Driving Freedoms

NMA Foundation

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Are You One of the Silent Majority?



NMA Foundation
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Driving Freedoms

Vol. 28 Issue 4

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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EMPOWERING ADVOCATES

BY GARY BILLER, PRESIDENT, NMA

"The basic job of any campaign is to translate grassroots energy into turnout."

-Jon Ossoff

Ossoff wasn't able to convert enough energy to be elected to the U.S. House of Representatives earlier this year. Nevertheless, his words ring true.

The NMA Advocacy Guidebook, introduced in the cover story, is an important step toward providing members with the basics for making a difference in the political process. I am even more excited about another tool we have in development, a grassroots response advocacy system (GRAS) that will provide an NMA platform for topical communications to be sent by individuals to state and/or federal lawmakers with just a few key and mouse clicks.

There are scores of legislative campaigns the NMA could undertake on behalf of motorists in any given year, with each state and the federal government introducing their own challenges to our rights. As an advocacy organization, the three questions the NMA constantly faces are:

1. How do we leverage the collective voice of motorists to impact the issues that matter?
2. How do we identify those issues in the context of the sweeping range of legislative activity across the country?
3. How do we marshal the resources to accomplish #1 and #2?

A robust GRAS is an important step toward mobilizing the motorists' lobby in a comprehensive and effective way. It is gratifying that the NMA Foundation directors, who see the educational potential that an issues-based response platform can have in shaping the thinking of elected officials, have thrown their support behind the development of GRAS by making it the centerpiece of the Foundation's fall fundraising campaign.

Legislators and their staffs give little weight to the receipt of mass-produced letters that differ only in the sender's name. We propose a level of computerized logic that produces and transmits personalized, topical emails and letters in just a few simple steps.

To describe the essence of GRAS, I'll borrow a few words from a letter that Steve Carrellas and I sent to members in early October to kick off the NMA Foundation's fall 2017 campaign:

"Two ingredients at the heart of the NMA GRAS will make it special: 1) A library of issues-based talking points linked to a series of uniquely worded paragraphs, and 2) a tie-in to an extensive database of contact information for state and federal lawmakers, governors, and even members of individual legislative committees.

"Each NMA campaign will have a specific list of suggested recipients along with a group of selectable talking points that

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2017 NMA Visionary Club

Many thanks to members of the Visionary Club who have demonstrated a commitment to furthering the rights of motorists through their gifts to the NMA and to the NMA Foundation over the years. We are very pleased to recognize their contributions. You too have an opportunity to become a Visionary Club member. Also consider building your legacy for motorists' rights with a gift through our Planned Giving Program. Please contact the NMA for more information. All gifts are applied toward improving and protecting the interests of motorists throughout North America.

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Eight Visionary donors requested anonymity

NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

Congress has begun the process of authorizing the National Highway Traffic Safety Administration (NHTSA) to consider regulations in preparation for the roll out of driverless cars. The legislation, the SELF Drive Act, passed the House in September and awaits action in the Senate, would allow up to 100,000 autonomous vehicles on the road per year, and subject to specific safety criteria.

The bill preempts states from regulating the vehicles—though vehicle registration, insurance and other local issues would remain under state control.

Safety advocates assert that taking the human factor out of driving could reduce accident rates by as much as 90 percent.

Manufacturers will need to address a number of practical and policy-related questions dealing with safety, as well as computer programming and cybersecurity. Once deployed, test cars will need to log millions of miles demonstrating their efficacy before broader deployment is authorized.

Meanwhile, the House Transportation Committee recently heard from government safety organizations in an open hearing. The organizations highlighted the federal set-aside of $2.6 billion in federal funds to promote highway safety, fund-enhanced enforcement activities and partnerships with non-governmental safety organizations that want to lower speed limits and reduce miles driven. The funds are used for rural and urban traffic enforcement. In cities with relatively high traffic volume and low-posted speeds, the local police can be eligible for grants of up to $50,000 speed enforcement activities. These programs are likely to get additional funding from the NHTSA.

The president's announced priority of an infrastructure investment program is stuck in neutral. In June, the president laid out his vision for spending $1 trillion in new projects. Trump's vision changed in late September with regards to public private funding.

Unfortunately, Congress simply hasn't taken up the issue. Most recently there has been talk of tying an infrastructure investment proposal with a tax reform bill to gain bipartisan support for a larger economy-boosting federal law. This is just talk for now and in this hyper-partisan environment, it seems we are a long way away from seeing new federal investment for roads and bridges.

Make a Difference

Contact your Representative or Senator today on motorists' right issues that matter to you!

