



Driving Freedom

NMA Foundation

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How Long Did it Take You to Park Today?

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Driving Freedoms

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The NMA Foundation is a non-profit organization dedicated to finding innovative ways to improve and protect the interests of North American motorists.

Renew your NMA membership now to avoid any lapse.

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SURVEILLED FOR PROFIT

BY GARY BILLER, PRESIDENT, NMA

An interesting aspect of the current NMA fundraising campaign is the priority that members have assigned to the legislative choices on our national lobbying agenda. Putting restrictions on government seizure of citizen property is high on the list and the reason we have dedicated significant space in this magazine to that topic. Also of primary concern is the proliferation of automated license plate readers (ALPRs).

And for good reason: The roaming camera vans of Vigilant Solutions, the largest private contractor of the readers, have scooped up nearly four billion license plate images over the last few years. Vigilant adds about 80 million new records per month simply by driving around and snapping images of every vehicle encountered.

In addition to license plate information, every ALPR record includes the time, date, and location of the data capture. Each record also represents an opportunity for Vigilant to sell the tracking data to whomever is interested, be it an insurance company, a debt collector, or a bounty hunter.

That isn't to say that there aren't practical law-and-order uses for ALPRs. Federal and state enforcement agencies can use geotracking of license plates to locate persons of interest such as those with outstanding warrants. But ALPRs are electronic road checkpoints on a grand scale, casting a wide net in an attempt to locate a select few.

With funding from the current NMA legislative campaign, we aim to establish four primary ALPR restrictions:

1. *The use of license plate readers will be restricted to municipal, county, state or federal law enforcement agencies;*
2. *The data collected with ALPRs can only be compared to specific law enforcement databases such as State Criminal Justice Information, National Crime Information Center, the FBI and State Missing/Kidnapped Persons lists, and the FBI's Terrorist Screening Database;*
3. *Captured data shall not be used or shared for any other purposes and shall not be preserved for more than ten days if there is no match with an active criminal or terrorist database; and*
4. *Specific crimes and violations for which ALPR data can be sourced must be clearly defined and identified.*

We have spent countless hours through the years pointing out the problems inherent with automated enforcement. Progress has been made. The number of U.S. communities with red-light camera programs reached a peak of 540 in 2012. That number now sits at 421 according to the Insurance Institute for Highway Safety.

Continuing efforts by the NMA and others to educate the public have been primary factors for the elimination of many of those programs although we also should give credit to the camera companies for convincingly demonstrating how corrupt the practice of privatizing local law enforcement for profit can become.

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where popular motorist items are available at special discounts

Books for Motorists

American Autobahn



American Autobahn takes a tough but enthusiastic look at the state of American highway safety, exposing some of the half-truths and myths about the single most misunderstood factor in traffic accidents today—speed.

Winning in Traffic Court



A helpful, enjoyable read on how to fight a traffic ticket. It not only explains how to fight a traffic ticket, but also offers amusing anecdotes along with justification for fighting every ticket you receive.

Joyriding: Masterful Driving



This book covers just about every aspect of practical car handling techniques, driving tactics, and strategies that result in masterful and enjoyable driving. A great way to get a new driver off on the right foot.

Driver's Guide to Police Radar



Ever wondered just how close that police officer has to be to get you on his radar? Are you getting your money's worth from your detector? These are just some of the questions answered in *Driver's Guide To Police Radar*.

and many more selections

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These medium weight shirts with NMA logo are made from 100% combed cotton and have a relaxed fit for easy movement. Please note: The shirts are preshrunk and are one size larger than conventional. For instance, an XL size fits most 2XL wearers.



Men's and women's sizes are available in small to 2XL and in several colors - white, heather, sky blue (men's only), pink (women's only), and khaki.

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This 15-oz blue acrylic travel mug with stainless steel liner and spill-proof top will keep your coffee hot during your daily commute.

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This colorful 5-inch x 2-inch laminated magnet is designed to publicize one of the most important road principles: Keep right except to pass.

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This bright reflective NMA logo decal measures 4 inches in diameter. With its silver metallic background and brilliant colors, you can display this adhesive decal proudly to promote the NMA.

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NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

Transportation Secretary Elaine Chao told the U.S. Chamber of Commerce on May 15th to expect a massive infrastructure package quickly from the Administration but this promise may have been overly optimistic. Sixteen agencies are working to develop a broad package that is reported to include as much as \$200 billion in direct federal spending for a broad range of projects. Many industries outside the transportation sector are competing for these funds.

The Trump administration hopes to use the \$200B and additional incentives to encourage cities, states and private companies to spend as much as \$1 trillion over 10 years on new infrastructure projects. However, the Administration hasn't decided how to raise the \$200 billion it intends to spend. Options include user fees, an increase in gas taxes and direct appropriations. Secretary Chao testified before Congress in mid-June that there are more than a dozen options on the table for funding.

