

May 2023 | Montgomery County Vision Zero



Ending Impaired Crash Fatalities Action Plan

Supplement to the Vision Zero 2030 Action Plan

Ending Impaired Crash Fatalities Action Plan

Supplement to the Vision Zero 2030 Action Plan

Overview

The Vision Zero 2030 Action Plan prioritized ending alcohol- and drug-impaired driving deaths given impaired driving leads to nearly one-third of all traffic deaths in Montgomery County¹.

This strategy details the County's plan to end impaired driving deaths through prevention and intervention activities. The plan's recommended activities and policy changes will be advanced through the end of fiscal year 2025 and will be reassessed during the 2030 Action Plan refresh scheduled for that same year.

The Problem

US traffic deaths from impaired driving have plateaued to around 10,500 each year over the past two decades. The last time the United States saw significant reductions in alcohol-involved crashes was in the 1980s due to lowering the legal driving limit to 0.08% blood alcohol concentration (BAC), increasing the minimum legal drinking age to 21, instituting educational campaigns about the dangers of drinking and driving, and coordinated law enforcement through saturation patrols and checkpoints.

A rising challenge comes with the legalization of personal cannabis use in Maryland. Early research in states that legalized recreational cannabis use had an estimated 6.5% increase in injury crash rates and a 2.3% increase in fatal crash rates.² Action and legislation are necessary to offset the potential negative consequences associated with legalization.

The Solution

An end to impaired driving deaths is within our reach. We can end it through a combination of prevention and intervention policies, as well as future alcohol detection systems installed in all vehicles.

Our first goal is to encourage impaired people to not get behind the wheel by providing resources for getting a safe ride home. Second, we will utilize public safety personnel to find and remove impaired drivers off our roads before they harm themselves or others. For those entering the justice system, a focus on recovery and reducing recidivism is crucial.

No one technology, policy, or campaign can end impaired driving, but working in tandem we can save lives on our roads.

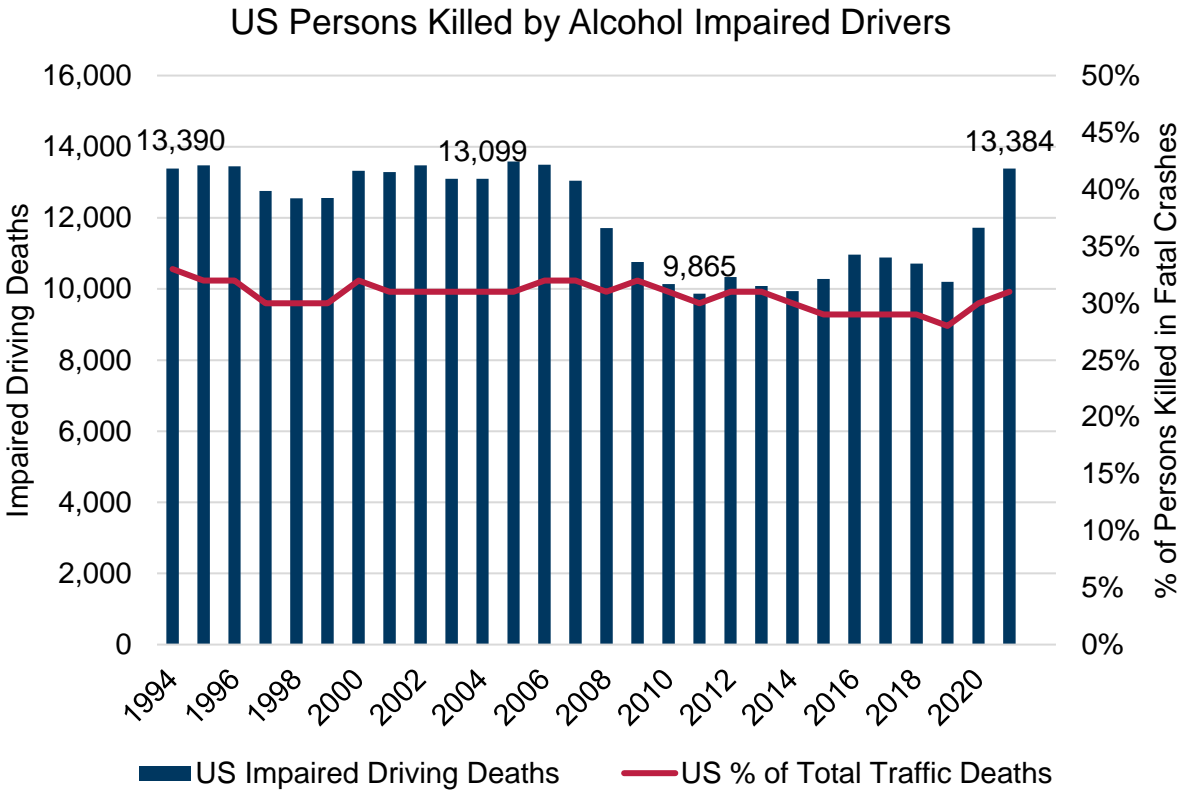
¹ [Montgomery County Vision Zero 2030 Action Plan \(montgomerycountymd.gov\)](https://montgomerycountymd.gov/visionzero).