To find your elected official check out: https://whoismyrepresentative.com/

EMPOWERING ADVOCATES

(Continued from Page 1)

generate the paragraph choices the user can review and select with a few clicks. Once the constructed message is drafted and given a final edit, one last click will send the GRAS-generated email. Another choice is to print and mail the message as a formal letter.

"There is another essential ingredient, one that can't be tackled without your help. To fully utilize GRAS, it has to be constantly fed with information. That means routinely scanning and analyzing motorist-related legislative activity on a state-by-state basis as well as in the U.S. Congress. A research grant from the NMA Foundation, funded by your contributions, will allow the NMA to bring a part-time legislative analyst onboard – probably a law student or paralegal – to find and research pertinent legislation while also helping us craft a message for educating lawmakers."

With tax-deductible donations to the NMA Foundation through year's end, we will bring the NMA's grassroots response advocacy system to reality. We will engage the 70,000+ people who visit the Motorists.org website every month with the specific issues that affect them and a simplified means to register their support of NMA positions in state capitols and in Washington.

With your help, the NMA will put a checkmark in front of each of the three questions posed earlier.

UPDATE: Automated Traffic Enforcement

National News

TheNewspaper.com reported in June that five of the six safest states, defined as those with the lowest fatalities per 100 million vehicle miles traveled, ban automated photo enforcement. The five states are Minnesota, New Jersey (one year after taking cameras offline after a five-year pilot program), Vermont and New Hampshire. Rhode Island is the lone state in the top six that operates ticket cameras. This is according to the National Highway Traffic Safety Administration's National Center for Statistics and Analysis data.

The National Transportation Safety Board (NTSB) opined in an August report that every road in America needs speed cameras and every intersection needs red-light cameras (RLCs). The report stated that speeding should be considered the same as drunk driving and treated accordingly.

Alabama

In June, the Eleventh Circuit US Court of Appeals rejected the attempt by American Traffic Solutions to relocate a class action suit to federal jurisdiction. ATS wanted to prevent Alabama judges from hearing arguments against the use of local laws authorizing RLCs on a city-by-city basis. In 2009, the legislature enacted a law to accommodate a Montgomery program by creating a new non-criminal category in state law called a "civil violation." The suit charged that this new law violated the state constitution due to its special category status. The lawsuit will now continue in an Alabama courtroom.

California

In August, Fremont officials announced that lights at 173 of the 175 city-operated traffic intersections stay yellow as long as or longer than before and now comply with state regulations. Earlier this year, Fremont had to refund $65,000 to motorists who were ticketed by RLCs that had short yellow lights.

In June, a state senator proposed a bill that would reduce fines for the most common type of red-light camera ticket, the "California Stop," which is when a vehicle does not stop entirely at an intersection before turning right. The Senate approved the bill after four years of consideration in reducing the fines (of close to $500) for the rolling stop.

Also, in June, a Ventura County grand jury found issues with Oxnard's red-light cameras. Not only were some of the cameras not up to state standards due to short yellow light timings, the grand jury also found that the city's camera program owes $800,000 to Redflex Traffic Systems, the camera operators.

The Assembly Transportation Committee considered a five-year speed camera pilot program for the Bay Area. The bill did not pass out of committee.

Florida

Jacksonville Sheriff Mike Williams announced that the city would not be renewing its red-light camera contract because data showed that the cameras were not effectively lowering crash rates. The RLCs will come down at the end of the year. In the meantime, motorists will still be fined.

In March, the Florida House voted to bar the use of red-light cameras. The measure did not pass the Senate.

The Florida Supreme Court announced that it would consider the legality of red-light cameras. This

move comes after two state appellate courts ruled that cameras in Oldsmar and Aventura in Miami-Dade County can be used to ticket drivers.

Illinois

The city of Chicago settled its red-light camera mismanagement case in July and will be required to mail refunds to 1.2 million motorists to the tune of $38.75 million. As part of the agreement, the city will not use the 1.5 million tickets issued over a five-year period as justification for suspending driver's licenses or booting vehicles. The judge ruled that the city denied due process to motorists by failing to send those drivers a second notice of their violations. Chicago's top attorney Ed Siskel, says the city plans to pay part of the settlement with $10 million from the $20 million received from its recent lawsuit against Redflex, the RLC company who bribed city officials.

Louisiana

After a local TV station investigation, the city of New Orleans had to refund money to motorists illegally ticketed by speed cameras. From five separate dates in April, 831 automated tickets were issued by mobile speed cameras on Leake Avenue for motorists going over 25 mph even though the posted limit was 35 mph. The speed limit signs were not switched until May 11.

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Maryland

Montgomery County red-light camera tickets declined more than 50 percent after the yellow-light timings were increased in response to concerns raised by the Maryland Driver's Alliance (supported by a grant from the NMA Foundation) and local media. County officials, however, have refused to refund any fines to ticketed motorists.