At the same time that the President seeks to bolster funding, his own budget makes significant reductions in federal funds targeted for infrastructure projects. The president's budget proposes to cut

Department of Transportation (DOT) grant programs that fund transit projects in half and eliminates the Transportation Investment Generating Economic Recovery (TIGER) grants that states use for highway construction.

Autonomous Vehicles

Automakers are requesting Congress weigh in on regulations related to the development of autonomous vehicles (AVs). The exemptions automakers seek are to allow the testing of AVs on public roads to gather data on the safety and economics of the technology. Eighteen states already have laws on the books regulating AVs and virtually all of the remaining states have been or are debating regulations and standards.

According to testimony before the Senate Commerce, Science and Transportation Committee in June, the industry is probably a decade away from cars that do not require a human driver.

Efficiency standards

Working with automakers, the Obama Administration's Environmental Protection Agency (EPA) and the DOT set a stringent standard for automotive vehicle emissions implemented in the form of a miles per gallon (MPG) efficiency standard. Automakers now contend the standard is

too tough to meet, especially as fuel prices decrease and consumers buy bigger cars. In March, President Trump announced he would revisit the standards and the EPA is reconsidering the requirements for 2022 to 2025, which were projected to bring average fuel economy standards for vehicles to around 54.5 MPG by 2025.

Assuming the decision by the EPA is to roll back the standards (and this seems likely), there have already been public statements by more than a dozen state attorneys general expressing the intent to sue the government over any loosening of standards.

There has been no nominee to lead NHTSA or EPA's Office of Air and Radiation, which both would have input into the rule. Without political appointees to express the President's opinion on policy matters, the process is significantly hampered.

For NMA members, the outcome will likely have an impact on cars available for purchase in five to seven years. Automakers assert the standards will limit their ability to provide consumers with cars they want—in this market, that generally means pick-ups, SUVs and high performance sports cars. 🇺🇸

SURVEILLED FOR PROFIT

(Continued from Page 1)

Our efforts to oppose red-light and speed cameras continue, of course. With your help, the NMA will work aggressively to restrict the deployment of ALPRs and the uses and retention of data collected. The potential for license plate readers to do mass tracking of motorist movements must be curtailed or strictly regulated.

An NMA campaign update:

As you read this, the official period of the 2017 NMA fundraising campaign is winding down but donations in coming months will continue to be accepted and applied toward a very important goal: To raise at least \$45,000 to effectively lobby for our 2017-2018 National Legislative Agenda.

The campaign got off to a rousing start by garnering \$16,192 in donations during April, the largest single-month NMA gift total in ten years. Contributions slowed down quite a bit in May, reaching \$6,050 for the month, leaving us less than halfway to the fundraising goal. The donation rate has picked up again in June, already matching the May total at the midpoint of the month as I write this, but much work remains to fund the ambitious NMA agenda of taking on ticket blitzes, civil asset seizures, ALPRs and more, as outlined at <https://www.motorists.org/2017-2018-national-legislative-agenda/>. You can help by donating online from that page or sending a check directly to the NMA at 402 W. 2nd St., Waunakee, WI 53597. 🇺🇸

Policing for Profit: Update on Civil Asset Forfeiture

In late March, the U.S. Department of Justice Office of the Inspector General (OIG) released a report criticizing the DOJ's seizures and forfeitures of cash of \$28 billion since 2007. The report stated that in the past ten years, the DEA was responsible for 80 percent of the nearly 100,000 cash seizures for a total value of \$4.15 billion. Of that amount, a mere \$78.9 million went back to victims or legitimate property owners. Eighty-one percent of those seizures (total value \$3.2 billion) were forfeited without anyone being charged of a crime or with any judicial oversight.

Eighty-nine percent of the cash seizures by the DEA were under \$100,000 which accounted for only 30 percent of the total value of the cash received by the government. This suggests that many seizures are not concerned with larger criminal enterprises—a primary rationale for CAF. Only about 20 percent of those DEA seizures were ever contested and the DEA only returned all or a portion of the cash in less than half of those challenged cases.

Institute of Justice Senior Attorney Darpana Sheth responded, “These findings fundamentally undercut law enforcement’s claim that civil forfeiture is a vital crime-fighting tool. Americans are already outraged at the Justice Department’s aggressive use of civil forfeiture, which has mushroomed into a multibillion dollar program in the last decade. This report only further confirms what we have been saying all along: Forfeiture laws create perverse financial incentives to seize property without judicial oversight and violate due process.”

