Problem solved: V1 has an algorithm that recognizes these mobile false alarms and excludes them, yet never blocks a real threat. We’ve named it Junk-K Fighter. And it’s now built into all new V1s.

Detectors that don’t detect:

It’s easy to make a detector without false alarms. Just give up on long-range warnings. Our competitors play that game, we don’t.

First obligation of V1: V1 will never miss a threat. Quiet is nice, but missing an ambush is fatal. That’s why we don’t use GPS. GPS knows only location, and if the frequency range of a new threat is the same as that of a blocked alarm, sorry, but GPS programming demands silence at that location, even if it’s a trap. V1 will never fail you that way.

The good news: New cars have a safety feature, the blind-spot warning system. Many models use K-band radar to “see” nearby cars. The bad news: Onboard radar turns each of these “seeing” cars into mobile K-band false alarms. A blind-spot system may tag along with you for miles. You’re stuck, not knowing which car to maneuver away from. GPS is no solution. It doesn’t work on mobile falses.

Satisfaction guaranteed: Try it for 30 days. If it doesn’t satisfy for any reason, send it back for a full refund.

V1 wins war against false alarms: New computer code weeds out phony K-band alerts.

Do you hate your detector? It was your best friend, now it never shuts up.

Why you will love V1

Mike Valentine
Radar Fanatic
Valentine Research, Inc.
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10280 Alliance Road
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You are the key to our success in Washington

The Spring 2018 NMA Legislative Campaign

Watch for details in your April mail. Help us continue the progress made in two crucial areas of reform

**Civil Asset Forfeiture**

NMA-led effort for sponsorship of amendment to stop property seizures from motorists not charged or convicted of anything

**Ticket Blitzes**

Congressional interest is rising in NMA bill to prohibit federal funding of state speed enforcement operations based on ticket quotas

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**How to Help Through Contributions**

Credit Card: Online at [https://www.motorists.org/donate/](https://www.motorists.org/donate/) or call us toll-free at 1-800-882-2785

PayPal: Send via GiftTheNMA@motorists.org

Check: Payable to NMA, mail 402 W. 2nd St., Waunakee, WI 53597
Driving Freedoms
Vol. 29 Issue 2

President's Report........................................1
Transparency Worth Fighting For................2
Washington Report......................................3
85th Percentile Under Attack.......................3
Fighting for Traffic Justice................................4
Chicago Privatizes and the Public Pays....6
Chicago Parking Meter Concession.............6
How to Lose a Billion in a Year...............7
NMA Rahm Emanuel Letter 2014...............8
Taking Tolling to Task.............................9
Members Write ..................................10
Driving News ......................................11
Experts Corner ...................................13

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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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THE BMW LADY
BY GARY BILLER, PRESIDENT, NMA

We don’t hear human interest stories often enough, particularly those involving NMA members. The norm, unfortunately, is more like the Fighting for Traffic Justice story starting on page 4 of this issue. Interesting, to be sure, but illustrative of the work we must continue to bring fairness to the lives of motorists.

So when I received the following handwritten note from a 30+ year member with her uncompleted NMA renewal form, I couldn’t help smiling through some bittersweet feelings:

Dear Gary,
When I turned 90 in 2017, I decided I needed to stop all donations because I want to live to 101. My husband was a sometime amateur race car driver. He took driving lessons at the Bob Bondurant School of High Performance Driving in California, where Paul Newman also was a student. He loved the NMA. We were both drivers with a capital ‘D.’ He passed away in 1996.

You and I have had a long run. I have been everywhere and done everything and am in excellent health. A nerve problem causes me to walk only with a walker, but without pain. I can’t dance anymore, can sing a little and I do tenor!

I drive only short distances now to my music classes in the ‘93 Lincoln. Everyone knows the big green Lincoln with the white vinyl top.

Been in this house for 50 years, very contented, no stress, feel blessed.

Good luck for the future. Driverless cars, needed bridges and better roads. The NMA is family to me.

Wish me luck on the rest of my journey. The nineties are the greatest!

I reached out to her for permission to print excerpts from her letter and to let her know that she has more than earned a honorary NMA membership. It will include complimentary issues of Driving Freedoms so that she can keep in touch with the NMA and the topics that she has followed with us since the mid 1980s. She is family to us too.