Baltimore has restarted its automated traffic enforcement program and on the first day of operations, 900 motorists were issued two tickets for the same violation. If all those ticketed during the first month of camera operation pay their fines, the city already stands to gain over $1.2 million.

Missouri

The State Supreme Court ruled in June that the ban on red-light cameras in St. Charles County will continue. In 2014, voters overwhelmingly approved the ban but a number of cities sued claiming that the public vote intruded on the cities' rights to govern their own affairs.

Ohio

In July, the State Supreme Court cleared the way for cities to resume using red-light cameras again. The city of Dayton brought the lawsuit and has already announced plans to reinstate cameras at five of the city's busiest intersections.

Oregon

Effective in October, red-light cameras in the state will also be allowed to serve as speed cameras. The devices will issue tickets to drivers traveling 11 mph or more over the limit. The new law also requires cities to post signs advising drivers that the use of automated traffic enforcement is up ahead.

Texas

In March, the Senate voted to ban red-light camera enforcement and also passed a second bill to bar state and local governments from blocking vehicle registrations based on outstanding red-light camera tickets. The House defeated both bills, continuing a legacy of blocking RLC reform.

Texas-based TrashYourTicket.com maintains that due to TX Transportation Code 707, failure to pay camera tickets will not affect your credit, driving record or insurance and cannot lead to your arrest. The group also contends that the state of Texas has budgeted for $32 million in RLC ticket money this session since the state receives half of what the cities take in from RLCs. Ticket camera bills were not discussed during the 2017 special legislative summer session and will not be discussed again until 2019. The Texas Legislature only meets every two years.

In Austin, TV station KXAN investigation determined that 57 out of 60 RLC Texas cities have been illegally operating under current law, which requires a traffic engineering study to be done at each proposed intersection before cameras can be installed.

A lawsuit against all Texas red-light camera cities is now on hold. Shreveport, LA resident James H. Watson received a 2014 RLC ticket in Southlake, Texas. Watson claims he wasn't in his 2000 Honda and did not allow anyone else to drive it. Redflex Traffic Systems filed a motion asking to be released from the lawsuit. After the motion was denied, Redflex appealed the entire case.

Tarrant County tax collector Ron Wright is refusing to enforce the statewide scofflaw rule that allows county tax assessors to place holds on auto registrations for those drivers who do not pay their red-light camera tickets. Former Tarrant County tax assessor and now Fort Worth Mayor Betsy Price claims Wright's refusal is costing the city $87,000 per week. In 2008, 37,000 citations were issued. In 2016, more than 231,000 citations were issued which would given Tarrant County $17 million if every motorist had paid his or her fine. Many motorists though have stopped paying their fines because unpaid RLC tickets don't lead to arrest nor bad credit reports.

NMA member Helwig Van Der Grinten, founder of the Houston Coalition against Red-Light Cameras, filed suit in January against the city of Sugar Land. The 434th District Court in Fort Bend County dismissed the case in late July due to lack of sufficient evidence and said that the case does not fall under district court jurisdiction. Van Der Grinten alleged that the city failed to conduct adequate engineering studies and also failed to appoint a citizen's committee to evaluate those studies as required by Chapter 707 of the Texas Transportation Code. The lawsuit alleges that the use of RLCs violates the people's rights to face their accuser and to a trial by jury. Attorney for the city, George Staples, said the law does not afford those rights to those involved in civil court cases.

In July, the Texas Appeals Court ruled that cities did not have to follow the state's red-light camera law and motorists have no right to use the courts to force cities to comply with the law.

How to Stop Being the Silent Majority!

You probably joined the NMA because of its mission to protect drivers' rights; or because you believe deeply in one or more of the issues we advocate. That makes you unique, an exception among the 88 percent of U.S. adults who are licensed to drive but are unaware of how much driving rights and highway laws are politicized; about how much road control has shifted from safety to promoting social and revenue goals.

For most of us, driving is a pleasure as well as a necessity. The rights of motorists to move freely are constantly challenged by overly restrictive regulations and enforcement activities that enhance revenue or secure the jobs of law enforcement but are justified as promoting safety. Even though NMA members often seem to be the only opposition to unreasonable traffic laws, that should not alter our resolve to reform unfair laws and practices.

As an NMA member, what can you do to speak for the silent majority?

The Basics of Motorists' Rights Advocacy

*Be aware of the core advocacy issues of the NMA as listed at www.motorists.org/issues/and speak up if any of those values are being threatened in your area.

*Reread the NMA's Motorist Bill of Rights and use these principles in your advocacy efforts. (See sidebar.)