² [Changes in traffic crash rates after legalization of marijuana: results by crash severity \(iihs.org\)](https://www.iihs.org/traffic-crash-rates-after-legalization-of-marijuana).

Data on Impaired Driving

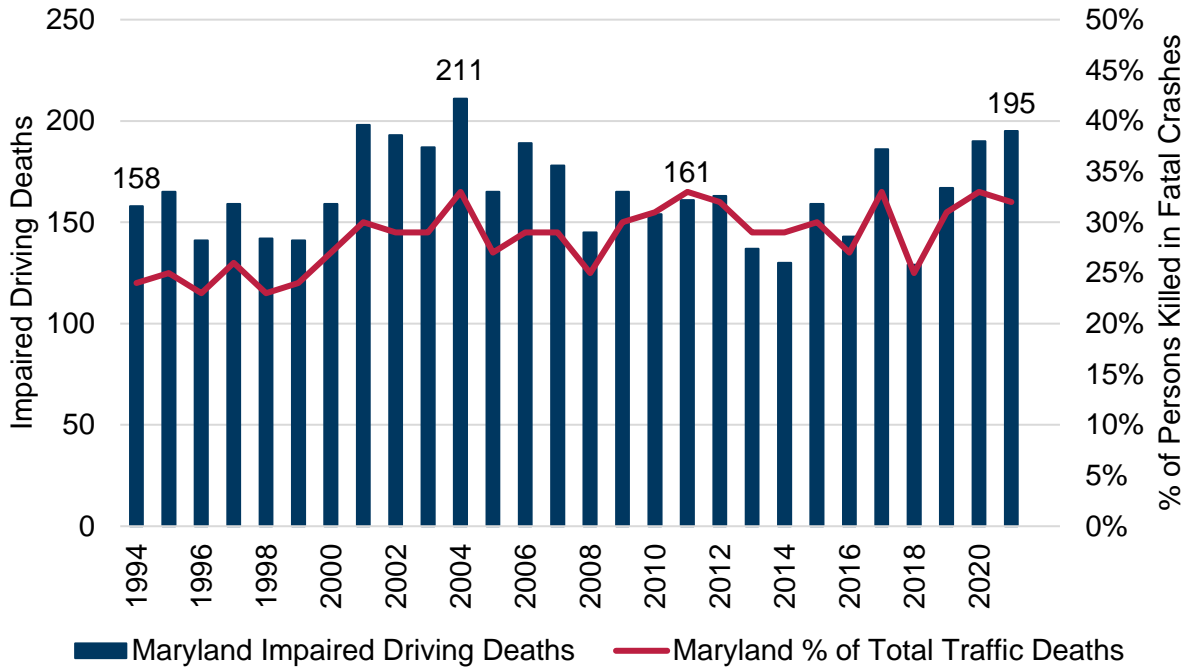
Impaired Fatal Crashes by Year in the US, Maryland, and Montgomery County³

Since the mid-1990's, the percentage of drivers involved in fatal crashes with a blood alcohol concentration (BAC) at or above the legal limit of 0.08% has stagnated to around 30% of fatal crashes at the county, state, and national levels. Over the past decade, 29% of Montgomery County, 30% of Maryland, and 30% of US drivers involved in fatal crashes had a BAC of 0.08% or greater. That equates to over 10,500 lives lost in the US and 160 in Maryland every year. The number of impaired driver fatal crashes increased between 2019 and 2021 in the US and Maryland, despite significantly less driving due to the COVID-19 pandemic. For Montgomery County, the number of people killed by impaired drivers fell between 2020 and 2021, but remains above the 2016-2019 pre-COVID-19 average.