Oh, and why “The BMW Lady?” Those are her initials. Quite fitting for an auto enthusiast, don’t you think? 😊
NMA Newsletter #473: Transparency Worth Fighting For

To quote from the NMA Guide to the Freedom of Information Act and State/Municipal Public Records Requests (yes, we do need to work on that title):

“Constructive reform of government requires a thorough understanding of an issue. Used effectively, the records request helps provide transparency of policy and related activity that are essential ingredients to an open society and functioning democracy.”

Great in theory, often elusive in practice. Fortunately advocates like the Maryland Drivers Alliance (MDA) are relentless in their determination to get at the truth. Two records requests filed by the MDA and the subsequent challenges it mounted (with the aid of NMA Foundation legal aid grants) triggered important opinions by the Maryland Office of the Attorney General in its recent report on the implementation of the Maryland Public Information Act (PIA).

Case #1: Ely v. Town of Morningside

The MDA (Ely) requested speed camera calibration records from Morningside, records that were legally required to be maintained. The town initially denied having the records. After being pressed, Morningside acknowledged that the documents were held by the speed camera vendor, a third-party contractor, which, in its opinion, put the town under no obligation to provide the records.

Noted the Attorney General’s Office in its report on the state’s public information act:

“Lying at the public end of the spectrum are speed camera vendors, which essentially perform a governmental function—enforcement of speed limits. In much the same way that the government cannot avoid the PIA by storing its public records with a private vendor, there is some force to the argument that the government should not be able to avoid the PIA by delegating its public responsibilities to a private vendor. Although there are no reported appellate decisions on the topic here in Maryland, we are aware of one circuit court decision in which the court appears to have concluded that the government violated the PIA by not disclosing records maintained by its third-party speed camera vendor. See Ely v. Town of Morningside.”

Case #2: MDA’s Montgomery County Records Request

After identifying an intersection in the county with red-light cameras and traffic signals with yellow light intervals shorter than required by state policy, the MDA formally requested details of the red-light violations at that location. When Montgomery County refused to honor all parts of that request, the MDA broadened the scope of information in a second request. The county responded by quoting a processing fee of $19,000 to comply.

Agencies are permitted by law to charge reasonable fees for processing document requests, including the cost of retrieval and duplication. Reasonable, however, is in the eye of the beholder. The MDA brought the $19,000 fee to the attention of the Maryland Public Information Act Compliance Board. Montgomery County countered that all of the requested records would have to be manually retrieved and thousands of pages copied, a claim that crumbled under scrutiny. Here too Montgomery County’s camera vendor held the records in question and maintained many of them in electronic format. The Board determined that the maximum fee for retrieval should be no more than approximately a tenth of the original estimate.

As a result, the Maryland Attorney General’s office stated:

“Since our Interim Report was issued, the PIA Compliance Board issued an opinion that touches upon this issue. The Board concluded that, under the facts presented to the Board, a municipal government was obligated to seek records from its third-party speed camera vendor if doing so would provide a less expensive means of responding to a PIA request.”

Thanks to the Maryland Drivers Alliance, opinions have been rendered by the state’s highest law enforcement office that will help deter future attempts to avoid records requests by storing the public documents with a private contractor or to demand outrageous processing fees in an attempt to thwart full government transparency.
Congress is wrapping up the final effort to fund the federal government for 2018 (a process that was supposed to be complete by September 2017) with a major policy issue unresolved: whether to support funding of federal Civil Asset Forfeiture (CAF) policies.

Under current Department of Justice policy, law enforcement can seize property if they believe it is related to a crime. The property owner does not have to be convicted of a crime for law enforcement to seize the assets, whether it be cash, jewelry, a car or even a home or business. In fact, under current policies, property owners can have assets seized and never be charged with a crime. The burden of proof to get the property back is on the property owner to prove the property was not involved in a crime.

This controversial program has been called by some "Policing for Profit" and here is why: in 25 states and at the federal level, the law enforcement agency gets to keep 100 percent of the assets they seize. These assets are most often directed to a separate fund that is available to the law enforcement agency with limited or no oversight. At the federal level these funds are spent at the discretion of agency heads and at the local level by sheriffs or police chiefs. The incentive is obvious, the more assets seized, the more money sheriffs can spend on pet projects. The incentive is so lucrative that seized asset values increased almost ten times between 2004 and 2014 to almost $4.5 billion.

A practice among law enforcement agencies exercising CAF policies is to seize the cash of motorists on the suspicion that it is involved in a crime. The driver leaves the police stop lighter in the wallet with little recourse. Proving the money wasn’t involved in a crime requires a lawyer—an action that can cost more than the money seized—and the police know this.

