

Traffic-Related Countermeasures and Youth

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INTRODUCTION

It is important to acknowledge that per capita rates of traffic deaths and injuries have fallen sharply from the record high levels of the early 1980s, particularly among 15-19 year olds. Nevertheless, traffic crashes remain the largest single cause of death for young people, accounting for 33% of deaths among 15-19 year olds and 28% of deaths among 20-24 year olds in 2008. Young people have the highest per capita rates of traffic deaths and injuries among all age groups, and the highest death rate per kilometer driven among all drivers. In 2009, traffic crashes killed 699 young people and injured another 82,482. Approximately half of these deaths were alcohol and/or drug-related.

Young people exhibit driving characteristics that greatly increase their crash risk. Beginning drivers have less ability to detect and recognize imminent hazards in the driving environment, and their inexperience makes them more likely to respond inappropriately to these hazards. Young drivers, particularly males, tend to be risk takers and are less cautious than their older counterparts. For example, young drivers are more likely to speed, follow too closely, allow less time to merge with traffic, cross traffic lanes, pass other vehicles, and over-estimate their driving skills. A Canadian survey found that 16-24 year old drivers reported the highest rates of occasionally taking a risk “just for the fun of it.” They also had the highest self-reported rates of speeding and among the highest rates of occasionally speeding up to get through a light before it changed. Finally, young people have the lowest rates of seatbelt use, with males having lower rates than females.

The impaired crash problem among youth is not simply a function of their immaturity and lack of driving experience; it also reflects their hazardous patterns of alcohol and drug use. Young people have the highest reported rates of weekly, monthly and total binge drinking, and binge drinking on a “typical drinking day.” They also have the highest rates of past-year use of cannabis and most other illicit drugs. Young people have high rates of driving after drinking and drug use, and of being a passenger of a driver who has been drinking or taking drugs. Survey data from Québec, Ontario and Atlantic Canada indicate that rates of driving after cannabis use or being a passenger of a driver who has used cannabis have increased.

It is young people’s patterns of alcohol and drug consumption, coupled with their inexperience and driving behaviours, which explain why they are dramatically over-represented in all categories of impairment-related traffic deaths. For example, 16-25 year olds constituted 13.7% of the Canadian population in 2009, but accounted for 31.1% of the alcohol-related traffic fatalities. While young people are over-represented among fatally-injured drivers of passenger vehicles in alcohol-related crashes, they are over-represented to an even greater extent among fatally-injured passengers, pedestrians, bicyclists, and ATV and snowmobile operators.

For over a decade, MADD Canada has proposed that all provinces and territories¹ enact a broad package of drivers licensing and enforcement initiatives to address the impairment-related crash problem among youth. In Section I of this memorandum, we summarize several key licensing measures that have been shown to reduce youth traffic deaths and injuries. In Section II, we discuss the enforcement powers that are required to implement effective youth impaired driving policies. The proposed initiatives are based on a comprehensive review of the traffic safety research from Canada and abroad, and are consistent with the requirements of the *Canadian Charter of Rights and Freedoms*. Indeed, almost all of the following recommendations can be found spread across the existing provincial traffic legislation. As the Charts in the attached Appendix illustrate, some provinces have adopted most of these initiatives while others have done relatively little.

Although this memorandum is limited to traffic-related initiatives, there are other measures which the provincial governments can adopt to reduce impairment-related crash deaths among youth. The recognized strategies focus on regulatory controls over the availability, sale and marketing of alcohol. These measures include: increasing the legal drinking age; raising alcohol taxes and prices; maintaining government monopolies over off-premise alcohol sales; strengthening enforcement of the liquor legislation, particularly in licensed premises frequented by youth; and limiting the days and hours of alcohol sales, the number of licensed venues and alcohol marketing.