*Make it a habit to read the NMA's Driving News feed at least on a weekly basis to stay informed of trending motoring issues. You can find Driving News online at www.motorists.org/news/.

*Understand why the 85th percentile speed limit principle is important and why it is now threatened by Vision Zero and Smart City movements.

Traffic engineers maintain that speed limits should be established according to the 85th percentile of free-flowing traffic. This means the limit should be set at a level at or under which 85 percent of people are driving. Numerous studies have shown that the 85th percentile is the safest possible level at which to set a speed limit.

*Support the NMA's national efforts even if only by making online comments. Oppose calls by organizations such as the Insurance Institute for Highway Safety and the National Transportation Safety Board to blanket our nation's roads with speed cameras and arbitrarily low speed limits. Stand up with us against Vision Zero and Smart City efforts that often brand motorists as pariahs.

*Any time you see or hear a recommendation to limit driver freedom of choice, speak out: write letters and opinion pieces to your local newspapers, and let the NMA know so we can help.

*Be involved locally by speaking out at public meetings whenever the discussion is about restricting the speed (or even the presence) of motorized traffic, a typical ploy of Vision Zero proponents. In many cases, proposed ordinances and bills include veiled language to eliminate the 85th percentile method from the traffic engineering vernacular.

*Serve as a watchdog, one of the most important aspects of advocacy. The NMA can help with talking points.

*The most important thing is to keep up the pressure. Ask your family and friends to help!

NMA's Motorist Bill of Rights

1. The right to traffic regulation based on sound engineering principles and public consensus.

2. Clear guarantees that revenue collected from highway users for highway purposes be used for such purposes, and that all streets, roads, and highways be properly maintained, signed and regulated in a manner that expedites travel.

3. Freedom from unreasonable search and seizure and the guarantee that all traffic stops will be based on probable cause.

4. The right to choose the type of vehicle and related equipment that best meets an individual's needs and preferences.

5. Protection from discourteous and reckless drivers including those who deliberately impede traffic, who threaten other motorists with their actions, and those who are impaired or incompetent.

6. Freedom from unreasonable surcharges, fees, taxes, and fines.

7. Complete access to all public streets, roads, and highways, free of arbitrary restrictions, exorbitant fees, or governmental attempts to dictate personal travel choices.

8. Freedom from driver license suspensions or revocations for non-driving violations or matters of personal conduct.

9. Protection from arbitrary and exploitative insurance industry practices.

10. The right to a fair and impartial trial for traffic offenses, including a trial by jury if requested by the defendant.

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Advocating for 4th & 5th Amendment Rights

4th Amendment: (excerpt) "The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause . . ."

5th Amendment: (excerpt) ". . . nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without the due process of law . . ."

*Understand why it is important to protect every motorist's 4th and 5th amendment rights by insisting on reform of all civil asset forfeiture legislation and regulations. Meet with your state elected officials to ask them to eliminate civil asset forfeiture (CAF) regulations so that personal property cannot be confiscated without a criminal conviction.

*Join local, regional or national initiatives (such as the American Civil Liberities Union) to support 4th and 5th Amendment Rights and to spread this information through the NMA by emailing the national office at nma@motorists.org

*Advocate against the unconstitutional practice of blood or urine draws without warrants.

Traffic Enforcement

*Contest every ticket. The NMA's "Fight That Ticket!" eBook, a free download for supporting members who log in at Motorists.org, provides detailed information about traffic courts and defense strategies.

*Advocate to keep traffic tickets as offenses for which the right of due process is guaranteed for all defendants

*Advocate for consistent and reasonable traffic fines that match the severity of the violation and that don't have unrelated overhead fees and surcharges tacked on.

*Join local protest groups that oppose automatic license plate readers, red-light cameras, school bus stop-arm cameras, speed cameras, work zone cameras, and other intrusive surveillance devices. Better yet, help form local NMA chapters and be proactive.

*If you think an intersection's yellow light interval is too short, especially where red-light cameras are installed, take action. Time them yourself using the instructions from the NMA Foundation's shortyellowlights.com/howtohelp/ web page and contact the city engineer or, if a state road, the state department of transportation with your findings.