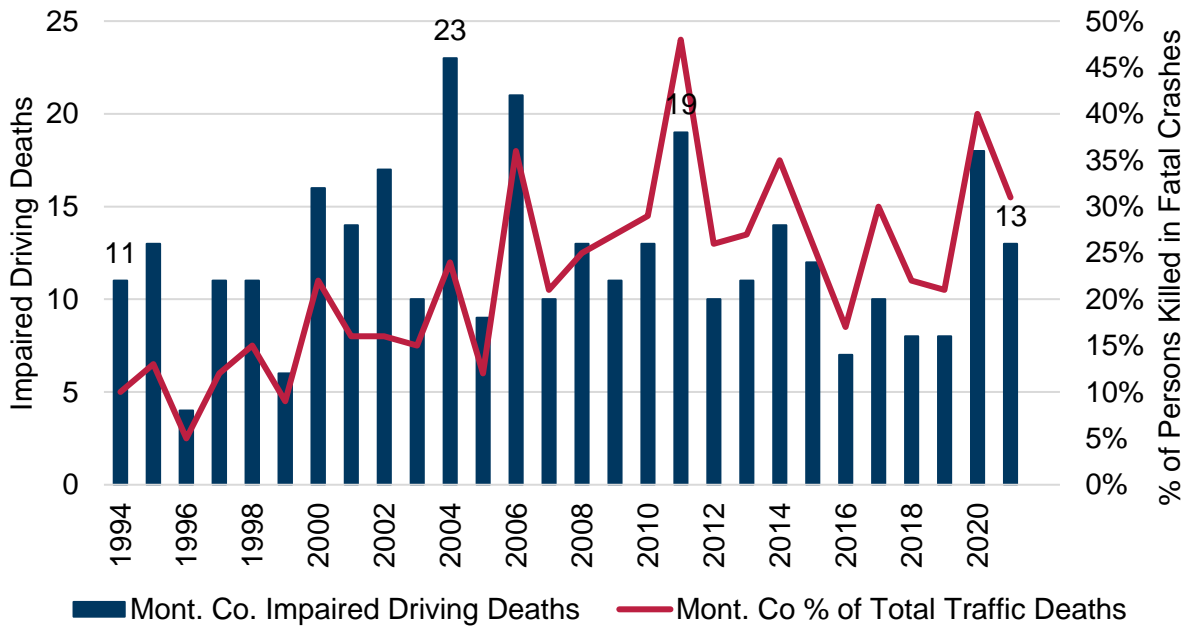


³ [Fatality Analysis Reporting System \(FARS\): 1994-2020 Final File and 2021 Annual Report File \(ARF\)](#). Note: NHTSA estimates alcohol involvement and totals may differ from County and State counts.