SECTION I: LICENSING INITIATIVES

The provinces can address many of the major risk factors faced by young drivers through their driver licensing systems. MADD Canada recommends that all provinces adopt the following four licensing initiatives:

- a minimum age of 16 for obtaining a learner's permit;
- a comprehensive graduated licensing program (GLP) that lasts at least three years and includes: late-night, high-speed roadway and passenger restrictions; a prohibition on being positive for alcohol and/or any illicit psychoactive drugs; and a ban on the use of all electronic devices;
- a .00% blood-alcohol concentration (BAC) limit for drivers under the age of 21 and drivers with less than 5 years of driving experience; and
- a prohibition on being positive for any illicit psychoactive drug for all drivers under the age of 21 and all drivers with less than 5 years of driving experience.

¹ For ease of reading, all subsequent references to the words "provincial" and "provinces" should be interpreted as including the words "territorial" and "territories", unless otherwise indicated.

(a) Driving Age

Currently, 6 Canadian jurisdictions permit individuals to obtain a learner's permit prior to the age of 16, but in some cases, only if they are enrolled in a driver education program. Research indicates that a driving age below 16 is associated with higher crash risks and that increasing the minimum driving age reduces crashes among younger drivers. There is no justification for offering a "discount" on the minimum driving age for youth enrolled in driver education because such programs have limited traffic safety benefits. Therefore, MADD Canada recommends that 16 should be the minimum age at which individuals are issued beginner permits. Nevertheless, a limited exception may be warranted for young people operating machinery on the family farm and adjacent roadways.

(b) Graduated Licensing

Research from New Zealand, several Canadian provinces and the United States has consistently shown that graduated licensing programs (GLPs) significantly reduce crash deaths and injuries among beginning drivers. One relatively recent meta-analysis of 27 Canadian and American GLP studies reported that these programs reduced crash deaths by roughly 20% to 40%. Graduated licensing programs allow new drivers to gain on-the-road experience in low-risk situations, and then gradually introduce them to more challenging situations. MADD Canada proposes that all provinces enact a comprehensive GLP, with a minimum driving age of 16, which applies to beginner drivers of all ages.

A comprehensive GLP consists of two stages: Stage 1, during which the driver must be supervised at all times by a licensed adult and is subject to stringent conditions; and Stage 2, during which the driver can drive unsupervised in some situations, but must be supervised in more challenging situations. All drivers in the GLP should be prohibited from being positive for alcohol and/or any illicit psychoactive drug. Similarly, Stage-1 and 2 drivers should be prohibited from using any electronic device, whether hand-held or hands-free.

(i) Stage 1

Individuals applying to Stage 1 should be required to pass a conventional traffic rules and road signs test, and establish that they meet the eyesight and other medical criteria for driving. During Stage 1, new drivers should be supervised at all times by a front seat passenger who is at least 21 and has held a full licence for a minimum of 2 years. The duration of the initial supervised driving period should be at least 12 months. This increases the likelihood that the beginner will gain on-the-road experience in a variety of situations, including winter conditions. It is also advisable to require beginners to "log" a specified number of hours of supervised driving. This helps to ensure that beginning drivers obtain a minimum level of driving experience, and discourages them from simply "waiting out" the 12-month initial stage to avoid traffic violations and crashes.

In addition to being supervised, Stage-1 drivers should be subject to several other conditions to ensure that they gain driving experience without being exposed to undue risk. These include restrictions on late-night driving, driving on high-speed roads, and the

number of teenage passengers in the vehicle. The ban on late-night driving is aimed at ensuring that new drivers do not have to cope with the added visibility and judgment problems posed by night driving, or with the presence of fatigued, dangerous or impaired drivers who tend to be more prevalent at night. Since most nighttime crashes among young drivers occur before midnight, an earlier curfew (such as 10 p.m.) is preferable to a later one. Like the ban on late-night driving, the high-speed road restriction allows beginning drivers to develop basic driving skills before having to deal with the additional challenges of driving at high speed on highways which are often congested with commercial truck traffic.