A ruling by the U.S. Supreme Court in June narrowed the scope of CAF by finding that government officials cannot force individuals involved in a criminal conspiracy to forfeit proceeds they did

What is Civil Asset Forfeiture (CAF)?

Congress established CAF in 1789 to seize ships that were violating customs law. In 1978, the law was expanded to allow the seizure of cash in the illegal drug trade. Since 1978, CAF has expanded and allowed law enforcement to seize property of anyone who is merely suspected of involvement of criminal activity. The government can keep the property permanently without charging anyone with a crime. Your property is “Guilty until proven innocent” and you generally have to sue the government in civil court to get your property returned. Since this is a civil instead of a criminal procedure, however, property owners are not entitled to an attorney. The process is rife for abuse and fraud, a high potential for opportunistic theft.

Traffic stops and airport interdictions are the most common ways for law enforcement to seize cash and property. The four federal agencies most involved with enforcing CAF are the Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms and Explosives, the Drug Enforcement Agency (DEA) and the Internal Revenue Service. The Department of Justice (DOJ) oversees CAF.

not obtain. *Honeycutt v. U.S.* ruling only restricts one dimension of CAF but the justices’ writings during this term suggest perhaps a growing hostility to how law enforcement has been using forfeiture.

In March, U.S. Supreme Court Justice Clarence Thomas signaled in a dissenting opinion in *Lisa Olivia Leonard v. Texas*, that the abusive practice of CAF is ripe for expanded constitutional scrutiny. He stated, “This system—where police can seize property with limited judicial oversight and retain it for their own use—has led to egregious and well-chronicled abuses.” He went on to explain that while the Supreme Court has historically upheld the constitutionality of civil forfeiture, the modern practice of forfeiture has strayed from its narrow historical use and purpose.

Two recent court rulings in Pennsylvania and New York have brought CAF under further scrutiny.

In April, a federal judge refused to dismiss a suit against Philadelphia. The ongoing class action was first filed in 2014 led by Christos Sourovelis who claims that Philadelphia owes 20 percent of its budget to an unconstitutional CAF program. Sourovelis contends the city

offers no due process before it auctions off property that purportedly had been traced to criminal activity. The suit calls the Philly program “unprecedented in scale,” claiming that it went off the rails in 2007 when the city moved forfeiture proceedings to Courtroom 478 which is run by prosecutors, not judges. Apparently, CAF generated more than \$69 million—an average of \$5.8 million per year—in revenue for the district attorney’s office between 2002 and 2013. The DA spent about 40 percent of those funds on salaries which includes the very prosecutors that run Courtroom 478.

In May, New York’s Manhattan Supreme Court Judge Arlene Bluth accused the police department (NYPD) and former Commissioner Bill Bratton of avoiding CAF disclosure. The Bronx Defenders, a nonprofit advocacy group, has been seeking civil asset forfeiture records since 2014. According to the Bronx Defenders spokesperson Adam Shoop, the NYPD had been holding net assets of more than \$68 million in seized cash and property in any given month in 2013. The NYPD stores data in an online database known as PETS, the Property and Evidence Tracking System. In her ruling, the judge said the NYPD first

(Continued on Page 5)

insisted that no records existed, then argued that disclosing the data would be “extremely burdensome.” Oral arguments are set for July 25.

On the federal level reform seems to elude lawmakers. State lawmakers continue to refine their CAF laws with many hurdles remaining. According to the Institute of Justice, a forfeiture watchdog group, over 30 states and the federal government put the burden of proof on the property owner. Fortunately, 12 states now require a criminal conviction for most or all cases and Utah has banned the forfeiture of property from the acquitted. New Hampshire and Ohio places the burden of proof on the government for civil claims.

The fight for CAF in state legislatures can be extreme. For example, New Hampshire lawmakers recently faced intense lobbying from law enforcement. Police claimed reforming the state’s forfeiture law would devastate their ongoing opioid battle. In reality, HB 614 would have closed the equitable sharing loophole that would ensure that state law enforcement could not pass most cases off to the feds to avoid stricter state laws. Tenth Amendment Center Director Michael Boldin said, “It’s about money and department budgets, not protecting everyday people.” HB 164 was passed by the House but stalled in a Senate Committee. On a positive note, Arizona and Iowa lawmakers were able to close their state’s federal loopholes in the most recent legislative session.

The federal loophole allows local agencies to execute an end-run around state law and retain up to 80 percent of forfeiture proceeds under the federal Equitable Sharing Program run jointly by the Justice and Treasury Departments.

According to the American Civil Liberties Union (ACLU) equitable sharing incentivizes local and state

law enforcement to use federal law instead of state law. An ACLU 2016 brief reveals that California’s most vulnerable people are falling prey to CAF. These are the people who do not have the means to fight the government in court or who are susceptible to law enforcement intimidation tactics.

