

# **Transportation Equity Act: Adopting a Statewide Open Container Law in Missouri**

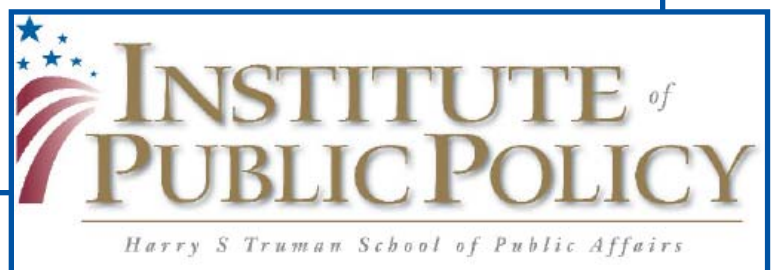
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# Transportation Equity Act: Adopting a Statewide Open Container Law in Missouri

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## Problem Statement

According to the National Highway Traffic Safety Administration (NHTSA), 1,232 fatal vehicle crashes occurred in 2003 on Missouri's highways. Approximately 41 percent of these fatalities involved alcohol. These incidents cost Missouri \$4.74 billion in lost productivity, medical costs, property damage, and other direct expenditures.

Improvements in traffic safety are reflected in a change in fatality rate per 100 million vehicle miles traveled (VMT). Missouri's alcohol-related fatality rate was 0.74 in 2003, compared to the national average of 0.59. The lowest rate was Utah at 0.19 and highest was Montana at 1.18 (Figure 1). Though the alcohol-related fatality rate has decreased (Figure 2), some suggest that adopting a statewide open container law would further reduce the traffic fatality rate in Missouri.

## Overview

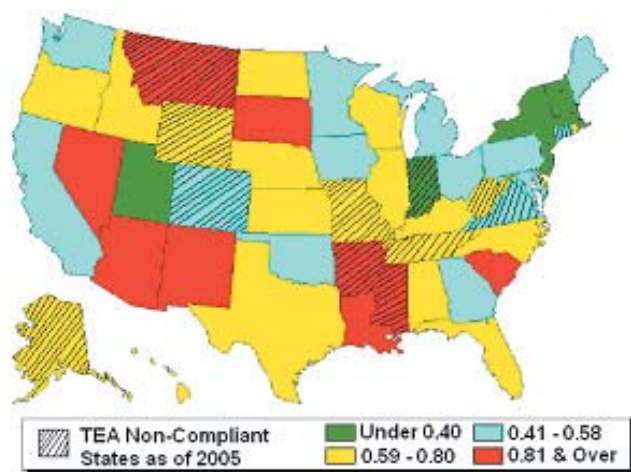
In 1998, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) was passed. It aimed to encourage states to enact and enforce an open container law that met federal standards. The standards prohibit possession of any open alcoholic beverage container and the consumption of any alcoholic beverage in the passenger area of any motor vehicle that is located on a public highway or right-of-way.

States that failed to adopt a federally compliant policy by October, 2000 were required to transfer one and one half percent of their [Interstate Maintenance, National Highways System and Surface Transportation Program] federal construction funds to programs for alcohol-impaired driving countermeasures, law enforcement, hazard elimination or administration and planning. The required annual transfer rose to three percent during fiscal year 2003.

Missouri is one of thirteen states (AK, AR, CO, CT, DE, IN, MO, MS, MT, TN, VA, WV, WY) that have yet to adopt a fully compliant TEA-21 open container law. Non-compliant states are labeled as such either because current state law applies only

to the driver or there are limitations or conditions that conflict with TEA-21.

**Figure 1:** 2003 Alcohol Related Fatalities per 100M VMT per State and Map of TEA - 21 Non-Compliant States.



Source: National Center for Statistics and Analysis, 2003 FARS Annual Report File

## Arguments in Support of a Missouri Open Container Law

The potential to decrease incidences of alcohol related crashes and fatalities is the main reason many public agencies support a TEA-compliant law in Missouri. A 2002 NHTSA report entitled *Open Container Laws and Alcohol Involved Crashes: Some Preliminary Data* provides evidence that "states that enacted conforming laws in 1999 and 2000 experienced the lowest proportion of alcohol involved fatal crashes of the four categories of states." Figure 3 supports the findings in that the average alcohol-related fatality rate is consistently higher in non-compliant states than TEA-compliant states. Further, the report also showed 83.57% public support for open container laws in states that had none.

Supporters also argue that Missouri law does not go far enough to curb drunk driving. Loopholes in the law provide



the opportunity for a driver with an open alcohol container to pass it to another passenger or place it in the back seat. A state law would close this loophole, making the driver and any passengers accountable for all open alcoholic beverages. Many Missouri municipalities have adopted local open container bans (Maryville, Lexington, Liberty, St. Charles, etc.) to close the enforcement loophole. Further, a TEA-compliant law would allow for consistent enforcement across the state.