The limit on teenage passengers reflects the fact that they are a source of distraction and peer pressure to engage in risky behavior. Sixteen-year-old drivers with one passenger were 39% more likely to be killed in a crash than 16-year-olds driving alone. This increased to 86% for 16-year-old drivers with two passengers, and to 182% when there were three or more passengers. A passenger restriction would also reduce crash deaths among teenage passengers. Indeed, nearly 80% of fatally-injured teenage passengers are killed when travelling in a vehicle driven by a teenage driver. MADD Canada recommends that Stage-1 drivers should be limited to one non-family member teenage passenger at a time.

(ii) Stage 2

After 12 months in the initial GLP stage, drivers should be entitled to take a road test. After successfully completing the road test, which should include hazard recognition, drivers would qualify to enter Stage 2 of the GLP. Stage-2 drivers would be permitted to drive unsupervised in all situations, except when driving late at night or on high-speed roads. Nevertheless, they should still be subject to passenger restrictions because a responsible adult will not necessarily be present to discourage risky behaviour and maintain a low-risk driving atmosphere. MADD Canada recommends that Stage-2 drivers should be limited to one non-family member teenage passenger at a time, unless there is an adult supervisor present.

Stage 2 of the GLP should last 24 months, making the minimum age of full licensure at least 19. Currently, Stage 2 in most provinces is only 12 to 18 months long. MADD Canada advises against shortening the minimum graduated licensing period for drivers who participate in driver education programs, as they are not an adequate substitute for extensive, supervised, on-the-road driving experience. A more advanced road test should be required at the end of Stage 2, including some driving on a high-speed road. The requirements of this “exit” road test need to reflect the fact that the driver will be permitted to drive unsupervised in all situations and should identify drivers that require more time in the GLP. A recent meta-analysis found that an exit road test led to a 98% reduction in relative fatality risk among 19-year-old drivers. However, most provinces allow drivers to “graduate” to full licensure without taking an exit test at the end of Stage 2.

(c) A .00% BAC Limit for Drivers under 21 or with less than 5 years of Driving Experience

Young drivers are already disadvantaged due to their inexperience, and they should not have their judgment further impaired by alcohol. While GLPs with a .00% BAC limit have significantly reduced alcohol-related crash deaths and injuries among beginning drivers, their reach is limited. The BAC restriction is typically lifted on completion of the GLP, which occurs around the age of 18 or 19. This corresponds to the legal drinking age, a time during which alcohol consumption and rates of binge drinking increase among young people. These factors help to explain why this is the age at which teenage drivers are most vulnerable to alcohol-related crash deaths and injuries. It is dangerous to expose these young drivers to their first experience of unrestricted driving at the same time as their first legal use of alcohol. Consequently, MADD Canada recommends that, in addition to the .00% BAC limit in the GLP, all provinces enact a .00% BAC limit for all drivers under the age of 21 and all drivers with less than 5 years of driving experience.

The United States and other jurisdictions have enacted .00% or low BAC limits for drivers under the age of 21. A comprehensive review covering 16 years of statistics from all 50 states and the District of Columbia found that the presence of a “zero tolerance law” reduced the odds of an alcohol-positive crash by over 24% for drivers under 21. Other studies indicate that the largest safety improvements occur when the BAC limit is set to .00%. While a .00% BAC limit prohibits drinking and driving altogether, a low BAC limit suggests to drivers that some drinking before driving is acceptable. Given that alcohol-related crash rates do not decrease until after the age of 25, it is justifiable to enact a .00% BAC restriction on all drivers under the age of 21 and all drivers with less than 5 years driving experience.

(d) Zero Illicit Drug Restriction

Measures are also needed to address the fact that young people have the highest reported rates of driving after cannabis use and most other illicit drugs, and that these rates are increasing. While the exact causal role of various drugs in crashes requires more research, it is clear that drug use alone, or in combination with alcohol, constitutes a major traffic safety issue. In addition to the zero BAC restriction, MADD Canada recommends that provinces prohibit drivers under the age of 21 and drivers with less than 5 years of driving experience from being positive for illicit psychoactive drugs. The proposed drug-related driving prohibition would parallel the extended .00% BAC limit discussed above.