Maryland Persons Killed by Alcohol Impaired Drivers



Montgomery County Persons Killed by Alcohol Impaired Drivers



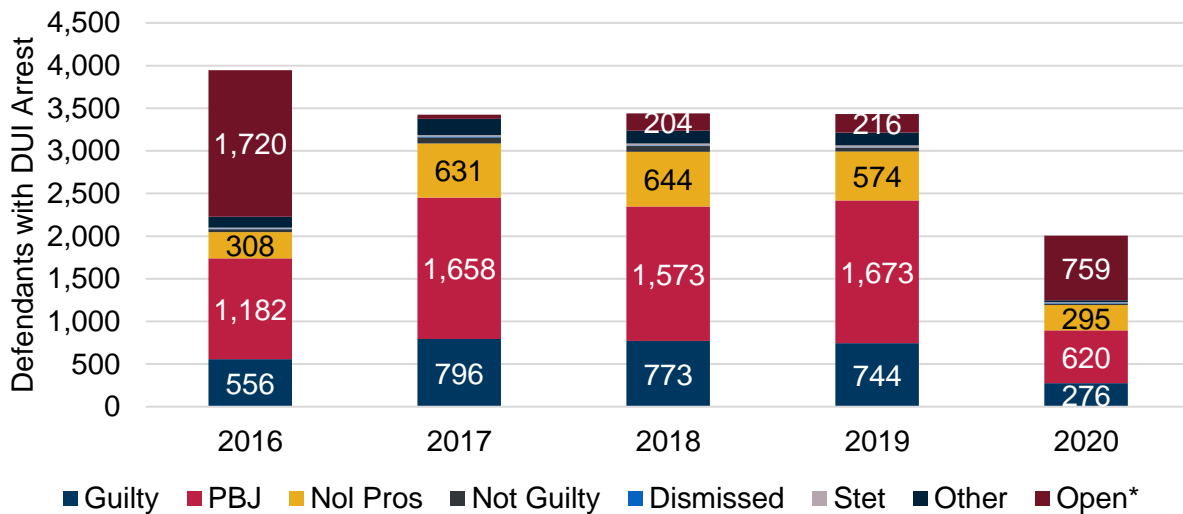
DUI Arrests and Adjudications⁴

Montgomery County averaged 3,561 DUI arrests between 2016 and 2019 across local, county, and state police agencies. However, in 2020, the number of DUI arrests dropped by 44% to 2,031. This decrease was largely a result of fewer people driving and police contacts due to the COVID-19 pandemic.⁵

The most common outcome for a DUI arrest was Probation before Judgement (PBJ). Probation before judgement allows a defendant to avoid conviction as long as the terms and conditions of probation are not violated. For those arrested for DUI, probation typically requires the defendant to not have another driving under the influence arrest during the probation period. Excluding open cases, 50% of Montgomery County defendants were given PBJ compared to 24% guilty and 18% “NoI Pros.” “NoI Pros” or “Nolle Prosequi” translates to “unwilling to proceed” and is a formal motion by the State’s Attorney indicating the charges will not be prosecuted. The adjudications in Montgomery County were similar to those in other Maryland counties, with other counties having 47% of cases result in probation before judgment, 23% in guilty convictions, and 20% in nolle prosequi.

50% of people arrested for DUI in Montgomery County were given probation before judgement from 2016 to 2019. Drivers given probation are not required to use interlocks.

Highest Penalty per Defendant



*Open as of the time the report was created for the corresponding year. Older cases have since been decided.

⁴ Analysis of Maryland Court records by National Study Center for Trauma and EMS for the Maryland Highway Safety Office.

⁵ Vehicle miles traveled dropped 17% between 2019 and 2020 in Montgomery County.

Who is most at risk?⁶

Young people

- At all levels of blood alcohol concentration (BAC), the risk of being involved in a crash is greater for young people than for older people.
- Among drivers with BAC levels of 0.08% or higher involved in fatal crashes in 2016, nearly three in 10 were between 25 and 34 years of age (27%). The next two largest groups were ages 21 to 24 (26%) and 35 to 44 (22%).

Motorcyclists

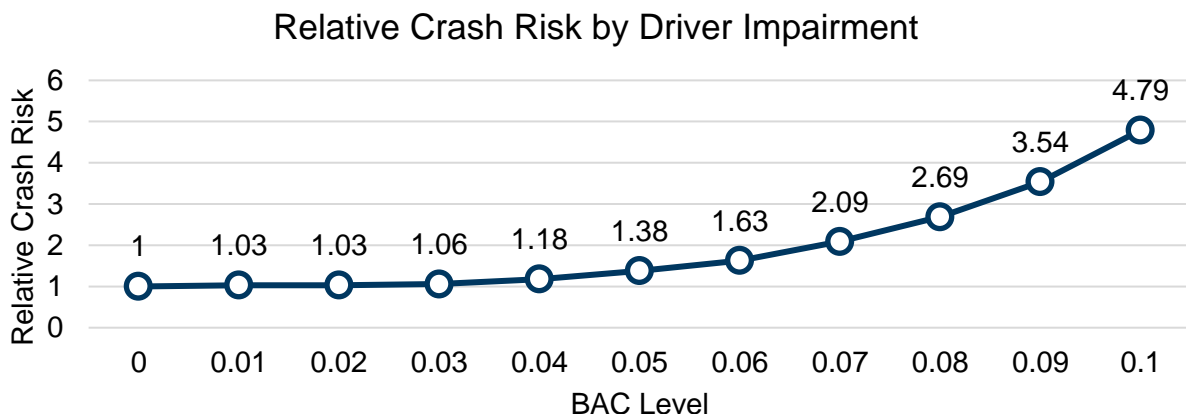
- Among motorcyclists killed in fatal crashes in 2016, 25% had BACs of 0.08% or greater.
- Motorcyclists aged 35-39 have the highest percentage of deaths with BACs of 0.08% or greater (38% in 2016).