In September of 2017 the House of Representatives unanimously supported three measures designed to significantly curtail CAF abuse. The proposals were bipartisan in nature and not a single member of the House spoke in opposition to the amendments. House opposition to federal policies that are based on a guilty-until-proven-innocent standard is evident, but the outcome of this debate is not. President Trump endorsed CAF to a group of sheriffs in 2017 and Attorney General Jeff Sessions has repeatedly supported the program.

Congress needs to stand firm in support of preventing abuse of constitutional rights. The Fifth Amendment states that property shall not be taken without just compensation and the 14th Amendment states that it shall not be taken without due process. If ever there was a policy that should be reversed, CAF fits the bill.

The National Motorists Association is actively working Capitol Hill to make this happen. With supporters like Congressman Tim Walberg (R-MI) fighting to force Congress to address the issue, we plan to make a difference in support of motorists everywhere.

85th Percentile Speed-Setting Rule under Attack in Three States

California, Colorado and New York lawmakers are considering legislation that would minimize the use of 85th percentile speed-study data as a standard for determining posted speed limits. The bills reflect a popular theme today among anti-car advocates that the 85th percentile method is obsolete and that speed limits should be lowered in most areas.

Speed limits should be based on sound traffic engineering principles that consider the natural travel speeds of responsible motorists. Research has shown that limits set at the 85th percentile speed of free-flowing traffic (the speed under which 85 percent of traffic is traveling) creates the safest driving environment. Speed studies should be conducted periodically to determine changes in actual traffic speeds.

California’s AB 2363 would allow local jurisdictions to use information from collision surveys to help lower speed limits. If an area is found to have a high crash rate, an exception can be made to the 85th percentile rule.

Colorado House Bill 1191 would allow counties to set limits using additional criteria other than the 85th percentile speed such as road character and pedestrian traffic. As of press time, the bill has been sent to the governor.

The New York State Senate unanimously approved S389 which would allow villages, cities and towns with populations greater than 50,000 to set speed limits without first receiving DOT approval. 850 smaller towns would still need to petition the DOT. The bill’s sponsor claims that this bill would afford towns the ability to better manage traffic safety (and of course to lower speed limits).
Fighting for Traffic Justice

The NMA’s most unique member benefit is the Traffic Justice Program, which is designed to encourage members to take a stand against speeding tickets, knowing that the NMA has their backs by reimbursing them up to $300 for one ticket per year to help cover fines and courts costs. The conditions of the program are straightforward and are outlined at https://www.motorists.org/traffic-justice/.

Five to ten traffic justice applications a year are received at NMA headquarters. The most recent, from member Brian Determan, illustrates how the program works and provides a glimpse of the state of traffic justice in an exchange between Brian and NMA President Gary Biller.

Brian

In November, a scant 45 days after receiving a ticket when on my motorcycle in a rural section just east of the South Dakota/Minnesota border, I was driving on an eight-lane freeway in my Porsche 911 Carrera with a heightened sense of speed. I was in the right-most lane doing the posted speed in an area notorious for being a speed trap—half a mile east of I-494 on Interstate 394 in suburban Minnetonka, MN—where the speed limit drops from 65 to 55 mph. Doing 55, I remember remarking that I was almost being run off the road in such a little vehicle. Nearly everyone drives 65+ there.

The officer was parked in the woods beneath the bridge at CR 73 so as he was looking left at cars coming down the hill, there is no logical reason whatsoever that he’d observe me. But look he did.

When I accelerated into the exit cloverleaf, driving the Carrera as it was intended, he pulled me over. I remarked to him, “You had to have watched me come down that hill as the slowest vehicle on the road.” The cop’s response took me aback: “You were not the absolute slowest vehicle,” which to me was a tacit admission that he had targeted me even though I was traveling at a speed well below that of surrounding traffic.

Incidentally, the vehicle identified on the ticket was a 2018 Chevy. When I later pointed out that the cop figured he would give it to the Porsche guy instead, the court official said it was an administrative oversight that would be corrected.

At hearing #1, the official said, “We’ve got you on video speeding. Just pay the fine.” I closed the hearing by declining to pay up and adding, “If you have video evidence, then let’s see it now.” The case went to arraignment where again I asked to see the video and again, the city failed to produce. It was suggested I plead guilty anyway which I declined.