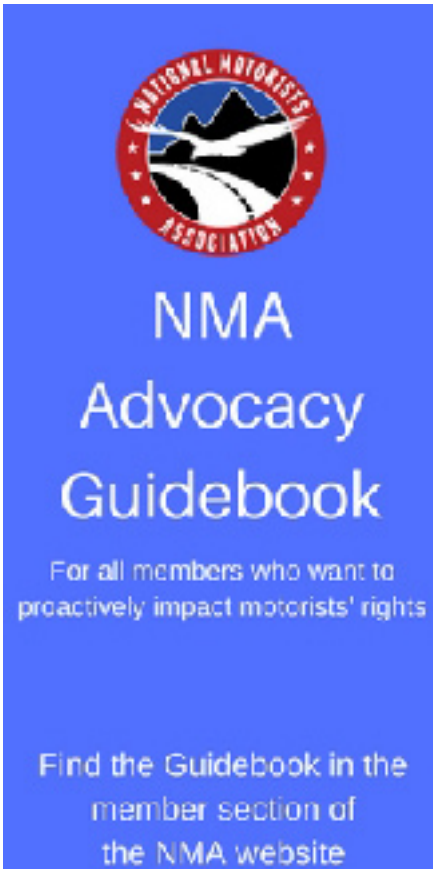
*If no response, publicize the situation by writing a letter to the editor or calling a local TV station to get reporters involved.

How to Get Started as a Motorists' Rights Advocate

The latter part of any year is the best time to make a plan for the upcoming legislative session. The amount of time you can devote to motorists' rights advocacy will determine your level of commitment. One person with even a small amount of time can make a difference. The NMA encourages you to begin that journey.

If you don't know where to start, check out the new NMA Advocacy Guidebook which can be accessed by members on the NMA website beginning this fall. We will provide more details when the Guidebook is ready for release.

If you would like to join up with other members in your state to work on a specific issue, email us at nma@motorists.org. We will work with you to form a local or state group of advocates who can help make a difference.



Courteous Driving

Help spread the word–it truly is an educational issue–about the necessity for drivers to treat all road users with courtesy and respect. Keeping right to allow faster traffic to pass on the left is one of these courtesies; same with following the guidelines of zipper merging to allow smooth entry into the flow of traffic. Tailgating is not a solution to slow driving or left-lane hogging; it is a dangerous tactic that is unsafe and rarely achieves the desired effect. Find additional lane courtesy information on the NMA website at www.motorists.org/issues/lane-courtesy.

Infrastructure Advocacy

Write to, or even better, meet with your elected representatives at the local, state and national levels. Continue applying pressure to have them vote to use gas tax revenues to maintain and improve roads, bridges and tunnels.

Justice Can be Deaf, Dumb, and Blind

An Indiana member shared the details of his run-in with the traffic justice system.

The initial inquiry to the NMA:

I was stopped for disregarding a stop sign (4-way stop). When I told the officer I felt sure that I stopped, he checked his video and admitted that I did stop, just too far back from the stop sign.

I looked up the cited Indiana code I.C. 9-21-8-41(a) and it only says that you must obey traffic signs. I searched all sections of the entire Indiana Code 9 and nowhere is the required distance behind the sign defined. The officer claimed that I stopped 1.5 car lengths behind the stop sign and I do not believe this is the case, but I have not seen the video yet. As I understand it, the court will not allow me to have a copy of the video. I can only view it as they play it for me at my hearing. Regardless, the officer stated in the ticket that stopping 1.5 car lengths behind the stop sign does not constitute stopping. Can the court just say that it is the officer's discretion to determine what a lawful stop is?

The ludicrous part of this is that it is a 4-way stop and no cars, pedestrians, or bicycles were anywhere in the area when I stopped. The distance behind the stop sign that I stopped could not be of any consequence (other than if I stopped closer to the sign and a tree blocked my view).

NMA responds:

We haven't been able to find an applicable reference in the Indiana State Code either, but ran across this reference in Washington State law which gives some rationale for not stopping too far away from the intersection. We suspect most states, perhaps even Indiana although we haven't found it yet, have similar requirements:

"Unless directed otherwise by a police officer, firefighter or flagger, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway."

Presuming you'll have the opportunity to question the officer in court, ask him exactly what did you violate from the cited section of code. If he brings up the issue of being too far back to adequately see approaching cross traffic, point out that isn't a criterion of the statute you've been cited for violating. Have your pictures ready if need be to show the judge that at the point you stopped, you had full view of any approaching traffic. And since there was no other traffic, there were no safety concerns of other drivers expecting you to stop again at the stop bar/sign instead of proceeding through the intersection.

But first and foremost, cite the language of I.C. 9-21-8-41(a) and ask how your actions – apparently not disputed by the cop – were in violation. If the officer (or judge) can't, immediately ask for a dismissal of the charge.

More from the member:

Today I went to my appointment to see the prosecutor for the second time, and like the first time, he had not yet received the video. He said that we would need to make another appointment next month and I told him that my June is full of travel, so we agreed on mid-July.