“Civil asset forfeiture has allowed for rampant abuse, exploitation, and marginalization of low-income communities and people of color,” said Margaret Dooley-Sammuli, criminal justice and drug policy director with the ACLU of California. “California police are padding their budgets with innocent Californians’ hard-earned money and property.”

Local, state and federal civil asset forfeiture reform can happen with your help. Call, email, write, or even better, meet with your elected officials and tell them you want our most basic constitutional right of due process to apply to law enforcement’s predatory asset confiscation practices. The most effective reform will occur when laws deincentivize asset seizure by not allowing the proceeds to be funneled into the budgets of public agencies. ❤️

Asset forfeitures surpass burglaries

Total annual dollar value of assets seized by federal law enforcement and burglary losses



WAP0.ST/WONKBLOG

Source: Institute for Justice, FBI Crime Reports

States & D.C. that allow no CAF asset seizures to be retained by law enforcement: *Indiana, Maine, Maryland, Missouri, New Mexico, North Carolina, Washington D.C., and Wisconsin*

States that allow under 50 percent of CAF asset seizures to be retained by law enforcement: *Colorado, Nebraska and Vermont*

States that allow 51 to 75 percent CAF asset seizures to be retained by law enforcement: *Alaska, California, Connecticut, New York, Oregon, Texas, and Washington*

States that allow 76 to 95 percent CAF asset seizures to be retained by law enforcement: *Florida, Illinois, Louisiana, Minnesota, Mississippi, New Hampshire, Rhode Island, and South Carolina*

States that allow 100 percent CAF asset seizures to be retained by law enforcement: *Alabama, Arizona, Arkansas, Delaware, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Montana, Nevada, New Jersey, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wyoming.*

How Long Did it Take You to Park Today?

Looking for parking has to be the most mundane, often frustrating, driving chore. Whether we live in a big city or a small town, finding a place to park can be one of those annoyingly stressful problems depending on the season, the time of day, or the day of the week. Although parking often seems so trivial, it influences inhabitants on deep generational levels, and is continuously evolving.

Vision Zero, Smart City Initiatives and bicycle lobbies are encouraged by cities that cede street parking to dedicated bicycle lanes. This may not appear significant because there are over two billion parking spaces (roughly the size of Massachusetts) in the United States; but like traffic problems, parking issues are always local. When less parking is available on certain streets, local businesses suffer which then causes a cascade of other local problems. Vision Zero and bicycle lobbyists are not going away anytime soon and neither is the new breed of urban planner.

Urban planners are rethinking how street and surface parking lots should work in the context of the needs of other road users, such as pedestrians and bicyclists, and how the city itself might grow in the future.

For example, a 2011 Dallas study found that even in peak hours, more than 7,000 parking spaces were vacant in the downtown area. To attract more people to live and work in the urban core, Dallas city planners collaborated with the community on how the city could transform outdated infrastructure, such as surface parking lots, that takes up valuable real estate. Six years and \$10 million later, the city depaved a 3.2 acre parking lot and turned it into Pacific Plaza Park. The construction of the park has



encouraged developers in the area to create new places to work and live.

Surface parking lots are among the most costly use of property, leading to the lowest value per square foot. Most legal lots increase revenue with no increase in land use.

Adrian Benepe of the nonprofit Trust for Public Land who consulted on the Dallas project, said, “Parking lots only serve one function, which is the parking of cars . . . but they also represent extraordinary opportunities for creating open space parks and other kinds of public spaces that are desperately needed in many downtowns.”

Another study predicts that in 15 years, Dallas car ownership will drop 31 percent because of the shift to autonomous vehicles and increased use of ridesharing services such as Uber and Lyft. How will Dallas and other cities’ urban core parking change due to this dynamic cultural shift?

In May during the American Planning Association’s annual conference, the issue of autonomous vehicles was a popular topic of discussion, especially in

regard to street design and parking. Shannon McDonald, assistant professor at Southern Illinois University-Carbondale said during the conference, “This will completely change us as a society. I think it’ll have the same transformational change as the introduction of the automobile.”

City planners and developers have already started to rethink how roadway, traffic and parking design will be configured in the near future. With carsharing and ridesharing now becoming what some experts call a sustainable mobility trend, reducing parking spaces in urban cores might be one way to reduce building costs and encourage less reliance on personal cars which is the underlying goal of programs like Vision Zero.

Parking Minimums

In 1923, Columbus, Ohio was the first U.S. city to require builders of new developments to create parking spaces for those who lived and worked there. Parking minimum requirements have now gone full

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circle and cities like London, England; San Francisco, California; and Buffalo, New York have eliminated parking minimums for new construction.

Parking takes up a great deal of area per car: 129-161 square feet (12 to 15 square meters) for the actual space, which doubles with necessary access lanes.