At the trial in January, the prosecuting attorney finally presented the dash cam video into evidence. It showed my vehicle passing directly in front of the officer, no proof of laser tracking, but clearly showing the Porsche not going faster than the other vehicles on the road.

In my cross examination of the officer I noted, “So let me see if I have this straight. From your earlier testimony you claim to go through an elaborately detailed, very meticulous process each day, and therefore your acumen as an officer should not be questioned? Am I correct?” When he affirmed his credentials, I simply asked, “Then if you are so competent, how is it that you would not know a Chevy from a Porsche?” He remained speechless.

For my defense, I summarized that a) A 2018 Chevy belonging to someone else is on the ticket, not my Porsche, b) there is no evidence that whatever laser readings were taken were specific to my vehicle, and c) the video shows little more than me being pulled over.

To my amazement, the judge ruled seconds later, “So I have (Continued on Page 5)
heard arguments on both sides, and I find the defendant guilty. I believe the officer’s sworn testimony, including visual evidence of such, and that you were in fact speeding.” There you have it. I was guilty sans evidence. But it wasn’t over yet. The prosecutor asked that in light of the resources expended by the city to finalize the simple petty misdemeanor case, court costs should be doubled and additional surcharges assessed. The judge whisked up her papers and walked out of the courtroom without saying anything. The court administrator handed me a sheet with the fine description, which tacked on $100 to the $138 fine.

With that I am simply asking that under the terms of the Traffic Justice Program and the documentary proof enclosed, you respectfully compensate me for the $238 in fines/surcharges portion of this whole sordid ordeal.

**Gary**

Brian, we received your sordid speeding ticket tale in the mail today. First let me assure you that I am approving a reimbursement of $238 from the NMA’s Traffic Justice Program. That said, wow! They tacked on an additional $100 to the ticket because you had the audacity to fight it in court? That is a citizen’s right and the government’s obligation to hold the hearing. Truly a rip off.

I fought a speeding ticket about a year ago. Mine was more straightforward than yours but I did catch the officer admitting he was parked far back on an entrance ramp to the freeway and that my fairly typical Nissan Murano was one of many in moderately heavy traffic. He acknowledged under questioning that he had to take his eyes off of the offending vehicle twice—once when he merged into traffic on the on ramp and again when merging with freeway traffic. He didn’t respond when I asked how he could be sure that when he had the right vehicle when he stopped me (particularly since he produced no evidence from his laser gun that identified my license plate). I felt pretty good about that but the judge summed up with a simple, “I find the officer’s testimony credible,” and found me guilty. All I can say now is that at least they didn’t tack on anything to the original fine.

**Brian**

Wow, what can I say other than thank you! You nailed it in your second paragraph where you cited the officer’s failing to connect a specific reading of the gun to your plate. In retrospect I should have pressed this issue harder in my case. It is mighty intimidating to cross examine a police officer however. Lesson learned.

Just the gesture you are making helps to ease some of the bitterness remaining over this issue. Instead I can tell people about the NMA (which I already do): “You know how you can drive on a freeway at a reasonable pace now versus at a snail’s pace? These are the folks to thank.”

My plan is to donate the money right back to the Association now that I have even more proof that you’re helping the little guy. I thank you immensely for your support! 💝

---

**NMA Traffic Justice Program**

This is the criteria for qualification.

1) This program is restricted to speeding tickets issued by a law enforcement officer at the scene.
2) You must be a member of the NMA when you receive and fight the ticket as well as at your time of application.
3) Your membership must be continuous, without lapses, from the time you receive the ticket to when you request reimbursement.
4) You must plead not guilty, take your case through a court trial (“Trial by declaration” does not qualify as a “court trial”), and be found guilty. (A plea-bargain voids eligibility.)
5) You must submit to NMA a “readable” copy of:
   a. The original ticket.
   b. The receipt from the Clerk of Court for the amount of the ticket and court costs.
   c. The court confirmation of a trial having been conducted with a “guilty” verdict indicated.
6) One ticket per member will be paid each membership year (maximum payment of $300).
7) If you appeal a lower court’s decision and are still found guilty, payment will be made at the conclusion of the appeal.
8) You may use an attorney to represent you. However, legal fees from attorneys are not eligible for payment under this program.
Chicago Parking Meter Concession of 2008, Michael E. Condon

What began as a quick-fix for the City of Chicago's declining tax base, crumbling infrastructure, mounting pension costs, and increasing demands on the city's social safety net, has evolved into a cautionary tale for rushing into privatization. Under Mayor Richard Daley, Chicago Parking Meters, LLC (a consortium pulled together by Morgan Stanley) won the bid to operate and collect fees from the city's 36,000 parking meters for 75 years. Almost immediately, problems cropped up, and people began to realize that city leaders had sold out for way too little money. Under intense scrutiny, the mistakes made in 2008 have value for citizens, researchers, and elected officials.