Drivers with prior driving while under the influence (DUI) convictions

- Drivers with a BAC of 0.08% or higher involved in fatal crashes were 4.5 times more likely to have a prior conviction for DUI than drivers with no alcohol in their system (9% and 2%, respectively).
- One-third of those arrested for DUIs are reoffenders and likely to have ongoing substance use disorders.

Risk starts below 0.08% BAC

The perception of safe driving with a 0.08% BAC is based on the 0.08% threshold for being charged for driving under the influence. However, crash risk greatly increases well before the current legal limit. The National Transportation Safety Board found “BAC levels as low as 0.01% have been associated with driving-related performance impairment, and BAC levels as low as 0.05% have been associated with significantly increased risk of fatal crashes. [...] by the time a driver’s BAC reaches 0.08%, his or her fatal crash risk has at least doubled, and some studies indicate it may be many times higher.”⁷ Before the 0.08% legal limit, a driver’s perception and reaction times are slowed starting at a BAC of 0.05%.



⁶ [Impaired Driving: Get the Facts | Motor Vehicle Safety | CDC Injury Center.](#)

⁷ [Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving \(ntsb.gov\).](#)

Plan Strategies

Implementation and Contributing Partners

The strategies detailed below are Montgomery County's plan to end impaired driving deaths through prevention and intervention activities. The plan's recommended activities and policy changes will be advanced through the end of fiscal year 2025 and will be reassessed during the 2030 Action Plan refresh scheduled for that same year.

Each strategy lists out the contributing government, non-profit, and community organization partners that are key in advancing each strategy. The ten contributing partners in this action plan are:

- Montgomery County Vision Zero Program (Office of the County Executive)
- Montgomery County Police Department
- Montgomery County Department of Transportation
- Montgomery County Alcohol Beverage Service
- Montgomery County State's Attorney
- Montgomery County Office of Intergovernmental Relations
- Maryland Highway Safety Office
- Maryland State Police
- Maryland District and Circuit Courts
- Washington Regional Alcohol Program

Prevention & Awareness

The best way to prevent an impaired driving death is to stop impaired drivers from getting behind the wheel. The County Government and its partners will prevent impaired people from driving through two main strategies.

1. Keep impaired drivers from getting behind the wheel through encouragement of safe alternatives and responsible sales.
2. Provide support for those with prior DUI convictions, high BACs (over 0.15%) on first offense, and DUIs with a minor in the car to curb recidivism.

Provide and promote safe alternatives to driving impaired.

Contributing partners: Washington Regional Alcohol Program, Maryland Highway Safety Office, Alcohol Beverage Service, Vision Zero Coordinator.

- Expand on the SoberRide model through grants or other funding opportunities. The expansion could include cannabis related dates (4/20, 7/10) or major regional events.
- Deploy media and materials to promote safe alternatives.
 - Place coasters at bars with safety messages and information on safe rides home at peak impaired driving holidays.
 - Utilize multiple social media channels for sharing relevant safety messages and information on safe rides home.

Ensure compliance with underage sale and serving laws.

Contributing partners: Alcohol Beverage Service, Montgomery County Police.

- Continue joint Alcohol Beverage Service and County Police compliance checks.
- Develop a train-the-trainer toolkit for alcohol awareness training.
- Seek funding to establish a reward-based program for servers, restaurants, and bars in compliance with the law.

Raise awareness of the dangers of drug-impaired driving.

Contributing partners: Office of Intergovernmental Relations, Maryland Highway Safety Office, Montgomery County Police, Vision Zero Coordinator.

- Utilize a percentage of legal cannabis sale revenue for relevant safety messages.
- Continue outreach to local dispensaries on their responsibilities and sharing messages on drug-impaired driving.

Reduce recidivism for impaired driving.

Contributing partners: Maryland Courts, Office of Intergovernmental Relations, Montgomery Police, Montgomery County State's Attorney, Vision Zero Coordinator.

