



February 28, 2019

The Honorable Roger F. Wicker
Chairman, Committee on Commerce, Science,
and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This letter comprises the report required by the Fixing America's Surface Transportation (FAST) Act, Public Law 114-94, Sec. 4012, "Study on the National Roadside Survey of Alcohol and Drug Use by Drivers."

In 2013–2014, the National Highway Traffic Safety Administration (NHTSA) conducted the most recent National Roadside Survey of Alcohol and Drug Use by Drivers (NRS). This voluntary and anonymous study is the second to collect data on drug use, presenting our first opportunity to examine drug use trends on a national scale.

The FAST Act required NHTSA to prepare a report no later than 180 days after the date on which the Comptroller General of the United States reviews and reports on the NRS. Specifically, NHTSA's report to Congress must address its progress toward reviewing the Comptroller General's report and implementing any recommendations. The U.S. Government Accountability Office (GAO) report was issued on March 12, 2018. The report examined three issues, as directed by statute, but made no new recommendations. Set forth below are each of the three issues examined, followed by relevant findings and conclusions.

- **The overall value of NRS data, according to selected researchers and other public safety stakeholders.**

The GAO concluded, "All of the researchers and other public-safety stakeholders ... highlighted the critical value of NRS data, noting that these data are unique, comprehensive, and reliable, and support initiatives to identify and address impaired driving."

The GAO noted that—

- Researchers and public safety stakeholders "stressed that the NRS is of critical value because it is the only source of nationwide, generalizable data on drug and alcohol use by drivers."
- It was unable to find any other source of reliable data on the extent of drugged driving in the United States through a literature review and interviews with public safety stakeholders and state officials.

- **The key differences between methods used at NRS data collection sites and law enforcement checkpoints.**

The GAO found that “Methods used at NRS data collection sites and law enforcement checkpoints differ in key areas, including driver participation and potential consequences. For example, participation in the NRS is voluntary, and according to NHTSA officials, no participants have ever been arrested for being impaired. By contrast, selected drivers may be arrested at law enforcement checkpoints if found to be impaired.”

The GAO provided—

- A table illustrating differences in key aspects of NRS sites and law enforcement checkpoints, such as the warning devices and signage used, police visibility, personally identifiable information collected, the extent of driver participation and driver refusal, the appearance of personnel, and consequences of driver impairment.
 - Acknowledgement of the changes NHTSA made in the protocol midway through the 2013–2014 survey, such as no longer using patrol vehicles or police lights ahead of the survey and no longer allowing police to direct traffic at collection sites.
- **The extent to which NRS methodology ensures voluntary participation and protects participants’ privacy.**

The GAO determined that “NRS’s methodology for protecting privacy follows OMB’s survey standards. Our assessment of this methodology found that changes related to the use of law enforcement officers, among others, addressed perceived concerns raised by some drivers during the most recent survey regarding voluntary participation and the privacy of drivers.”

The GAO stated that—

- The NRS protocols “are designed to ensure that drivers understand that participation in the survey is voluntary and anonymous,” such as researchers obtaining a driver’s consent to continue at each stage of the study; improvements that increased signage and changed the role of law enforcement to help drivers understand that they are free to choose whether to participate; the elimination of the use of a passive alcohol sensor prior to obtaining informed consent from the driver; and the destruction of breath, blood, and saliva samples after testing for alcohol and drugs.
- None of the researchers or public safety stakeholders with whom they spoke had concerns about the role of law enforcement or about privacy protections.

NHTSA is committed to ensuring that the methodology used in any activity that collects data on drug or alcohol use by drivers of motor vehicles emphasizes that participation is voluntary, anonymous, and without risk.

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Similar letters have been sent to the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation and to the Chairman and Ranking Member of the House Committee on Energy and Commerce.

Sincerely yours,

Heidi R. King
Deputy Administrator