The parking meter deal of 2008 has caused politicians and the public to demand effective studies on privatization deals, transparency of potential deals, contractor accountability, and the judgment to walk away if the deal is not in the city's best interest. Chicago's parking meter privatization remains an example from which policy planners can gain insights into how such deals can be finessed. In addition, this case can help citizens understand what information should be gathered and what processes their representatives should use when a privatization deal is under consideration.

The first portion of this book provides a general history of the Chicago Parking Meter Concession and the legal, political, and financial implications of the deal. The second portion presents a detailed examination of the Chicago Parking Meters LLC bid, including an analysis of how the city's residents were left to foot the bill for decades to come. The final section explains how the NMA challenged the deal and what it means for the future of public-private partnerships.
How to Lose a Billion in a Year

April 2008
City of Chicago signed the U.S. Department of Transportation’s (DOT) Congestion Reduction Demonstration (CRD) Agreement. The city would receive $153.1 million for implementation with an incentive to privatize the city’s parking meters.

November 19, 2008
City Council approved the 2009 budget that included income for a parking meter lease even though the council had not seen any information about a lease agreement.

November 21, 2008
Morgan Stanley won the Chicago Parking Meter Concession and formed the Chicago Parking Meters LLC (CPM LLC).

The federal DOT announced that Chicago along with five other cities would become part of its Urban Partnership Agreement. (Chicago was eventually removed from the program because it could not meet the project deadlines.)

December 2-4, 2008
December 2nd: Chicago Mayor Daley made the formal announcement of the CPM LLC tentative deal. December 3rd: the city Finance Committee approved the CPM LLC bid. December 4th: City Council approved the lease of 35,000 parking meters for 75 years to CPM LLC. CPM LLC paid the city $1.156 billion for the concession. At no time, did the public have a real opportunity to weigh in on an issue that would have far-ranging consequences.

January 1, 2009
Even though CPM LLC did not take over the parking concession until February 13, 2009, rates increased on New Year’s Day. Hourly parking meter rates doubled in downtown and went up by a factor of eight in some neighborhoods. Meters were now enforced every day of the year for 24 hours a day.

June 2009
City of Chicago Office of the Inspector General released a scathing report entitled “Dubious Financial Deal.” The report stated categorically that those in charge failed to accurately value the city’s parking meter system. Mr. Condon writes:

“If the city were to keep control of the parking meter system and operate it under the same terms as the private company, the system would be worth approximately $2.13 billion to the City over 75 years. In other words, by giving up control of the parking-meter system for 75 years, the City relinquished future parking meter revenue that has a present value of approximately $2.13 billion. This means that the City received about $974 million less for the parking meter system than it was worth to the City—or alternatively, that the City leased the system for a price that was 46 percent lower than its value to the city.”

December 3, 2009
Chicago Tribune Headline read: POOF! NEARLY $1 BILLION GONE! With the subtitle: Chicago’s 75-year $1.15 billion parking meter windfall will be nearly drained in just one year thanks to the budget approved Wednesday.
The Honorable Rahm Emanuel
Office of the Mayor of Chicago
121 N. LaSalle Street
Chicago City Hall, 4th Floor
Chicago, IL 60602

Dear Mayor Emanuel,

Intersection safety is best accomplished by design, not by command-and-control tactics like Chicago’s red-light camera program. With growing evidence that program parameters are set for optimum revenue generation — lucrative enough at $70 million a year to attract corrupting influences — rather than safety benefits for the public, the cameras should be shut down.

Some of that past revenue should be applied to the proper engineering of the city’s intersections and its 3,035 traffic signals in order to make traveling Chicago’s streets safer and less punitive.

Program management was deemed unacceptable per the Inspector General’s May 2013 report that found a “lack of basic recordkeeping and an alarming lack of analysis for an ongoing program that costs tens of millions of dollars a year and generates tens of millions more in revenue.” It has only gotten worse. One month ago the Chicago Tribune reported thousands of undeserved red-light camera tickets were issued as a result of “faulty equipment, human tinkering, or both.”