- Establish more DUI problem solving courts in Maryland which aim to incorporate the ACCESS monitoring model.
- Close "Noah's Law loophole" to require ignition interlock devices for convictions and probation before judgement.

Intervention & Treatment

Identify and take impaired drivers off the road prior to harm. Provide justice and treatment for convicted impaired drivers to reduce recidivism.

Consequences for driving under the influence (DUI).

Contributing partners: Maryland Courts, Office of Intergovernmental Relations, Montgomery County Police, Montgomery County State's Attorney, Vision Zero Coordinator.

- Ensure the penalties for impaired driving are consequential and equal to the danger posed.
 - Seek changes to State law to eliminate probation before judgement as an outcome for DUIs.
 - Seek changes to State law to create a felony DUI law for Maryland for subsequent DUI offenses within 5 years of first offense and high BACs (over 0.15%). Maryland is one of three states plus DC without felony DUI laws.⁸
 - Seek changes to State law to expand the look-back period for DUIs from the current 5 to 10 years.
- Develop laws for cannabis-impaired driving.
 - Expand training for officers on detection of drugged impaired driving.

⁸ [Microsoft Word - DUI Felony \(madd.org\)](#), [National Drunk Driving Statistics Map - Responsibility.org - Responsibility.org](#).

- Seek changes to State law to prohibit sale of cannabis in excess of a specific THC content (e.g., 65% or greater).
- Lower the legal limit for blood alcohol content to better match the dangers of impairment.
 - Seek changes to State law to adopt the NTSB recommendation of a 0.05% BAC limit.⁹

Expanded identification of drunk and drugged driving.

Contributing partners: State Police, Montgomery County Police.

- Expand the number of Intoximeter operators.
 - Expand driving under the influence of drugs (DUID) and advanced roadside impaired driving enforcement (ARIDE) training for all MCPD cadets at the academy.
 - Expand officer DUI refresher training.
 - Increase the number of officers assigned to drunk and drugged driving prevention. This could include rotations and temporary assignments to the Alcohol Unit to expose officers to the importance of DUI/DUID enforcement.
 - Seek approval from the State for roadside oral fluid screening to test for multiple drugs.

Improve processing for impaired driving cases.

Contributing partners: Maryland Courts, Montgomery County Police.

- Improve court scheduling to ensure officers can make court dates.
 - Set a maximum number of cases any officer must testify on per court day.
 - Schedule hearings to account for alcohol units work overnight.

⁹ [Prevent Alcohol- and Other Drug-Impaired Driving \(nts.gov\).](https://www.nts.gov/prevent-alcohol-and-other-drug-impaired-driving)

Appendix: Leading Practices

NHTSA Countermeasures that Work, 10th Edition, 2020¹⁰

- 5 stars (determined to be effective by several high-quality evaluations with consistent results)
 - Administrative License Revocation or Suspension
 - Publicized Sobriety Checkpoints
 - Alcohol Problem Assessment and Treatment
 - Alcohol Ignition Interlocks (proven to reduce recidivism)
 - Alcohol Screening and Brief Intervention
 - Minimum Drinking Age 21 Laws
- 4 stars (determined to be effective in certain situations)
 - High-Visibility Saturation Patrols
 - Preliminary Breath Test Devices
 - DWI Courts (also reduces recidivism)
 - Limits on Diversion & Plea Agreements (proven for increasing conviction)
 - Vehicle and License Plate Sanctions (reduces recidivism)
 - DWI Offender Monitoring (reduces recidivism)
 - Passive Alcohol Sensors (proven to aid in detecting impaired drivers)
 - Lower BAC Limit for Repeat Offenders
- 3 stars (considered promising and likely to be effective)
 - Court monitoring
 - Integrated Enforcement
 - Open Container Laws
 - High-BAC Sanctions
 - BAC Test Refusal Penalties
 - Mass-Media Campaigns
 - Alternative Transportation
 - Zero-Tolerance Law Enforcement
 - Alcohol Vendor Compliance Checks (proven to reduce sales to underage people)
 - Other Minimum Legal Drinking Age 21 Law Enforcement
 - Enforcement of Drug-Impaired Driving

¹⁰ [Countermeasures That Work | NHTSA.](#)