fatal crashes. Pending New Hampshire consistently reaching the recommended reporting rate for fatally injured and surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We note that New Hampshire developed and continues to run a program to collect POLD data at sobriety checkpoints. We encourage you to provide the leadership needed to continue working towards requiring law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are pleased that New Hampshire requires offenders to use an IID for a certain period after restoration of driving privileges, and on any vehicle registered to a person who drives after a suspension or revocation resulting from a DWI offense. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that your state has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your position and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that your state is not using PAS technology as recommended. We urge you to reconsider your position and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that your state incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into your highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that your state incorporated the recommended TZD targets and assessment mechanism into your HSP elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

Although New Hampshire requires offenders to use an IID for a certain period after restoration of driving privileges and on any vehicle registered to a person who drives after a suspension or revocation resulting from a DWI offense, we are disappointed that your state does not require full mandatory IID use during license suspension for all DWI offenders. We urge you to reconsider your approach and to ensure that all offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Robert Quinn  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Phil Murphy  
Governor of New Jersey  
The State House  
PO Box 001  
Trenton, NJ 08625

Dear Governor Murphy:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to New Jersey are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that the New Jersey legislature introduced, but failed to pass, relevant BAC-testing legislation in 2018 and 2020. We further note that New Jersey provides law enforcement training for crash data collection and reporting. We encourage you to provide the leadership necessary to continue your state's efforts to increase BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such actions, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that New Jersey has incorporated some of the NHTSA guidelines into its state action plans and attained the recommended 80 percent BAC reporting rate of fatally injured drivers. We encourage you to provide the leadership needed for New Jersey to reach the 60 percent reporting rate of surviving drivers in fatal crashes. Pending such action, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We note that New Jersey has required law enforcement personnel to collect POLD data for any driving-while-intoxicated (DWI) arrest since 2007. Because your state's law was in effect prior to our issuing this recommendation, Safety Recommendation H-12-36 is classified "Closed–Reconsidered."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWL) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated offenses.

We are pleased that New Jersey requires all offenders to use an IID for license reinstatement after conviction. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -8, and -10 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety

Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

Although the New Jersey Legislature attempted to create a commission in 2018 to examine methods to reduce the incidence of drunk and impaired driving, the legislation did not pass. We urge you to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing technology [PAS] during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that your state is not using PAS technology as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are disappointed that New Jersey has not included elements to target repeat offenders and reduce DWI recidivism in its impaired driving prevention plan or highway safety plan and has no mechanism for regularly assessing the success of these elements. We urge you to reconsider your approach and to provide the leadership necessary to include the recommended elements and mechanism in the

appropriate state plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Unacceptable Response."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that New Jersey incorporated the recommended TZD targets and assessment mechanism into your highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-10**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated (DWI) to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that New Jersey enacted a law in 2019 to require IID use after license suspension for all first-time offenders with a high BAC; however, your state does not require IID use for first-time low-level offenders. We encourage you to ensure that New Jersey requires IID use for all offenders for a period of time before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-10 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Eric Heitmann  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Michelle Lujan Grisham  
Governor of New Mexico  
State Capitol  
Fourth Fl.  
Santa Fe, NM 87501

Dear Governor Lujan Grisham:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to New Mexico are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendation H-12-36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that New Mexico has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that New Mexico requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that New Mexico has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are pleased that New Mexico has included PAS technology in its highway safety plans. Accordingly, Safety Recommendation H-13-6 is classified "Closed–Acceptable Action."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that your state incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that New Mexico incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that New Mexico enacted a mandatory ignition interlock device requirement for all convicted DWI offenders in 2003. Because your state's law was in effect prior to our issuing this recommendation, Safety Recommendation H-13-9 is classified "Closed–Reconsidered."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing the remaining open recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Michael R. Sandoval  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Kathy Hochul  
Governor of New York  
State Capitol  
Albany, NY 12224

Dear Governor Hochul:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to New York are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 and -35 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that New York introduced, but failed to pass, relevant BAC testing legislation in 2019. We further note that New York completed a study on BAC testing rates and levels in 2018 and designed a new medical record that integrates collection data with the CODES database in 2020. We encourage you to provide the leadership needed to continue New York's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that New York has incorporated some of the NHTSA guidelines into its state action plans and completed a study of BAC testing rates. Although New York has not yet attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes, and your state's reporting rates have declined since we issued this recommendation, we understand that your state's 2020 highway safety plan includes efforts to improve New York's reporting rates. We encourage you to provide the leadership necessary for New York to implement its plan and to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 remains classified "Open–Acceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We note that your state considered, but failed to pass, legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers in 2019 and 2021. We encourage you to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 remains classified "Open–Acceptable Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

Although New York is not currently using PAS technology as recommended, we note that in 2017, your state purchased devices capable of passive sampling for departments to use. We further note that your previous attempts to use PAS technology had limited effectiveness due to false positives, short battery life, and cold temperatures. We encourage you to provide the leadership necessary to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 remains classified "Open–Acceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that your state incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that New York incorporated the recommended TZD targets and assessment mechanism into your highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that New York currently requires first-time offenders to use an ignition interlock device (IID) as a condition of probation or conditional discharge during both suspension and before license reinstatement, and that repeat convicted DWI offenders are mandated to use IIDs. We further note that the New York legislature has introduced bills to mandate IID installation in motor vehicles manufactured for use in the state by 2022, and to mandate that all motor vehicles in the state be equipped with IIDs by 2023. We encourage you to provide the leadership necessary to enact a law to require mandatory IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Alternate Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Chuck DeWeese  
Governor's Highway Safety  
Coordinator