SECTION II: ENFORCEMENT AND SANCTIONS

The preceding licensing measures will have only a limited impact unless the police are given appropriate enforcement powers and violations are subject to effective sanctions. MADD Canada recommends that all provinces adopt the following measures:

- express statutory authority to stop vehicles and demand documentation from all drivers, as well as GLP supervisors;
- express statutory authority to demand that GLP drivers, supervisors and drivers subject to a ban on being positive for alcohol and/or illicit psychoactive drugs submit to random breath and/or standard field sobriety testing;
- immediate short-term administrative roadside licence suspensions and vehicle impoundments for drivers found to be in breach of the GLP or the extended alcohol and illicit psychoactive drug prohibitions;
- establish systematic sobriety checkpoint programs in areas that contain a high concentration of licensed establishments catering to youth;
- closer monitoring and lower demerit point thresholds for GLP and other young drivers; and
- extended periods of supervision and possible licence suspensions for GLP and young drivers who have at-fault crashes or convictions for serious provincial offences, including those related to the GLP or the extended alcohol and illicit psychoactive drug prohibitions.

(a) Authority to Stop Vehicles and Demand Random Breath and Standard Field Sobriety Tests

If a province has not already done so, it should give the police express statutory authority to stop vehicles at random and demand documentation from any driver, as well as GLP supervisors. These powers are necessary to assist the police in identifying drivers who are subject to various GLP restrictions, and drivers who are prohibited from being positive for alcohol or any illicit psychoactive drugs. The incidental benefits of this measure include the apprehension of underage or otherwise unlicensed young drivers, and older drivers who are unlicensed, suspended, prohibited, or uninsured.

Moreover, the police must be given authority to demand roadside breath tests at random from any driver and GLP supervisor who is subject to a .00% BAC restriction. The authority to demand breath samples in these circumstances should not be dependent on the police having a suspicion that the driver or supervisor has consumed alcohol. Drivers with low BACs are unlikely to exhibit obvious signs of impairment, and it will often be very difficult for police to detect alcohol consumption in the absence of the driver's admission that he or she had been drinking. The police also need to be given express statutory authority to demand that drivers who are prohibited from being positive for illicit drugs participate in random standard field sobriety tests.

(b) Immediate Short-Term Administrative Roadside Licence Suspensions and Vehicle Impoundments

The police should be required to issue an immediate 7-day licence suspension to any young or beginning driver found to be in breach of the .00% BAC or illicit psychoactive drug prohibitions. These administrative suspensions would be imposed at

roadside, regardless of whether the officer decided to charge the driver with an offence under the governing highway traffic legislation. Similarly, the police should be required to immediately impound the driver's vehicle for the duration of the licence suspension. The benefits of these administrative sanctions are that they are imposed immediately, require relatively few police resources and do not entail complex, time-consuming court proceedings. Consistent with international research, the Canadian experience indicates that these immediate administrative licence suspensions and impoundments are an extremely effective deterrent, particularly among young and beginning drivers.

(c) Strategic Sobriety Checkpoints

MADD Canada also recommends establishing systematic sobriety checkpoint programs in areas that contain a high concentration of bars, taverns and other licensed establishments catering to 19-24 year olds. This age group does a significant percentage of its drinking in licensed establishments, often located in identifiable and relatively small areas. Targeted sobriety checkpoints would not only increase apprehension rates in these areas, it would also provide a strong deterrent for this vulnerable population.

(d) Sanctions

MADD Canada recommends that GLP and other young drivers be more closely monitored and subject to lower demerit point thresholds than experienced drivers. These measures will assist the licensing authorities in identifying potentially at-risk young drivers and in taking appropriate remedial action before they have a serious crash. MADD Canada also recommends that GLP and young drivers who have at-fault crashes or convictions for serious provincial traffic offences (including those related to the GLP and alcohol and drug bans) be subject to extended periods of supervision and possible licence suspensions.