Developers in many other cities have also begun questioning parking minimum requirements in new developments. Instead, they would prefer to provide future residents with transit subsidies, or dedicated rideshare pickup/drop off areas and a smaller parking space for the building's shared cars.

In some cities, developers have already taken some initiative. They are including garages to meet parking minimum requirements but are building the garage floors level instead of slanted in preparation for repurposing the space in the future. AvalonBay Communities Inc., one of the country's largest apartment developers, has recently built this concept into a grand residential complex in the trendy downtown Los Angeles Arts District.

Valuable Real Estate

Buying an urban core parking space is not cheap either. A condominium parking space in Park Slope, Brooklyn recently sold for \$300,000—more than the cost of a condo in many areas of the U.S. With the increase of ride-sharing and carsharing, some experts believe that the value of urban parking spaces could deflate. However, if parking minimums are reduced, then owning parking spaces could be quite valuable indeed.

Smaller cities and towns also have parking design problems especially during big annual events or serving as vacation hotspots. Telluride, Colorado (skiing) and Park City, Utah (skiing

and two Sundance Film Festivals) are two examples; but so is Bar Harbor, Maine, a summer vacation destination. For almost three decades, Bar Harbor has struggled with summer parking woes which were not made any better when the town did away with parking minimums for new business and residential developments. For the past year, the planning board has been working on 10 land-use amendments that entail building a number of garages around the city. New buildings like this however will have to come before the voters for bond approval. In the meantime, parking will be as difficult as ever.

Parking Revenue

A big business for cities, parking and parking ticket revenue are separate budget line items in financial projections. In 2016 for example, New York City collected \$545 million from parking tickets, and it typically hands out nine to eleven million such tickets per year. City officials want to squeeze even more revenue out of next year's results, projecting an additional \$5.86 million by cracking down on parking placard fraud. The new initiative will focus on city employees (administration, police, and teachers)

who use their city parking permits inappropriately. NYPD Captains Union President Roy Richter says the city's projections are too high and pave the way for parking ticket quotas.

In March, the Philadelphia Parking Authority (PPA) adopted a budget that projects an additional \$10 million increase in parking revenue. Although the city council still has ruled on the PPA's budget, \$3 million of the increase would go to the city budget, \$500,000 to the school district and the remainder would go into the city's pension fund. City Councilor Helen Gym was skeptical and said at the time, "I don't see a path for the PPA getting a rate increase minus the full performance audit that we're waiting for from the Inspector General's office." As reported in *Driving Freedoms*, Summer 2016, the PPA's on-street parking system (meters and tickets) generated more than \$611 million between 2011-2015. The PPA's budget has not been audited even though a formal review has been promised for many years.

Some elected officials look beyond revenue when it comes to making parking decisions. The city council of Manitou Springs, Colorado (near

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Pikes Peak), population around 5,000, decided in June to stop paid parking at 6:00 PM instead of 8:00 PM to encourage more people to come downtown after work. This decision came after survey responses from 69 businesses and a recommendation from the city's parking commission were received. Even though the city will lose around \$70,000 to \$80,000 per year or 11 percent of overall parking revenue, the council and city officials felt that citizens would have a better feeling about their community with some free parking in the evening.

Using ALPR's for Parking Enforcement

Automated license plate readers (ALPRs) are now used by many city officials to enforce permit or neighborhood parking.

Residential zoned parking allows local residents of a street exclusive use of the on-street parking spaces. Residents usually pay a small fee to the city in exchange for a placard or sticker that indicates that vehicle may park in that zone.

In 1977, residential zoned parking was challenged as violating the constitutional right of equal protection because it favored one group of people (area residents) over another group (commuters). The U.S. Supreme Court subsequently ruled the practice did not violate Equal Protection and since then residential zoned parking has become common practice. Instead of manually scanning placards and stickers, parking enforcement automated license plate readers are now used to patrol plates in zones.

Last year, Rochester, Minnesota scrapped residential parking stickers altogether in favor of permit enforcement by ALPRs. The city has 133 established residential parking zones with about 2000

residents holding zone permits. The city uses three parking control vehicles equipped with ALPRs exclusively to patrol residential permit parking areas.

Berkeley, California also uses ALPRs to manage traffic enforcement and to make ongoing assessments to optimize and enforce parking that city officials hope will encourage more Berkeley residents not to drive. According to city spokesman Matthai Chakko, the city uses survey data on how often and at what time spaces are occupied to adjust parking prices and time limits.