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Roy Cooper  
Governor of North Carolina  
20301 Mail Service Center  
Raleigh, NC 27699

Dear Governor Cooper:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to North Carolina are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are disappointed that North Carolina has not enacted, nor attempted to enact, legislation or regulations to improve BAC test-level reporting. We urge you to reconsider your approach and to provide the leadership necessary to improve your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32,

incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that North Carolina has incorporated some of the NHTSA guidelines into its state action plans, and that you previously attained BAC reporting rates of over 80 percent of fatally injured drivers. However, we are disappointed that North Carolina's reporting rates for fatally injured drivers have declined in recent years, and your BAC reporting rates for surviving drivers of fatal crashes remain low. We urge you to reconsider your position and provide the leadership necessary for North Carolina to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that North Carolina has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that North Carolina requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We note that North Carolina currently does not require DWI offenders to use an IID before reinstating their license. We further note that, in 2015, the North Carolina legislature introduced, but failed to pass, a bill to require offenders to use an

IID during the administrative suspension period. We encourage you to enact a law to require mandatory IID use for all DWI offenders. Pending such action, Safety Recommendation H-12-45 is classified "Open–Acceptable Alternate Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that North Carolina has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that your state is not using PAS technology, as recommended. We urge you to reconsider your approach to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that North Carolina incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that North Carolina incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

As noted above, we understand that North Carolina currently does not require DWI offenders to use an IID before reinstating their license. We further note that, in 2015, the North Carolina legislature introduced, but failed to pass, a bill to require offenders to use an IID during the administrative suspension period. We encourage you to enact a law to require mandatory IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Alternate Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Mark Ezzell  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Doug Burgum  
Governor of North Dakota  
Dept. 101  
600 E. Boulevard Ave.  
Bismarck, ND 58505

Dear Governor Burgum:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to North Dakota are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are disappointed that North Dakota has not enacted, nor attempted to enact, legislation or regulations to improve BAC test-level reporting. We urge you to reconsider your approach and to provide the leadership necessary to improve your state's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that North Dakota has incorporated some of the NHTSA guidelines into its state action plans, and that your state previously attained BAC reporting rates of over 80 percent of fatally injured drivers. However, we are disappointed that North Dakota's reporting rates for fatally injured drivers have declined steadily since 2015, and your state has not yet attained the recommended 60 percent reporting rates of surviving drivers in fatal crashes. In fact, the surviving driver rates have steadily declined since 2012. We urge you to reconsider your approach and provide the leadership necessary for North Dakota to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open—Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that North Dakota has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that North Dakota requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open—Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are disappointed that North Dakota has not required IID use by all convicted DWI offenders. We urge you to reconsider your approach and to ensure that all convicted offenders are required to use IIDs before their license is fully reinstated. Pending such action, Safety Recommendation H-12-45 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that North Dakota has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 remains classified "Open–Unacceptable Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are pleased that North Dakota has included PAS technology in its highway safety plans. Accordingly, Safety Recommendation H-13-6 is classified "Closed–Acceptable Action."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that North Dakota has programs in place to reduce recidivism among those with prior impaired driving arrests; however, you have not included any measures to improve IID compliance nor a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary to include the recommended IID measures and assessment mechanism in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 remains classified "Open–Acceptable Response."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that North Dakota incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that North Dakota has not required IID use by all convicted DWI offenders. We urge you to reconsider your approach and to ensure that all convicted offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. William T. Panos  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Mike DeWine  
Governor of Ohio  
77 South High St., 30th Fl.  
Columbus, OH 43215

Dear Governor DeWine:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Ohio are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are disappointed that Ohio has not enacted nor attempted to enact legislation or regulations to improve BAC test-level reporting. We urge you to reconsider your approach and to provide the leadership necessary to increase Ohio's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32,

incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Ohio has incorporated some of the NHTSA guidelines into its state action plans. We note that, for 6 of the past 8 years, Ohio has attained the recommended BAC reporting rate of 80 percent of fatally injured drivers; however, Ohio has not yet attained the recommended 60 percent reporting rate of surviving drivers in fatal crashes. Pending Ohio consistently reaching the recommended reporting rates for fatally injured and surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Ohio has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your position and to provide the leadership necessary to ensure that Ohio requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are disappointed that Ohio does not require all convicted DWI offenders to use IIDs. We urge you to reconsider your approach and to ensure that all convicted offenders are required to use IIDs. Pending such action, Safety Recommendation H-12-45 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Ohio has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Ohio is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Ohio incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that your state incorporated the recommended TZD targets and assessment mechanism into your highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that Ohio does not require all convicted DWI offenders to use IIDs. We urge you to reconsider your approach and to ensure that all convicted offenders are required to use IIDs before their license is fully reinstated. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Tom Stickrath  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Kevin Stitt  
Governor of Oklahoma  
Capitol Building  
2300 Lincoln Blvd., Rm. 212  
Oklahoma City, OK 73105