CONCLUSION

In summary, MADD Canada calls on all provinces to introduce the following licensing initiatives:

- a minimum age of 16 for obtaining a learner's permit;
- a comprehensive graduated licensing program that lasts at least three years and includes: late-night, high-speed roadway and passenger restrictions; a prohibition on being positive for alcohol and/or any illicit psychoactive drugs; and a ban on the use of all electronic devices;
- a .00% BAC limit for drivers under the age of 21 and drivers with less than 5 years of driving experience; and
- a prohibition on being positive for any illicit psychoactive drug for all drivers under the age of 21 and all drivers with less than 5 years of driving experience.

These initiatives will only be effective in addressing the youth crash problem when combined with appropriate enforcement measures and sanctions. MADD Canada recommends that all provinces introduce the following initiatives:

- express statutory authority to stop vehicles and demand documentation from all drivers, as well as GLP supervisors;
- express statutory authority to demand that GLP drivers, supervisors and drivers subject to a ban on being positive for alcohol and/or illicit psychoactive drugs submit to random breath and/or standard field sobriety testing;
- immediate short-term administrative roadside licence suspensions and vehicle impoundments for drivers found to be in breach of the GLP or the extended alcohol and illicit psychoactive drug prohibitions;
- establish systematic sobriety checkpoint programs in areas that contain a high concentration of licensed establishments catering to youth;
- closer monitoring and lower demerit point thresholds for GLP and other young drivers; and
- extended periods of supervision and possible licence suspensions for GLP and young drivers who have at-fault crashes or convictions for serious provincial offences, including those related to the GLP or the extended alcohol and illicit psychoactive drug prohibitions.

MADD Canada believes that the preceding measures will garner broad public support and, more importantly, will significantly reduce impairment-related crash deaths and injuries among Canadian youth.

APPENDIX I:

Chart 1: Current Features of Stage 1 of the Canadian GLPs

Prov./ Terr.	Minimum Driving Age	Minimum Length of Stage 1	Restrictions ¹		
			Nighttime	Passengers (excluding supervisor)	High-speed Roadways
AB	14	12 months & until 16	12 a.m. - 5 a.m.	Number of belts	None
BC	16	12 months	12 a.m. - 5 a.m.	1 passenger	None
MB	15½ ²	9 months	None	Number of belts in back	None
NB	16	12 months (8 with driver ed.)	12 a.m. - 5 a.m.	Only supervisor	None
NL	16	12 months (8 with driver ed.)	12 a.m. - 5 a.m.	Only supervisor	None
NT	15	12 months	11 p.m. - 6 a.m.	Only supervisor	None
NS ³	16	6 months (3 with driver ed.)	None	Only supervisor	None
NU	15	No GLP. Beginning drivers must be supervised for 12 months, but there are no BAC limits or other restrictions.			
ON	16	12 months (8 with driver ed.) ⁴	12 a.m. - 5 a.m.	Number of belts in back	Prohibited
PE	16	12 months (9 with driver ed.)	1 a.m. - 5 a.m. (unless ≥ 21)	Supervisor's family & number of belts	None
QC	16	12 months (8 with driver ed.)	None	None	None
SK	15 ²	9 months & until 16	None	Number of belts & additional limits ⁵	None
YK	15	6 months & until 16	12 a.m. - 5 a.m.	1 passenger, other than family	None

1. Unless otherwise stated, all Stage-1 drivers are subject to a .00% BAC restriction.
2. These minimum driving ages apply to those who are in, or have graduated from, a driver education program.
3. Legislation enacted in 2007, when proclaimed in force, would lengthen Stage 1 to 1 year or 9 months for those with driver education. Among other things, the legislation would also tighten passenger and supervising driver restrictions.
4. The Ontario government announced that it intends to lengthen Stage 1 to 18 months, or 12 months for those with driver education.
5. There can be no passengers other than family members from 12 a.m. to 5 a.m., and no passenger in the front if there is a backseat.