He did apologize that I would have to come back again for a third time, but would not back down on the legitimacy of the charge. I had noted that the verbiage had no

(Continued on Page 9)

mention of the distance behind the sign and in fact that nowhere in I.C. 9 does it mention any acceptable distance. He looked in his I.C. book a bit and could not deny that, but said that he thinks some court at some point set a precedent. He really did not know.

The outcome:

After four months of waiting for the prosecutor to come up with the video, I finally could watch it, but only in his office – he would not allow me to have a copy of it.

The video showed other vehicles not quite stopping at the stop sign, then my vehicle stopping completely for a couple of seconds, but just less than one car length behind the sign's stop line (not 1.5 car lengths as the officer stated on the ticket). The prosecutor said "see, you did not stop". I contested that I did in fact stop and within one car length of the stop sign line - even closer than that to the stop sign itself.

My response then was "...so even though I clearly stopped near the stop sign and considering all of the other items I brought up against this ticket, you still will not dismiss this charge?" He said with what I'm sure were often-repeated words that "we have the video" and that I could go to trial and see if the judge agrees.

I knew the almost certain answer to that, so I paid the legalized extortion called the "deferral plan." If I had lost, which was almost certain if I went to trial, and another officer decided to pull something like this against me in the next few years, I would not be "eligible" for the deferral plan again and the consequences would be even greater.

Insult to injury:

When I was speaking with the administrator of this "deferral plan," she emphasized multiple times how convenient it is and that it could be even more convenient if paid online. I looked into the online payment plan; it adds a fee of over $7. It would indeed have taken less time to pay this way, but I could not bring myself to pay yet another fee when I was not guilty of anything in the first place.

Oh, and the deferral plan administrator said that I had to be on "good behavior" for 12 months for the charge to be dropped – as if I had ever exhibited bad behavior – and I of course had to swallow this with a poker face to avoid further ramifications. What a demeaning experience.

Traffic Court Stories

It has been awhile since we published a member ticket-fighting story. The feedback we have received to these accounts has always been strong, but there is another reason we like to share these experiences: We want to encourage others to practice what the NMA preaches – that more people should challenge their tickets to seek individual justice, and to force the traffic justice system to treat defendants more fairly across the board.

For many people, the most difficult step in taking a traffic violation to trial is the intimidation factor of standing up for oneself before a judge, prosecutor, and sometimes a jury in an unfamiliar environment. It is our hope that by sharing more such stories, more people will expand their ticket-fighting comfort zones.

If you have contested a ticket where a valuable lesson was learned, even if the outcome wasn't entirely successful, please consider forwarding your account to the NMA either via email at nma@motorists.org or by postal service at 402 W. 2nd St., Waunakee, WI 53597. Submissions should be 650 words or less if possible. Your identity will be withheld from publication upon request.

MEMBERS WRITE

The views expressed below do not necessarily represent those of the NMA. Letters are welcomed and should not exceed 300 words. They may be edited for length or clarity. Full-length articles will also be considered and should not exceed 600 words. Send to nma@motorists.org or mail to NMA, 402 W 2nd St., Waunakee, WI 53597

First let me say that I am very fond of the NMA. In all my dealings with you everyone has been competent, professional, and knowledgeable, and I deeply appreciate the support and service you give to motorists. That said -

After reading the whole summer 2017 issue of Driving Freedoms that just arrived I was left with feeling that the NMA has been infiltrated with Vision Zero operatives.

The headline article was about parking and I expected an article on how to improve and expand parking since, as the article says, parking for many people is a constant little hassle.

The article was long and mentioned many things, but the whole tenor was "just get used to less parking, don't drive your own car, you're wasting space by daring to park downtown and causing problems for those poor city employees. And if you do park just be willing to fork over millions in parking fees and tickets because the cities need the revenue."

The NMA is our bulwark against that, with the vision of "we have vehicles, we have roads, and we have technology, let's use the best ideas and practices to make moving around as good for everyone as possible." With technology we can make win-win situations.

The people in Bar Harbor, Maine are not misusing the parking spots! The city has failed to provide adequate parking for the residents! The answer is for Bar Harbor to build a couple of those automated parking towers in downtown, figure out the cost to operate, charge just that amount for parking, and give the downtown businesses and workers a steep monthly discount. Make sure there is adequate parking in the garages, then remove street parking altogether and put in some benches underneath some trees. Make the area friendly for families to enjoy hanging around.