Dear Governor Stitt:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Oklahoma are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Oklahoma passed legislation in 2020 to provide administrative BAC testing changes, and that your state is also working to increase and improve testing procedures and analysis of impaired driving test results. We encourage you to provide the leadership necessary to increase Oklahoma's BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Oklahoma has incorporated some of the NHTSA guidelines into its state action plans. We note that Oklahoma has attained the recommended BAC reporting rate of 80 percent of fatally injured drivers; however, your state has not yet attained the reporting rate of 60 percent of surviving drivers in fatal crashes. Pending Oklahoma reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that your state has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Oklahoma requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are pleased that Oklahoma requires IID use by all offenders to reinstate a license after a DWI conviction. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Oklahoma has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are pleased that Oklahoma has included PAS technology in its highway safety plans. Accordingly, Safety Recommendation H-13-6 is classified "Closed–Acceptable Action."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are disappointed that Oklahoma has not incorporated any of the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan. In addition, your state has not provided a mechanism for regularly assessing the success of any elements included in your impaired driving prevention plan or highway safety plan. We urge you to reconsider your approach and provide the leadership necessary to include the recommended elements and assessment mechanism in the appropriate safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Unacceptable Response."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Oklahoma incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that Oklahoma law currently requires all convicted DWI offenders to have an IID after license suspension; however, there is no requirement for them to use IIDs during license reinstatement. We encourage you to provide the leadership necessary to enact a law to require mandatory IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Tim Tipton  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Kate Brown  
Governor of Oregon  
Office of the Governor  
900 Court St., Ste. 254  
Salem, OR 97301

Dear Governor Brown:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Oregon are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Oregon encourages all police departments to use electronic citation and crash data reporting systems. Based on a 2019 ruling by the Supreme Court of the State of Oregon, the Oregon legislature passed legislation to introduce a new process for obtaining testing consent. We believe that this ruling and law discourage BAC testing and do not show progress toward implementing our recommendation. We urge you to reconsider your approach and to provide the leadership necessary to increase Oregon's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Oregon has incorporated some of the NHTSA guidelines into its state action plans. Oregon attained the recommended BAC reporting rate of 80 percent of fatally injured drivers; however, your state has not yet attained the reporting rate of 60 percent of surviving drivers in fatal crashes. In addition, Oregon's surviving driver reporting rates have not improved since we issued this recommendation. Pending Oregon consistently reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Oregon has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Oregon requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We note that Oregon considered, but failed to pass, legislation to require a per se BAC limit of 0.05 percent or lower for all drivers in 2019. We encourage you to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending such action, Safety Recommendation H-13-5 is classified "Open–Acceptable Alternate Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Oregon is not using PAS technology, as recommended. We urge you to reconsider your approach and include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Oregon incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Oregon incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that Oregon does not require all convicted DWI offenders to use an ignition interlock device (IID). We urge you to reconsider your approach and provide the leadership necessary to ensure that all convicted offenders are required to use IIDs before their license can be reinstated. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Ms. Amy Joyce  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Tom Wolf  
Governor of Pennsylvania  
508 Main Capitol Bldg.  
Harrisburg, PA 17120

Dear Governor Wolf:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Pennsylvania are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Pennsylvania passed legislation in 2015 to authorize paramedics to conduct blood draws at police stations on behalf of municipal police departments. We further note that Pennsylvania revised its driving-under-the-influence informed consent form. We encourage you to provide the leadership necessary to increase Pennsylvania's BAC test-level reporting through improvements to your regulations and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Pennsylvania has incorporated some of the NHTSA guidelines into the commonwealth's action plans; however, you have not yet attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In fact, although Pennsylvania's 2017 highway safety plan set goals for increasing BAC reporting rates, its BAC reporting rates have declined since 2012. We urge you to reconsider your approach and to provide the leadership necessary for Pennsylvania to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Pennsylvania has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Pennsylvania requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We note that Pennsylvania currently requires repeat DWI offenders to use an IID after license suspension and allows courts to assign IID restrictions to first offenders. We encourage you to continue providing the leadership needed to ensure that Pennsylvania requires IID use for all drivers convicted of DWI offenses. Pending such action, Safety Recommendation H-12-45 is classified "Open–Acceptable Alternate Response."

We issued Safety Recommendations H-13-5 through -8, and -10 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Pennsylvania has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers in Pennsylvania. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Pennsylvania is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using

PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Pennsylvania incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Pennsylvania incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-10**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

As stated above, we note that Pennsylvania currently requires repeat DWI offenders to use an IID after license suspension and allows courts to assign IID restrictions to first offenders. We again encourage you to continue providing the leadership needed to ensure that Pennsylvania requires IID use for all drivers before

full license reinstatement. Pending such action, Safety Recommendation H-13-10 is classified "Open–Acceptable Alternate Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Ms. Melissa J. Batula  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Pedro Pierluisi  
Governor of Puerto Rico  
La Fortaleza  
PO Box 9020082  
San Juan, PR 00902