This spring, the Grand Rapids, Michigan, city council discussed using ALPRs for parking enforcement. By ordinance, Grand Rapids has an agreement that requires it to consult with the American Civil Liberties Union (ACLU) on any potential surveillance programs. Despite input with the city, the Western Michigan chapter of the ACLU sent an additional letter to city officials stating that the ALPRs are another piece of surveillance technology that reduces "personal privacy rights and empowers the surveillance society." The city council tabled the issue in March despite the fact that the Grand Rapids police department already uses ALPRs.

Performance Parking Revenue

Another popular revenue scheme is performance or variable-rate parking (similar to urban core congestion tolling). Performance parking is now coming on line in California cities such as Los Angeles, Redwood City and San Francisco. Motorists will now need to pay premium parking rates during peak times. The use of sensors and networked electronic parking meters can bid up or down

the price of parking automatically with the goal of keeping 85 to 90 percent of the spaces in use at any given time. San Francisco uses a system called SFpark which allows drivers to find spaces via a mobile phone app.

Parking is a one of those issues that, when we need it, we want it, but otherwise motorists generally don't think much about it. Parking, however, is a touchstone issue for motorists and the NMA encourages its members to participate whenever possible in local parking commissions and city council meetings where new or revised parking ordinances are discussed. Technology is making it easier for cities to maximize its return from parking spaces. Drivers will need to have deeper pockets unless there is pushback against new,





Smart Parking Movement

By 2020, the company Streetline predicts that over 950,000 sensor-enabled parking spaces will be available around the world. “Smart parking” utilizes three components to help drivers find parking spaces.

(1) Sensors—wireless sensors are embedded in each parking space to determine if the space is available.

(2) Networking—Data from embedded sensors relay this information by a wireless mesh network to the cloud.

(3) Applications—Motorists can use a smartphone app to look at real time parking data. 🇺🇸

Pay by Phone Parking

Dayton, Ohio and Milwaukee, Wisconsin plan to replace all coin meters with smart devices that use pay-by-phone technology. Not only would drivers be able to pay by smartphone or a website, they would also be able to receive texts if a meter is running low and extend the parking session remotely.

According to city officials, Dayton’s 1,300 coin-operated parking meters are obsolete and will soon need replacement. Currently, Milwaukee is testing three different meters and plans to negotiate a contract this summer to replace meters and pay stations for all 7,100 parking spaces mostly in the downtown area. 🇺🇸

Automated Garage Parking

Automated parking is no longer the domain of science fiction. A fully automated garage was integrated into Boulder, Colorado’s PearlWest mixed-use development building last year. The automated parking system laser scans vehicles and then utilizing a robotic valet, parks vehicles with a robotic dolly that lifts and transports cars to storage racks. Up to four times more cars can be parked in the same area because space to open doors is not required. After swiping a card or inputting a code at the parking kiosk, the robotic valet can retrieve a car within two minutes. A total of 300 hundred parking spaces are in the building with sixty spaces utilizing the automated system. 🇺🇸

If You Don’t Fit, Don’t Park

In Arizona, Prescott traffic police have begun enforcing the city’s “If you don’t fit, don’t park” policy. Downtown street parking has shorter-than-normal angled spaces, and the city does not plan to change that configuration anytime soon. In 2016, 157 citations were issued and nine vehicles were towed. Most of the citations were for vehicles that were too long for the space. Prescott Police Traffic Supervisor Sergeant Brian Dever says, “First of all, this is a

safety issue. If vehicles stick out of the parking space, that blocks the lane of traffic. This in turn, can lead other drivers to veer into the oncoming lane or brake suddenly causing rear-end crashes.” Dever adds that hitches and bike racks are also a problem, especially for bicyclists. 🇺🇸

Are You a Car Shuffler?

Bangor, Maine’s Downtown Parking Advisory Committee spent months considering the problem of the lack of downtown on-street parking. According to Councilor and Parking Committee Chair Gibran Graham, the biggest parking problem uncovered had to do with “car shufflers,” motorists who work or own businesses downtown and park in the free but time-limited spaces. When time expires in one spot, shufflers move their cars to another space usually only a few feet away. This is not a problem unique to Bangor. In many communities, the problem is not a lack of downtown parking spaces but how those spaces are used. If employees or owners park in the spots in front of their businesses, there is no room for customers. The Bangor committee will continue working to find a better solution. 🇺🇸

Will We Own Our Vehicles Anymore?

Yes and perhaps no. The more complex vehicles become, the more complex the proprietary software that runs the vehicle systems becomes. Since last October, the U.S. Copyright Office allows vehicle owners the right to modify mechanical systems and electronic controls—at least for now. Automakers do not want car owners to be able to repair or tinker with their own vehicles and throw every hurdle at independent auto mechanics so they can't either. This hurts the consumer's pocketbook since the only auto mechanics that can repair new vehicles are at dealerships or at authorized repair shops which are always more expensive—especially if there is a monopoly. Protecting proprietary software would allow automakers to control their product from beginning to end.