Mary Matsushita,
a California Member

NMA Response

First, let me assure you that our opposition to Vision Zero initiatives is as strong as ever. We highlighted in the cover story the effect such programs have on parking to stir up a reaction in members that our freedoms—in this case adequate parking—are being encroached upon. We certainly wrote the article with a different tenor in mind than how you read it and I'm sorry our purpose didn't come across more effectively. The reference we made to Bar Harbor, Maine, for example, notes that the city has struggled with providing adequate parking, a problem exacerbated when officials expanded parking for businesses and didn't leave adequate spaces for others. The main thrust, at least what we intended, was that motorists need to push back against efforts by city officials and urban planners to restrict parking for the "greater good" of maximizing the use of real estate.

Thank you for writing a thoughtful analysis of Driving Freedoms. It helps us realize that what the NMA writes is important and even more important to clearly state what our meaning is.

Gary Biller

STREETS THAT WORK
an NMA Initiative

Last year, the National Motorists Association launched a STREETS THAT WORK initiative designed to influence lawmakers and educate the public on the societal benefits of freedom of mobility. The NMA initiative is the antidote for Vision Zero, which aspires by government mandate and at great cost – fiscally and in terms of personal autonomy – to reshape urban transportation.

STREETS THAT WORK advocates for:

- Improved road safety that is realistic, fiscally sustainable, and doesn't feel like a government-mandated social experiment.
- An end to arbitrary mobility restrictions on urban streets that will decrease personal transportation options while increasing travel times.
- One set of "rules of the road" for all users so that individual and shared responsibilities are clear to all.
- Intelligent placement of bicycle paths that complement rather than displace motorized traffic.

Please feel free to use this information in your ongoing advocacy efforts.

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. 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/.

Arkansas

With crime up, the Little Rock Police Department needs to fill 70 new positions. It has proposed reinstating its Traffic Safety Officer Program. It would recruit about a dozen civilians to work part time responding to minor traffic accidents or fender benders. The safety officers would be allowed to write traffic tickets, drive a patrol car without emergency lights, wear a specified uniform but would not be allowed to carry weapons.

California

Beginning in July, drivers licenses can no longer be suspended due to unpaid traffic fines. Instead, the fines will be treated as uncollected debt which could then be turned over to a collection agency. Because the law is not retroactive, about 480,000 motorists with currently suspended licenses will not benefit.

Six Whittier police whistleblowers are headed to trial with their claim that they faced retaliation after complaining about an alleged traffic ticket and arrest quota system. A Los Angeles Superior Court Judge ordered the case to trial for late October.

Colorado

In June, Governor Hickenlooper signed into law a bill that reforms the state's civil asset forfeiture program. Agencies are now required to report seizure information twice per year for state analysis. The new law also prohibits local law enforcement from receiving forfeiture proceeds from the federal government if money and property seized is less than $50,000.

Florida

Two top ranking highway patrol officers have resigned in the wake of a ticket quota scandal. In late July, Major Mark Welch sent an email to troopers in an eight-county region in northern Florida. The email stated that "The patrol wants to see two citations each hour." It also mentioned that the current average was 1.3 tickets per hour. Welch along with second-highest ranking FHP official Lt. Col. Michael Thomas both announced their retirements. Lt. Col. Thomas had written a similar email in May endorsing the two-ticket quota.

Iowa

In July, a divided state Supreme Court rejected the use of roadside search warrants. The majority reasoned that the exclusionary rule offers protection from unreasonable searches by suppressing evidence when police do not have a valid reason to conduct a search. The case stems from an April 2015 traffic stop of Christopher George Storm who was pulled over for not wearing a seat belt. During the stop, the officer smelled marijuana and over Storm's objections searched the truck, finding 47 grams of marijuana and amphetamine pills.

Illinois

The city of Chicago changed course in late August on police reform. Illinois Attorney General Lisa Madigan and Mayor Rahm Emanuel announced at a joint news conference that the city now wanted to carry out far-reaching police reform under strict federal court supervision. Madigan noted that the state was suing the city seeking court oversight, thereby killing a draft plan negotiated by the city and the U.S. Justice Department (DOJ). The Chicago-DOJ plan did not include court oversight, which, in June, caused community activists to file a suit opposing the plan. A January DOJ (Obama Administration) report found the Chicago police force of 12,000 officers had deep-rooted civil rights violations including racial bias and often use excessive force.

Indiana

Police can no longer keep seized vehicles without giving owners the opportunity to contest the seizure. In August, a federal judge struck down the portion of Indiana's civil asset forfeiture law that permitted police to keep seized vehicles for up to six months.

Massachusetts

More than 58,000 drunk-driving cases could be thrown out due to flawed breath tests. A team of defense attorneys have filed suit challenging the reliability of the state's Draeger Alcotest 9510 breath device. Lead attorney Joel Bernard argues that the state's Office of Alcohol Testing intentionally withheld vital documents regarding how the tests were calibrated. He states that nearly every document withheld showed that the breath test failed to calibrate properly.