Dear Governor Pierluisi:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Puerto Rico are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Puerto Rico has been working to improve its toxicology programs and established new testing labs for BAC testing. We encourage you to continue providing the leadership needed to increase Puerto Rico's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Puerto Rico has incorporated some of the NHTSA guidelines into its action plans. Although Puerto Rico has attained the recommended BAC reporting rate of 80 percent of fatally injured drivers, you have not yet attained the reporting rate of 60 percent of surviving drivers in fatal crashes. Pending Puerto Rico reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Puerto Rico has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Puerto Rico requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWL) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are disappointed that Puerto Rico does not require all drivers arrested for DWI to use an IID. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Puerto Rico requires IID use by all drivers convicted of DWI offenses. Pending such action, Safety Recommendation H-12-45 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -8, and -10 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Puerto Rico has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Puerto Rico is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that Puerto Rico has programs in place to reduce recidivism among those with prior impaired driving arrests; however, you do not have any measures to improve IID compliance, nor a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary to include the recommended measures to improve IID compliance and an assessment mechanism in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Puerto Rico has incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-10**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that Puerto Rico does not require all drivers arrested for DWI to use IIDs. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Puerto Rico requires IID use by all drivers arrested for DWI offenses, including during the license suspension period. Pending such action, Safety Recommendation H-13-10 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Luis Rodriguez-Diaz  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Daniel McKee  
Governor of Rhode Island  
State House  
82 Smith St.  
Providence, RI 02903

Dear Governor McKee:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Rhode Island are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Rhode Island passed legislation in 2021 to require a vocal implied consent notice to drivers. We further note that Rhode Island made regulatory changes to its BAC collection procedures and established a new 10-year focus on reducing and eliminating impaired driving crashes. We encourage you to provide the leadership necessary to increase Rhode Island's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Rhode Island has incorporated some of the NHTSA guidelines into its state action plans. Although Rhode Island has attained the recommended BAC reporting rate of 80 percent of fatally injured drivers, we note that your state has not yet attained the reporting rate of 60 percent of surviving drivers in fatal crashes. Pending Rhode Island reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Rhode Island has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Rhode Island requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWL) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We note that Rhode Island allows first-time DWI offenders, and requires repeat offenders, to use IIDs. We are aware that the Rhode Island legislature enacted this legislation to expand the state's IID program in 2021. We encourage you to provide the leadership necessary to ensure that the legislature enacts a law to require mandatory IID use for all DWI offenders. Pending such action, Safety Recommendation H-12-45 is classified "Open–Acceptable Response."

We issued Safety Recommendations H-13-5 through -8, and -10 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Rhode Island has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are pleased that Rhode Island has included PAS technology in your highway safety plan. Accordingly, Safety Recommendation H-13-6 is classified "Closed–Acceptable Action."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while

intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Rhode Island incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Rhode Island incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-10**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated (DWI) to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

Although Rhode Island enacted a law in 2021 to require courts to order IID use for a convicted person to drive during license suspension or for a repeat offender to restore a license, we note that your state does not yet require IID use for first-time offenders in order to reinstate a license after conviction. We encourage you to ensure that Rhode Island requires IID use by all offenders before full license reinstatement. Pending such action, Safety Recommendation H-13-10 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Peter Alviti, Jr.  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Henry McMaster  
Governor of South Carolina  
1205 Pendleton St.  
Columbia, SC 29201

Dear Governor McMaster:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to South Carolina are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that South Carolina introduced, but failed to pass, 2019 legislation to require mandatory postcrash BAC testing. We further note that your 2020 highway safety plan indicated an effort to improve your data collection system. We encourage you to continue providing the leadership necessary to increase South Carolina's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such actions, Safety Recommendation H-12-34 is classified "Open–Acceptable Alternate Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that South Carolina has incorporated some of the NHTSA guidelines into your state action plans; however, South Carolina has not yet attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In addition, we are concerned that your state's fatally injured BAC reporting rates have declined since we issued this recommendation and your reporting rates for surviving drivers are consistently low. We urge you to reconsider your approach and to provide the leadership necessary for South Carolina to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that South Carolina has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that South Carolina requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We acknowledge that South Carolina currently only requires repeat offenders and first offenders with a high BAC to use an IID for license reinstatement. We encourage you to continue working to ensure that South Carolina requires all offenders convicted of DWI offenses to use an IID. Pending such action, Safety Recommendation H-12-45 is classified "Open–Acceptable Alternate Response."

We issued Safety Recommendations H-13-5 through -8, and -10 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that South Carolina has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

Although South Carolina has purchased PAS devices at various times for individual police departments and plans to continue to do so through subgrant funding, we are disappointed that your state is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your

impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. In addition, please inform us about how any PAS devices purchased by South Carolina are used. Pending such actions, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that South Carolina incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that South Carolina incorporated the recommended TZD targets and assessment mechanism into your highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-10**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We acknowledge that South Carolina currently only requires repeat offenders and first offenders with a high BAC to use an IID for license reinstatement. We encourage you to continue working to ensure that South Carolina requires IID use for

all offenders before full license reinstatement. Pending such action, Safety Recommendation H-13-10 is classified "Open–Acceptable Alternate Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Robert G. Woods IV  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Kristi Noem  
Governor of South Dakota  
500 East Capitol Ave.  
Pierre, SD 57501

Dear Governor Noem:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to South Dakota are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are disappointed that South Dakota has not enacted or attempted to enact legislation or regulations to improve BAC test-level reporting. We urge you to reconsider your approach and to provide the leadership necessary to increase South Dakota's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32,

incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We are pleased that South Dakota has incorporated some of the NHTSA guidelines into its state action plans and has attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. Accordingly, Safety Recommendation H-12-35 is classified "Closed–Acceptable Action."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that South Dakota has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and provide the leadership necessary to ensure that South Dakota requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated offenses.