A recent court case will perhaps change the tide on ownership and copyright laws.

In late May, the U.S. Supreme

Court reversed a lower court's decision in *Impression Products, Inc. v. Lexmark International Inc.*, affirming the right to own things you buy. Once a patent owner sells a product, the seller cannot claim later the product's use after the sale is infringing. This prevents patent owners from controlling goods after sale and interfering with a person's or a company's right to resell, modify, and understand the things that are owned. The Court's reasoning will help protect consumer rights from overbroad copyright laws and other restrictions like those written into end user license agreements for software or imposed technological restrictions as set out in Section 1201 of the 1998 Digital Millennium Copyright Act (DMCA).

The Supreme Court ruling also explained that people who buy things are allowed to use and resell them without being sued under patent and copyright law. This freedom is necessary for commerce to function. The Electronic Frontier Foundation (EFF) stated in their blog about the

decision, "The next logical step will be for courts to recognize that people who buy digital goods are owners and not mere license holders and should have the freedom to resell, tinker with, and repair their digital goods to the same extent as purchasers of tangible property." This, of course, should hopefully extend to vehicle owners.

The EFF, the Intellectual Property & Technology Law Clinic, and Repair.org are three groups that are fighting to preserve the notion of ownership. They believe that owners should have the right to investigate the code in their vehicles and to make modifications for better functionality along with having the ability to repair them without interference.

The right to repair (R2R) agreement with automakers will again be up for renegotiation in 2018. Additional court cases might also come about that could change this dynamic on a more permanent basis. The NMA will keep you posted on any updates on the right to repair. ❤️





DRIVING NEWS

This information is current at time of printing. Get daily driving news updates from across the country through the “NMA Driving News” area of our website www.motorists.org/news/. For even more in-depth coverage of motorists’ issues from some of the country’s leading commentators, visit the NMA Blog at www.motorists.org/blog/.

California

A bill (AB 342) that would have allowed a five-year pilot program to test speed camera enforcement in San Francisco and San Jose was tabled this legislative session. Bill supporters expect it will be reintroduced next session.

In May, the city of Fremont finally relented in giving rebates to 672 red-light traffic offenders. Initially blamed on an unpaid intern, the city acknowledged it inadvertently reduced yellow light timings at two major intersections.

Colorado

An increase in the state sales tax to fund infrastructure hit a roadblock late in the legislative session. Any tax increase would have required a public vote. Advocates believe at least one tax measure will be on the ballot in November even if state lawmakers could not reach an agreement in the regular legislative session or any potential special session. Governor Hickenlooper’s administration estimates the state needs at least \$9 billion for transportation construction and maintenance.

Florida

The State Supreme Court will hear arguments on the legality of using cameras to catch red-light runners. No date has yet been set for the case; if the court makes a ruling, it will likely affect the outcome of the 65 lawsuits filed against various Florida municipalities that use camera enforcement.

Idaho

Beginning July 1, a new law will allow motorists to go up to 15 mph over the speed limit while passing on a two-lane highways without risk of a speeding ticket.

Illinois

Chicago, which has the largest number of red-light cameras in the nation, announced in March that the city would be extending the red light grace period from 0.1 seconds to 0.3 seconds. This brings the city in line with other major cities such as New York and Philadelphia.

Indiana

On June 1, tolls paid to a private contractor, on the Indiana Turnpike increased by a minimum of 126 percent for two-axle vehicles. Prior to the increase, the toll road had been subsidized by the state. Now all tolls paid to the private operator will be borne by motorists. The June increase will be followed by the annual hike on July 1.

Kansas

The State Supreme Court has been busy with three different traffic rulings. In March, the court ruled that the city of Mission could no longer levy driveway taxes. The fee was based on an estimated number of vehicle trips generated by properties in city limits. Also, the court declared that stoplight burnout was not an “exhibition of speed.” Police do not have the authority to pull over a motorist who briefly spins his tires at a stoplight. In April, the court declared that a car

with reclined passenger seats and a torn plastic bag in the center console could be searched by police at any time without a warrant.

Maryland

Baltimore will restart its automatic camera program with nearly the same team that ran the program before. Baltimore was forced to stop the program in 2013, when the city’s inspector general blasted both Xerox and city officials for issuing thousands of tickets knowing full well that “radar errors” caused questionable speed readings. In 2013, the city had 83 speed cameras and 80 red-light cameras in operation generating millions of dollars of fines per year.

