



Montana Department of Transportation

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3-15-05  
14891  
Jim Lynch, Director  
Brian Schweitzer, Governor

March 16, 2005

Senator Mike Wheat, Chairman  
Senate Judiciary Committee

Subject: Support of House Bill 91

Dear Mr. Chairman,

I am writing to urge your support of House Bill 91. As Director of the Department of Transportation, I am charged with carrying out the Department's Highway Traffic Safety Program through education and related counter-measures. This includes funding many safety related organizations such as county DUI task forces, Healthy Mothers Healthy Babies, and stepped-up DUI enforcement programs on a community level. It also includes local and statewide media campaigns encouraging designated drivers and discouraging impaired driving.

Current law defines the Highway Traffic Safety Program as a program designed to reduce traffic accidents, deaths, injuries to persons, and damage to property. By law, the program must be in accordance with Title 23 of the United States Code. To that end, the Department works with the State Department of Justice and the National Highway Traffic Safety Administration (NHTSA), a part of the United States Department of Transportation (USDOT).

As a part of the Transportation Equity Act for the 21st century (TEA 21), the United States Department of Transportation and Congress took measures to encourage states to adopt an open container ban. As of today, 36-some states have adopted open container bans into law in an effort to protect the traveling public. Montana has some very compelling reasons to do the same:

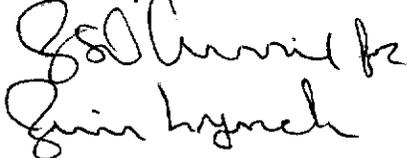
- The NHTSA arm of USDOT engaged the National Center for Statistics and Analysis to develop background information for alcohol related crash data. According to their research, in 2002, Montana had the highest number of alcohol related crash fatalities in the country. In 2002, there were 1.22 fatalities for every 100 million-vehicle miles in Montana compared to a national average of half that rate. That translates into 127 lives lost in alcohol related crashes in our state.
- Montana had the highest number of alcohol related crash fatalities in the country in 2003, as well.

- A study completed by the National Safety Council estimated that alcohol related crashes cost Montanans over \$400 million dollars from 2001 to 2003.
- In addition, results of studies by NHTSA indicate that states without open container laws had approximately 10 percent more alcohol involved fatal crashes than states with open container laws.
- An April 2004 bulletin from NHTSA concluded that 41 percent of fatal crashes in Montana involve alcohol.
- If Montana could see a 10 percent reduction in the fatality rate of crashes as shown by NHTSA, perhaps 13 of the 127 alcohol related fatalities of 2002 could be avoided. Some of those lives could include the innocent victims of impaired drivers.
- Since 1982, Montana has seen a reduction of alcohol related fatalities per 100 million vehicle miles traveled of 52 percent compared to the national average of 63 percent. However, in the last three years, Montana's fatality rate has increased 10 percent. In 2002, Montana's fatality rate increased 17 percent, while the national rate decreased by 2 percent.

Montana has made strides in improving our impaired driving record, but as the statistics reflect, we have a long way to go. What the statistics don't reflect are all the lives devastated by impaired drivers, including those who were killed or seriously injured, their families, and the impaired drivers themselves.

Open container bans are key to saving lives. The department's Highway Traffic Safety Program is committed to supporting any effort to reduce the death and injury toll on our highways. House Bill 91 is another opportunity to improve the safety of all of us who travel these roads, and we urge your support.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Lynch".

Jim Lynch  
Director