We are disappointed that South Dakota does not require all drivers arrested for DWI to use IIDs. We urge you to reconsider your approach and to provide the leadership necessary to ensure that South Dakota requires IID use by all drivers arrested for DWI. Pending such action, Safety Recommendation H-12-45 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -8, and -10 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

#### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that South Dakota has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

#### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that South Dakota is not using PAS technology, as recommended. We encourage you to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

#### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that South Dakota has programs in place to reduce recidivism among those with prior impaired-driving arrests; however, your state does not have any measures to improve IID compliance, nor a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary to include the recommended measures to improve IID compliance and an assessment mechanism in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that South Dakota incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-10**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

As stated above, we are disappointed that South Dakota does not require all drivers arrested for DWI to use an IID. We again urge you to reconsider your approach and to provide the leadership necessary to ensure that all drivers arrested for DWI are required to use an IID, including during the license suspension period. Pending such action, Safety Recommendation H-13-10 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Ms. Amanda Kurth  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Bill Lee  
Governor of Tennessee  
Tennessee State Capitol  
Nashville, TN 37243

Dear Governor Lee:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Tennessee are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Tennessee passed legislation in 2017 and 2019 to expand the list of medical practitioners qualified to draw blood for an impaired-driving investigation and to revise implied consent and testing laws. We encourage you to continue providing the leadership necessary to increase Tennessee's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Tennessee has incorporated some of the NHTSA guidelines into its state action plans; however, Tennessee has not yet attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In addition, Tennessee's reporting rates for both fatally injured and surviving drivers are consistently low. We urge you to reconsider your approach and provide the leadership necessary for Tennessee to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Tennessee has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Tennessee requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendations H-13-5 through -8, and -10 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Tennessee has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Tennessee is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Tennessee incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Tennessee incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-10**

Establish administrative license suspension or revocation laws that require drivers arrested for driving while intoxicated to use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that Tennessee enacted a law in 2015 requiring first offenders to use an ignition interlock device (IID) during postconviction license suspension. We further note that Tennessee requires repeat offenders to use an IID during postconviction license suspension and to reinstate their license. We encourage you to continue to provide the leadership necessary to ensure that Tennessee requires IID use for license restoration for first-time offenders. Pending such action, Safety Recommendation H-13-10 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Jeff Long  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Greg Abbott  
Governor of Texas  
PO Box 12428  
Austin, TX 78711

Dear Governor Abbott:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Texas are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Texas passed BAC testing legislation in 2021 and that your Impaired Driving Task Force identified strategies to improve multiple areas of data collection and training. We encourage you to continue your efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32,

incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Texas has incorporated some of the NHTSA guidelines into its state action plans; however, Texas has not yet attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In addition, we are concerned that your state's reporting rates for both fatally injured and surviving drivers are consistently low. We urge you to reconsider your approach and to provide the leadership necessary for Texas to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Texas has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Texas requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are pleased that Texas requires IID use by all offenders to reinstate a license after a DWI conviction. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Texas has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Texas is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Texas incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Texas incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that Texas currently requires all DWI offenders to use an IID to obtain license reinstatement after a DWI; however, there is no requirement for IID use during the license reinstatement period. We encourage you to provide the leadership necessary to ensure that the legislature enacts a law to require mandatory IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Spencer J. Cox  
Governor of Utah  
350 N. State St., Ste. 200  
PO Box 142220  
Salt Lake City, UT 84114

Dear Governor Cox:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Utah are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Utah passed legislation in 2018 to make technical revisions to its blood testing law and identified strategies in its state plans to improve BAC testing in fatal crashes and data collection. We encourage you to continue providing the leadership necessary to increase Utah's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such actions, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Utah has incorporated some of the NHTSA guidelines into its state action plans. Although you have attained the recommended BAC reporting rate of 80 percent of fatally injured drivers, we note that Utah has not yet attained the recommended reporting rate of 60 percent of surviving drivers in fatal crashes. In addition, your state's surviving driver reporting rates remain low and are declining. Pending Utah consistently reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open—Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are aware that Utah participated in the National Liquor Law Enforcement Association pilot project in 2017, which included training and technical assistance for POLD data collection. We note that Utah has also included POLD as a data field on the statewide driving-under-the-influence arrest form; however, police officers are not required to report POLD data. We encourage you to continue providing the leadership necessary to require law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open—Acceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We commend Utah's efforts to enact a law in 2018 establishing a per se BAC limit of 0.05 percent for all drivers. These actions satisfy Safety Recommendation H-13-5, which is classified "Closed–Acceptable Action."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Utah is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We note that Utah has programs in place to reduce recidivism among those with prior impaired-driving arrests; however, your state does not have clear elements to improve ignition interlock device (IID) compliance, nor a mechanism to regularly assess the success of these programs. We encourage you to provide the leadership necessary to include the recommended measures to improve IID compliance and an assessment mechanism in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-7 is classified "Open–Acceptable Response."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Utah incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are pleased that Utah requires IID use by all offenders to reinstate their license after a DWI conviction. Accordingly, Safety Recommendation H-13-9 is classified "Closed–Acceptable Action."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Jess L. Anderson  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Phil Scott  
Governor of Vermont  
109 State St., Pavilion  
Montpelier, VT 05609