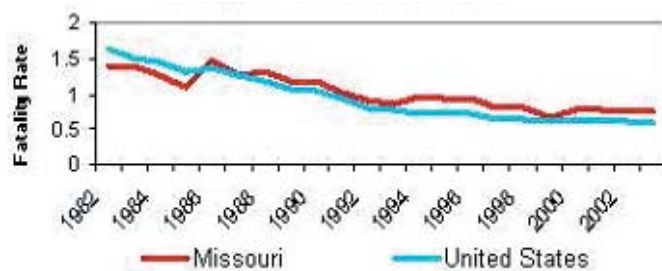
A final concern of supporters is the transfer of highway funds. Approximately \$35 million in federal money has been diverted in Missouri. Supporters say that a TEA-compliant law would allow the state to spend more on highway construction and improvement (pavement, lines, signs etc.) which make the roadways safe for everyone. Neighboring Illinois has been TEA-compliant since the bill originated and was able determine how they wanted to spend \$51.3 million in federal money on highway construction and improvement from 2000-03.

**Arguments in Opposition of a Missouri Open Container Law**

The lack of a TEA-compliant law in Missouri does not cost the state money; it only transfers existing funds. Opponents say that the transfer allows the state to spend more on highway safety, which reduces fatality rates. Since 2001, approximately \$35 million in federal money has been diverted to highway safety projects in Missouri. For example, the Missouri Department of Transportation has installed 65 miles of rail guard along Interstate 70 to stop cross-over accidents. Opponents say the investment in highway safety saves more lives than the law itself.

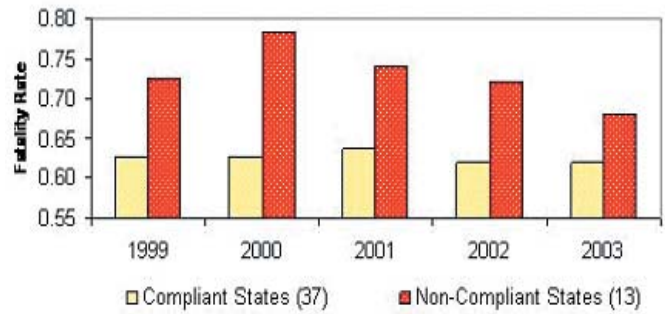
Opponents believe Missouri already has the necessary laws to curb drunk driving, including the 0.08 percent BAC limit passed in 2001. Opponents believe lawmakers should focus on enforcement of existing laws that target high BAC and recurrent offenders. The argument is that responsible passengers should be allowed to consume in route. Further, any open container law with primary enforcement could crowd courts with difficult, costly, time-consuming cases.

**Figure 2: Average Alcohol Related Fatality Rate per 100M VMT, 1982-2003**



Source: NHTSA's National Center for Statistics and Analysis, Feb. 2005

**Figure 3: Average Alcohol-Related fatality Rates per 100M VMT 1999-2003, sorted by TEA Compliancy**



Source: NHTSA's National Center for Statistics and Analysis, Feb. 2005

**Conclusion**

Federal legislation to encourage states to enact federally compliant alcohol laws has proven effective in the past, including the adoption of 21 as the legal drinking age and 0.08 as the blood alcohol standard. The key difference in those cases was that the federal government withheld highway construction funds from states that did not adopt the laws; whereas, TEA-21 redirects a percentage of the federal highway funds of non-compliant states. The US Congress is currently in the process of drafting reauthorizing legislation for the Transportation Equity Act and the Missouri Department of Transportation anticipates that the three percent transfer will remain in effect in the legislation. If the transfer remains, it is unlikely that adopting a TEA-compliant law in Missouri will be a priority. However, if the reauthorization withholds highway construction funds, Missouri may be included to adopt a TEA-compliant law.

**Table 1: Organizations with Specific or General Positions on Alcohol-Related Policies that Indicate Support or Opposition for a TEA-21 Compliant Law in Missouri**

Proponents	Opposition:
Brain Injury Association of Missouri	American Beverage Institute
Law Enforcement Traffic Safety Council	American Beverage Licensees
Missouri Advocates for Traffic Safety	Anheuser-Busch Companies Inc.
Missouri Coalition for Roadway Safety	Missouri Anheuser-Busch Wholesalers Association
Missouri Department of Mental Health	Miller Brewing Company
Missouri Department of Public Safety	Missouri Association of Beverage Retailers
Missouri Department of Transportation	Missouri Beer Wholesalers Association
Missouri Head Injury Advisory Council	Missouri Licensed Beverage Association
Missouri Safety Center	Missouri Restaurant Association
Missouri Safety Council	National Beer Wholesalers Association
Missouri State Highway Patrol	National Restaurant Association
Missouri Youth Adult Alliance	The Century Council
Mothers Against Drunk Driving	
National Commission Against Drunk Driving	
National Highway Traffic Safety Administration	



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**Author Biography**

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Justin Roberts is a May, 2005 graduate of the Truman School of Public Affairs, University of Missouri – Columbia, where he emphasized in organizational analysis and worked as a graduate research assistant in the College of Agriculture, Food and Natural Resources. He earned a bachelor’s degree in agricultural economics from the University of Missouri-Columbia.

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