Missouri

Moline Acres Police Chief Cliff Ware resigned in May because he was signing “mock tickets.” Ware was issuing the fakes for a different town entirely. According to Fox News, he received a commission for each ticket signed. Apparently, a private company, Public Safety First Partners, was running an unmarked speed-trap vehicle in a laser-radar operation in the town of Uplands Park. Hundreds of \$125 private tickets were issued even though the Uplands Park town officials had no idea the private operation existed. St. Louis County Police Chief Jon Belmar called the speed trap operation, “unethical, immoral and oughta be illegal.”

The state is establishing a 21st Century Missouri Transportation System Task Force to help plan infrastructure needs for the next several decades. The task force will include nine citizens appointed by the governor and key legislators. NMA President Gary Biller and Springfield Mayor Ken McClure have nominated NMA Missouri State Activist John Piatchek for one of the positions.

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Mississippi

A suit has been filed against the state's richest county for using a police check-point to enforce segregation. The roadblocks and checkpoints that Madison County allegedly maintains are not like official stops. Plainclothes deputies typically wait in unmarked cars, giving an ambush feel at odds with the sirens-and-orange cones of a traditional checkpoint. The complaint filed by the American Civil Liberties Union claims the police department locates these camouflaged identification checkpoints in and around areas populated primarily by African-Americans.

Montana

Governor Steve Bullock signed into law two bills that will increase privacy protection and hinder at least two federal surveillance programs. Law enforcement can operate automatic license plate readers or ALPRs but can only store data for no more than 90 days and use the information gathered under specific guidelines. The state is prohibited from creating a permanent ALPR database to avoid the information winding up in a federal database. The second bill prohibits state or local government from obtaining stored data from any electronic device without a warrant (except with recognized warrant exemptions such as imminent danger) or consent of the owner.

Nevada

The seventh state to enact an 80 mph speed limit, Nevada began changing signs in May on 130 miles of Interstate 80 between Reno and Winnemucca.

New York

State police "super" troopers have handed out 14,542 summonses to New York City motorists in the first four months of the year. This is a 759 percent increase over all of last year, when only 1,692 tickets were issued. In 2015, troopers gave out four tickets in the city and none in 2014.

Governor Cuomo deployed 150 state police in December to begin patrolling the city's highways, bridges and tunnels.

According to observers, he did this to generate more state funds from tickets and to rankle his rival, Mayor Bill de Blasio.

Ohio

The state's second highest court rejected a class action suit seeking refund of illegally issued speed-camera tickets in Cleveland. The reason—the lead plaintiff waived her right to protest by paying her ticket. The appellate court noted that the city had inserted into its photo ticketing ordinance a line that prevented people who paid a citation to later contest it. Several months after motorist Allyson Eighmey filed the suit, 78 percent of voters in Cleveland passed a ballot measure against automatic ticket enforcement.

Tennessee

A dead teen received a bill of nearly \$3,000 to replace a guardrail that killed her in a crash in November. Her father refused to pay the bill and claims that the guardrail that she hit was poorly designed and dangerous. When the girl's car hit the guardrail, instead of deflecting or buckling to absorb the shock, it impaled the teen, killing her instantly. The guardrail was a Lindsay X-Lite, a model that the Department of Transportation had removed from its approved product list a week before the teen's accident.

Texas

In May, the House defeated Bill 2861 which would have allowed the Department of Transportation to use tolls for construction, renovation or widening of 20 different impending toll projects. This bill also would have helped fast track these state projects as PPPs or public private partnerships.

Texas Lawmakers reached a compromise on administrative fees and penalties for unpaid tolls, capping them at \$73.00 every six months and a potential \$250 "failure to pay tolls" criminal fine imposed by a court along with court costs.

Utah

Effective December 30, 2018, a new law lowers the legal limit of a driver's blood-alcohol content to 0.05 percent, down from 0.08 percent—the first state to do so. The new law also bans recent immigrants from driving after even a drop of alcohol. Prosecutors think this provision of the law could be constitutionally problematic because it treats native and foreign drivers of the same age or experience differently. The state's prosecutors feel this could also lead to increased racial or ethnic profiling by law enforcement.

Virginia

In late May, Governor Terry McAuliffe signed in to law a measure making it easier for the more than 600,000 Virginians whose driver's licenses were suspended because of outstanding court fines to have their licenses reinstated. Payment plans will now be more prevalent because the new law mandates a 10 percent cap on down payments. This new law takes effect July 1. The old law automatically suspended a license if a motorist could not pay a fine.

Wyoming

Driver's license and vehicle registration fees will double beginning in July. Passenger vehicle fees will go from \$15 to \$30 and motorcycle registration fees will increase from \$12 to \$25. Based on registrations from the past year, the raise in fees will add \$39.8 million for the two-year budget. Standard driver's license fees will double from \$20 to \$40; renewals will also double from \$15 to \$30. The increases will yield \$5.2 million over the 2-year budget cycle. Fees had not increased since 1975. 