Dear Governor Scott:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Vermont are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Vermont transferred its blood and breath alcohol testing and screening authority from the Department of Health to the Department of Public Safety in 2013. We further note that the Vermont legislature passed a bill in 2019 to expand the number of approved blood draw technicians. We encourage you to continue providing the leadership necessary to increase Vermont's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such actions, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Vermont has incorporated some of the NHTSA guidelines into its state action plans. Although Vermont has attained the recommended BAC reporting rate of 80 percent of fatally injured drivers for 5 of the past 8 years, you have not yet attained the recommended reporting rate of 60 percent of surviving drivers in fatal crashes, and these reporting rates remain consistently low. Pending Vermont consistently reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We note that, during your investigative process, POLD is usually determined; however, doing so is not required. We understand that, in 2019, the Vermont Department of Liquor Control used grant funds to create a database to allow POLD data analysis. We encourage you to continue providing the leadership necessary to work toward requiring law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We are pleased that Vermont requires all convicted DWI offenders to use an IID to have their license reinstated. Accordingly, Safety Recommendation H-12-45 is classified "Closed–Acceptable Action."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We note that Vermont considered, but failed to pass, legislation to require a per se BAC limit of 0.05 percent or lower for all drivers in 2021. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Acceptable Alternate Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are pleased that Vermont has included PAS technology in its highway safety plans. Accordingly, Safety Recommendation H-13-6 is classified "Closed–Acceptable Action."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Vermont incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Vermont incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We note that Vermont requires all convicted DWI offenders to use an IID to have their license reinstated; however, your state currently does not require IID use before full license reinstatement, although your legislature introduced—but did not pass—legislation to address this recommendation in 2015. We encourage you to provide the leadership necessary to ensure that the legislature enacts a law to require mandatory IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Alternate Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Joe Flynn  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Glenn Youngkin  
Governor of Virginia  
State Capitol, 3rd Fl.  
Richmond, VA 23219

Dear Governor Youngkin:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Virginia are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Virginia passed legislation in 2017 establishing implied consent. We encourage you to continue providing the leadership necessary to increase Virginia's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32,

incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Virginia has incorporated some of the NHTSA guidelines into its state action plans. Although Virginia has attained the recommended BAC reporting rate of 80 percent of fatally injured drivers, we note that the commonwealth has not yet attained the reporting rate of 60 percent of surviving drivers in fatal crashes. We are concerned that Virginia's surviving driver reporting rates remain extremely low, only reaching 2 percent between 2017 and 2019. Pending Virginia consistently reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We acknowledge that, in 2017, Virginia participated in the National Liquor Law Enforcement Association pilot project, which included training and technical assistance for POLD data collection. We encourage you to provide the leadership needed to continue working toward the recommended requirement for law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Virginia has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider

your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

Although Virginia has not included statewide use of PAS technology, as recommended, we note that individual police departments within the commonwealth are using PAS equipment. We encourage you to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Acceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Virginia incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Virginia incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that Virginia does not require full mandatory ignition interlock device (IID) use during license suspension for all DWI offenders. We urge you to reconsider your approach and to ensure that all offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. George W. Bishop  
Highway Safety Coordinator

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Jay Inslee  
Governor of Washington  
PO Box 40002  
Olympia, WA 98504

Dear Governor Inslee:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Washington are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Washington passed legislation in 2015 establishing implied consent laws and in 2017 revising BAC testing. We further note that Washington initiated drug recognition expert linkage programs between the state police and toxicology labs. We encourage you to continue providing the leadership needed to increase Washington's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We note that Washington has incorporated some of the NHTSA guidelines into its state action plans. However, although Washington has attained the recommended BAC reporting rate of 80 percent of fatally injured drivers for 7 of the past 8 years, you have not yet attained the recommended BAC reporting rate of 60 percent of surviving drivers in fatal crashes, and those rates remain consistently low. Pending Washington consistently reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We acknowledge that Washington is collecting POLD data and reporting it to the liquor control board, and has expanded this project into a statewide POLD data collection for impaired-driving program. We encourage you to continue providing the leadership necessary to work towards requiring law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current Most Wanted List of Transportation Safety Improvements under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We note that in 2017 Washington considered, but failed to pass, legislation to require a per se BAC limit of 0.05 percent or lower for all drivers. We encourage you to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Acceptable Alternate Response."