Maryland

A year-old Baltimore task force to combat dirt bike cyclists riding illegally on city streets and terrorizing motorists and pedestrians, has made an impact. The four-person team has arrested 45 riders and confiscated more than 200 bikes. Due to the threat of arrest, the roaming packs of dirt bikes have dwindled to about 20 riders instead of the former 50 to 100. Many ride with T-shirts on their heads to hide their identities. Baltimore is known worldwide as the home of street dirt biking—a burgeoning urban sport that is deeply embedded in the culture—and,

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according to some enthusiasts, should be celebrated by the city. An attempt by law enforcement to infiltrate riders in 2014 had no impact.

Minnesota

Ten years ago, a span of the I-35w bridge over the Mississippi River collapsed killing 13 and injuring 145. Since then, Minnesota has repaired or replaced 120 bridges as part of a special $2.5 billion funding program. Due to the aggressive push, Minnesota now has one of the lowest percentages of structurally deficient bridges in the nation.

Nevada

In August, the Henderson police department wrapped up its 18th traffic enforcement campaign for 2017. The "Joining Forces" campaign targeted speeders and unruly drivers. Police stopped 424 cars, gave 387 tickets for various violations including 318 citations for speeding, nine citations for running red lights, five citations for cell phone use while driving and one ticket to a pedestrian.

New York

Buffalo Common Council President Darius Pridgen has worked out a gentleman's agreement with the Buffalo police commissioner to begin keeping records on checkpoints in the city. Pridgen said that a number of citizens had contacted him with concerns that in certain areas of the city there had been a disproportionate number of roadblocks. The police commissioner told Pridgen that the department had never collected location-specific information or of the number and type of tickets issued.

Ohio

The House of Representatives unanimously passed a bill in June that would restrict the ability of small villages to issue civil speeding fines. The bill specifically targets towns like Brice, population 120. This notorious speed trap village collects more than $100,000 in civil penalties annually. Brice police use hidden speed cameras in orange traffic barrels or large flower pots. Any driver caught traveling more than 25 mph had been issued a civil citation, payable directly to the city. The bill now sits in a Senate committee.

Oklahoma

Governor Mary Fallin has signed an executive order countermanding sections of a new state drunk-driving law that expanded the use of ignition interlock devices. The new law contained provisions that abolished the civil administrative appeals process motorists currently use to keep their licenses after arrest. Doing away with this process meant someone arrested for a DUI but not yet convicted would now not be required to install the interlock device.

Oregon/Washington

Oregon passed a $5.3 billion transportation budget that includes seeking federal authorization to place tolls along I-5 and I-205 beginning at the Washington state line. An estimated 65,000 people (20 percent of Portland's workforce) travel from Washington into Oregon each day. Washington State Congresswoman Jaime Herrera Beutler plans to block Oregon's request for tolling at the federal level. Herrera Beutler says that southwest Washington residents should not be used as an unwilling piggy bank for Oregon's infrastructure projects.

South Carolina

The American Civil Liberties Union (ACLU) filed a federal class action against Lexington County for operating a modern-day debtor's prison. The ACLU alleged that the county jails those unable to pay court fines; they remain jailed, sometimes for weeks, until a court hears their cases. The complaint further alleges that Lexington County relies on fines and fees imposed on defendants in traffic and criminal cases as a critical source of general revenue.

South Dakota

A class action has been filed against police agencies challenging the use of forced catheters in conducting drug tests on motorists and others, violating their 4th Amendment rights against unreasonable searches and seizures. The ACLU asked U.S. District Judge Roberto A. Lange to order the South Dakota Highway Patrol, local police departments and hospitals to immediately stop the practice. ACLU attorney James D. Leach wrote, "Forced catheterization is painful, humiliating and deeply degrading." He added, "Forced urinary catheterization has a marginal advantage over a simple blood draw in detecting prior use of drugs." South Dakota police sometimes threaten suspected drug users with this painful testing method, performed without anesthesia, in order to convince suspects to voluntarily provide a sample.

Texas

The Lone Star State now has a statewide ban on texting while driving. First-time offenders could be fined up to a $99 for a first offense and $200 for repeat offenses. Texas joins 47 other states with similar bans.

Virginia

Just last year, an estimated one out of six Virginians were without a license due to outstanding court costs. In July, a new law went into effect creating standard policies in approving payment plans for those unable to pay their fines. Courts will now be required to customize installment plans based on a defendant's ability to pay. Also the required maximum down payment for outstanding costs has been established at five percent for fines over $500 and ten percent for fines of $500 or less. The Legal Aid Justice Center, however, has continued its suit seeking to abolish the statute that suspends licenses for non-payment.