Chart 2: Current Features of Stage 2 of the Canadian GLPs

Prov./ Terr.	Minimum Length of Stage 2	Restrictions ¹		
		Nighttime	Passengers	High-speed Roadways
AB	24 months	None	Number of belts	None
BC	24 months (18 with driver ed.)	None	1 passenger, other than family, unless supervised	None
MB	15 months	None	1 passenger in front, number of belts in back and additional night restrictions ²	None
NB	12 months ³	12 a.m. - 5 a.m., with exceptions ⁴	3 passengers	None
NL	12 months	12 a.m. - 5 a.m., unless supervised	Number of belts	None
NT	12 months	None	1 passenger in front	None
NS	24 months	12 a.m. - 5 a.m., with exceptions ⁵	1 passenger in front and number of belts ⁶	None
NU	No GLP. Drivers can be fully licensed at 16 & are not subject to any BAC or other restrictions.			
ON	12 months ⁷	None	Number of belts and additional night restriction if the driver is under 20 ⁸	None
PE	24 months stages 2 & 3	1 a.m. - 5 a.m., with exceptions ⁹	Number of belts	None
QC	24 months	None	None	None
SK	18 months ¹⁰	None	Number of belts and additional restrictions in the first 6 months ¹¹	None
YK	18 months	12 a.m. - 5 a.m., unless supervised ¹²	Number of belts	None

1. Unless otherwise stated, all Stage-2 drivers are subject to a .00% BAC restriction.
2. Stage-2 drivers cannot have more than 1 passenger from 12 a.m. to 5 a.m., unless there is a supervisor in the front and all the passengers in the back seat have a belt.
3. Drivers must spend a total of 24 months in stage 1 and 2 combined, with at least 12 months spent in Stage 2.
4. This restriction does not apply to drivers who are 21 or older, drivers accompanied by a supervisor and no other passenger, those driving for educational or employment purposes, or drivers who are exempted by the Registrar.
5. This restriction does not apply to drivers who are supervised or drivers who have obtained an employment exemption.
6. Legislation, when proclaimed in force, will prohibit carrying more than 1 passenger unless supervised, or unless the passengers are family members.
7. The Ontario government announced that it intends to lengthen Stage 2 to 18 months.
8. During the first 6 months Stage-2 drivers cannot have more than 1 passenger under 20, other than family members, from 12 a.m. to 5 a.m. After 6 months, Stage-2 drivers can have only 3 passengers under 20. These restrictions do not apply if the driver is supervised, in which case the number of passengers is limited to the number of belts.
9. This restriction does not apply to drivers who are 21 or older, drivers accompanied by a supervisor, or drivers who have obtained a work or other exemption.

10. Saskatchewan has a 2-part Stage 2, which lasts a total of 18 months. The novice-1 part is 6 months and the novice-2 part is 12 months.
11. During the 6-month novice-1 part, drivers may only carry 1 passenger other than family members.
12. This supervision requirement does not apply to Stage-2 drivers who are commuting directly between work and home.

Chart 3: The Current Extended .00% BAC Limits

Prov./ Terr.	.00% BAC Limit Beyond GLP	Minimum Age at which .00% BAC Limit Ends	Legal Drinking Age
AB	None	18	18
BC	None	18½	19
MB	3 years	20½	18
NB	3 years	21	19
NL	None	17⅔	19
NT	None	17	19
NS ¹	None (pending – 2 years)	18¼ (pending – 21 or 20¾ with driver ed.)	19
NU	None	No BAC limit	19
ON	4⅓	22	19
PE ²	¼ year	19 (proposed 21)	19
QC	3⅓ years	22	18
SK	None	17½	19
YK	None	17½	19

1. Legislation, when proclaimed in force, will require drivers to have a .00% BAC for 2 years after completing Stage 2. Thus, the minimum length of the .00% BAC restriction will be 4¾ years for drivers who completed the driver education course in Stage 1 and 5 years for those who did not.
2. Prince Edward Island introduced legislation which, if enacted, will prohibit those under the age of 21 from driving with a BAC above .00%.