**H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Washington is not using PAS technology, as recommended. We encourage you to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated [DWI] recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Washington incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Washington incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are pleased that Washington requires ignition interlock device use by all offenders to obtain full license reinstatement after a DWI conviction. Accordingly, Safety Recommendation H-13-9 is classified "Closed–Acceptable Action."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Ms. Shelly Baldwin  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable James C. Justice, II  
Governor of West Virginia  
1900 Kanawha St.  
Charleston, WV 25305

Dear Governor Justice:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to West Virginia are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that West Virginia introduced, but failed to pass, BAC testing legislation in 2019. We encourage you to continue providing the leadership necessary to increase West Virginia's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such action, Safety Recommendation H-12-34 is classified "Open–Acceptable Alternate Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC

reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that West Virginia has incorporated some of the NHTSA guidelines into its state action plans. However, although West Virginia has attained the recommended BAC reporting rate of 80 percent of fatally injured drivers, your state has not yet attained the reporting rate of 60 percent of surviving drivers in fatal crashes, and those rates have remained consistently very low. Pending West Virginia reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that West Virginia has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to provide the leadership necessary to ensure that West Virginia requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We note that West Virginia allows first-time DWI offenders, and requires repeat offenders, to apply for the state's IID program instead of requiring IID use by all offenders. We are aware that the West Virginia legislature introduced, but failed to pass, legislation in 2020 to expand the IID program. We encourage you to provide the leadership necessary to ensure that the legislature enacts a law to require mandatory

IID use for all DWI offenders. Pending such action, Safety Recommendation H-12-45 is classified "Open–Acceptable Alternate Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that West Virginia has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

Although West Virginia does not have a statewide deployment or usage tracking plan for PAS technology, we note that your state provides funding and training for and recommends use of PAS technology to individual departments. We encourage you to provide the leadership necessary to ensure that the recommended provisions are included in your impaired driving prevention plan or highway safety plan. Pending such action, Safety Recommendation H-13-6 is classified "Open–Acceptable Response."

### **H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the

plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that West Virginia incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

### **H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that West Virginia incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

### **H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

As stated above, we note that West Virginia allows first-time DWI offenders, and requires repeat offenders, to apply for the state's IID program. We are aware that the West Virginia legislature introduced, but failed to pass, legislation in 2020 to expand the IID program. We encourage you to provide the leadership necessary to ensure that the legislature enacts a law to require mandatory IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Alternate Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Everett Frazier  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Tony Evers  
Governor of Wisconsin  
115 East State Capitol  
Madison, WI 53707

Dear Governor Evers:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Wisconsin are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We note that Wisconsin has been working to improve its toxicology programs and to improve its crash data collection and management. We encourage you to continue providing the leadership necessary to increase Wisconsin's BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such actions, Safety Recommendation H-12-34 is classified "Open–Acceptable Response."

## **H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32,

incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Wisconsin has incorporated some of the NHTSA guidelines into its state action plans. However, although Wisconsin has attained the recommended BAC reporting rate of 80 percent of fatally injured drivers for 7 of the past 8 years, your state has not yet attained the BAC reporting rate of 60 percent of surviving drivers in fatal crashes, and those rates have declined since we issued this recommendation. Pending Wisconsin reaching the recommended reporting rate for surviving drivers, Safety Recommendation H-12-35 is classified "Open–Acceptable Response."

### **H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We acknowledge that Wisconsin provides police officers with an alcohol influence report form containing POLD questions and strongly encourages its use. However, although Wisconsin has been following this data collection procedure for 20 years, your state has not established a policy regarding its use. We encourage you to provide the leadership necessary to require law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Acceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We note that Wisconsin currently requires high BAC-level and repeat offenders to use an IID during postconviction license suspension; however, we are concerned

that IIDs are not required for all offenders. We encourage you to provide the leadership necessary to ensure that Wisconsin requires IID use for all offenders convicted of DWI. Pending such action, Safety Recommendation H-12-45 is classified "Open–Acceptable Alternate Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Wisconsin has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Wisconsin is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Wisconsin incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Wisconsin incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

We are disappointed that Wisconsin does not require all DWI offenders to use an IID during license suspension. We urge you to reconsider your approach and to ensure that all offenders are required to use IIDs before obtaining full license reinstatement. Pending such action, Safety Recommendation H-13-9 is classified "Open–Unacceptable Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Craig Thompson  
Governor's Highway  
Safety Representative

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



June 21, 2022

The Honorable Mark Gordon  
Governor of Wyoming  
Idelman Mansion  
2323 Carey Ave.  
Cheyenne, WY 82002

Dear Governor Gordon:

The National Transportation Safety Board is interested in knowing whether and how several safety recommendations issued to Wyoming are being implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others.

We issued Safety Recommendations H-12-34 through -36 on November 21, 2012, as a result of our May 2012 forum to identify the most effective, scientifically based actions needed to reach zero accidents resulting from substance-impaired driving.

## **H-12-34**

Increase your collection, documentation, and reporting of blood alcohol concentration [BAC] test results by taking the following actions, as needed, to improve testing and reporting rates: (1) enact legislation, (2) issue regulations, and (3) improve procedures used by law enforcement agencies or testing facilities.

We are disappointed that Wyoming has not enacted, nor attempted to enact, legislation or regulations to improve BAC test-level reporting. We urge you to reconsider your approach and to provide the leadership necessary to improve Wyoming's efforts to increase BAC test-level reporting through improvements to your legislation, regulations, and enforcement procedures. Pending such actions, Safety Recommendation H-12-34 is classified "Open–Unacceptable Response."

**H-12-35**

Once the National Highway Traffic Safety Administration [NHTSA] has developed the blood alcohol concentration (BAC) testing and reporting guidelines recommended in Safety Recommendation H-12-32, incorporate the guidelines into a statewide action plan to achieve BAC reporting rates of at least 80 percent of fatally injured drivers and at least 60 percent of drivers who survived fatal crashes.

We acknowledge that Wyoming has incorporated some of the NHTSA guidelines into its state action plans; however, Wyoming has not yet attained the recommended BAC reporting rate of at least 80 percent of fatally injured drivers and at least 60 percent of surviving drivers in fatal crashes. In addition, we are concerned that your state's BAC reporting rates have declined since we issued this recommendation. We urge you to reconsider your approach and to provide the leadership necessary for Wyoming to reach the recommended BAC reporting rates. Pending such action, Safety Recommendation H-12-35 is classified "Open–Unacceptable Response."

**H-12-36**

Require law enforcement agencies to collect place-of-last-drink [POLD] data as part of any arrest or accident investigation involving an alcohol-impaired driver.

We are disappointed that Wyoming has not required law enforcement agencies to collect POLD data in arrest or accident investigations involving an alcohol-impaired driver. We urge you to reconsider your approach and to provide the leadership necessary to ensure that Wyoming requires law enforcement agencies to collect POLD data as part of its investigations involving an alcohol-impaired driver. Pending such action, Safety Recommendation H-12-36 is classified "Open–Unacceptable Response."

We issued Safety Recommendation H-12-45 on December 26, 2012, as a result of our special investigation report concerning wrong-way driving. This recommendation is associated with our current Most Wanted List of Transportation Safety Improvements (MWLI) under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

**H-12-45**

Enact laws to require the use of alcohol ignition interlock devices [IIDs] for all individuals convicted of driving while intoxicated [DWI] offenses.

We note that Wyoming currently requires only high BAC-level and repeat DWI offenders to use an IID. We further note that the Wyoming legislature introduced, but failed to pass, legislation to expand its IID program in 2017, 2019, and 2020. We encourage you to provide the leadership necessary to ensure that the legislature enacts a law to require IID use for all DWI offenders. Pending such action, Safety Recommendation H-12-45 is classified "Open–Acceptable Alternate Response."

We issued Safety Recommendations H-13-5 through -9 on June 3, 2013, as a result of our safety report concerning alcohol-impaired driving. Safety Recommendation H-13-5 is associated with our current MWL under the issue area, "Prevent Alcohol- and Other Drug-Impaired Driving."

### **H-13-5**

Establish a per se blood alcohol concentration (BAC) limit of 0.05 or lower for all drivers who are not already required to adhere to lower BAC limits.

We are disappointed that Wyoming has not considered legislation to establish a per se BAC limit of 0.05 percent or lower for all drivers. We urge you to reconsider your approach and to provide the leadership necessary to ensure that the legislature passes a law requiring a per se BAC limit of 0.05 percent for all drivers. Pending passage of the recommended legislation, Safety Recommendation H-13-5 is classified "Open–Unacceptable Response."

### **H-13-6**

Include in your impaired driving prevention plan or highway safety plan provisions for conducting high-visibility enforcement of impaired driving laws using passive alcohol-sensing [PAS] technology during law enforcement contacts, such as routine traffic stops, saturation patrols, sobriety checkpoints, and accident scene responses.

We are disappointed that Wyoming is not using PAS technology, as recommended. We urge you to reconsider your approach and to include in your impaired driving prevention plan or highway safety plan provisions for using PAS technology during law enforcement contacts. Pending such action, Safety Recommendation H-13-6 is classified "Open–Unacceptable Response."

**H-13-7**

Include in your impaired driving prevention plan or highway safety plan elements to target repeat offenders and reduce driving while intoxicated recidivism; such elements should include measures to improve compliance with alcohol ignition interlock requirements; the plan should also provide a mechanism for regularly assessing the success of these efforts.

We are pleased that Wyoming incorporated the recommended elements to target repeat offenders and reduce DWI recidivism into its highway safety plan and provided a mechanism to assess the program. Accordingly, Safety Recommendation H-13-7 is classified "Closed–Acceptable Action."

**H-13-8**

Take the following steps to move toward zero deaths [TZD] from impaired driving: (1) set specific and measurable targets for reducing impaired driving fatalities and injuries, (2) list these targets in your impaired driving prevention plan or highway safety plan, and (3) provide a mechanism for regularly assessing the success of implemented countermeasures and determining whether the targets have been met.

We are pleased that Wyoming incorporated the recommended TZD targets and assessment mechanism into its highway safety plan elements. Accordingly, Safety Recommendation H-13-8 is classified "Closed–Acceptable Action."

**H-13-9**

Incorporate into your administrative license suspension or revocation laws a requirement that drivers arrested for driving while intoxicated use an alcohol ignition interlock on their vehicle for a period of time before obtaining full license reinstatement.

As stated above, we note that Wyoming currently requires only high BAC-level and repeat DWI offenders to use an IID, and that the Wyoming legislature failed to pass legislation to expand your IID program in 2017, 2019, and 2020. We encourage you to provide the leadership necessary to ensure that the legislature enacts a law to require mandatory IID use before full license reinstatement for all DWI offenders. Pending such action, Safety Recommendation H-13-9 is classified "Open–Acceptable Alternate Response."

Please update us at [ExecutiveSecretariat@ntsb.gov](mailto:ExecutiveSecretariat@ntsb.gov) on your progress toward implementing these recommendations, and do not submit both an electronic and a hard copy of the same response.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: Mr. Matt Carlson  
Governor's Highway  
Safety Representative