Last week Chicago Judge Robert Sussman said that he routinely dismisses the photo tickets noting, “We’re having a big problem with these yellow lights. Sixty to seventy percent are coming up under [the federal] minimum and city standard three seconds.”

The two major U.S. cities closest to Chicago’s 2.7 million population – Los Angeles at 3.9 million and Houston at 2.2 million – both removed their red-light cameras three years ago without an appreciable change in accident statistics. That raises the question: Why does the City of Chicago need to assess tens of millions of dollars a year more in penalties to achieve intersection safety levels that aren’t much different than Los Angeles, Houston, or any other city for that matter?

Mr. Mayor, please prove to your constituents, including groups such as Citizens to Abolish Red-Light Cameras whose ranks grow with every organized protest against the ticket cameras, that your concern is more about intersection safety than revenue generation.

If you are not quite ready to pull the plug on the cameras altogether, then choose nine camera-equipped intersections in 30 mph speed limit zones that have high numbers of straight-through red-light violations. Increase the yellow light interval duration to 3.3 seconds at three, 3.6 seconds at a second set of three, and 4.0 seconds at the last three intersections. Have independent observers report on the straight-through violation rates over a period of at least one month and compare those results to the rates at the same intersections during a like period just before the yellow intervals were increased. The results will make it clear that the longer yellow are much more effective at reducing straight-through red-light violations than the cameras. And unless the Chicago driving environment is so unique that it bears no similarities to results other cities have attained after dropping their camera programs, the violation rates will not rebound to any notable degree after the ticket cameras are eliminated.

You may think that you have nothing to gain and everything to lose with this challenge. This is not the case unless you consider the welfare and safety of Chicago motorists, bicyclists, and pedestrians and those visiting your great city for business or leisure to be less important than maximizing the income side of the City’s budget.

Sincerely,

Gary Biller
President

August 20, 2014
Taking Tolling to Task

On March 15th, a class action complaint was filed in U.S. District Court in Pennsylvania by the NMA and the Owner Operator Independent Drivers Association (OOIDA) that is creating a tsunami-sized wave in the Commonwealth. The Pennsylvania Turnpike Commission (PTC), its officers, and the governor of Pennsylvania are defendants in the claim that PTC for years has been imposing excessive tolls on users of the turnpike.

At the heart of the complaint is the Commerce Clause of the U.S. Constitution which:

a) Prohibits state actions that unduly burden interstate commerce,

b) Requires that user fees don’t discriminate against interstate commerce and travel,

c) Requires user fees to reflect a fair approximation of the use of the facilities and services for whose benefit they are imposed, and

d) Prohibits excessive user fees in relation to costs incurred by the imposing authority

That last item is particularly interesting because it is a matter of public record that the PTC has been obligated since 2011 to pay the Pennsylvania Department of Transportation (PennDOT) the sum of $450 million annually. PennDOT earmarks those funds to finance off-turnpike road and bridge projects as well as transit operations.

As the complaint notes, the tolls imposed by PTC far exceed the value of the use of the turnpike facilities and services by vehicle operators. Conversely, those same excessive tolls are an undue burden on interstate commerce and an impairment on the right of persons to travel.

How much do the collected toll revenues exceed the cost of turnpike operations? The information below was taken directly from the OOIDA/NMA filing and makes the answer startlingly clear.

By January 2018, PTC had paid PennDOT $5.875 billion for Act 44/89, or non-turnpike related, payments. Even the Pennsylvania Auditor General raised concerns. In his September 2016 Performance Audit of PTC, the AG found that “[a]n annual costly toll increases place an undue burden on Pennsylvanians.” No doubt that finding was influenced by the fact that Pennsylvania Turnpike cash tolls increased by over 200 percent since the mid-2000s and PTC’s own projection that another doubling will be needed by 2035 to fund Turnpike operations while also paying non-turnpike obligations to PennDOT.

The class action complaint asks that the defendants be enjoined from further collection and spending of funds in excess of those required to operate/maintain the Pennsylvania Turnpike, and to segregate into escrow excess toll revenue pending a final ruling of the action filed by OOIDA and the NMA. The suit also asks for a judgment that refunds to plaintiffs and putative class members “all payments of tolls imposed upon their use of the Pennsylvania Turnpike System in excess of what was reasonably necessary to pay for the cost of operating and maintaining the Pennsylvania Turnpike.”

An action of this magnitude will face many legal challenges and will take time to play out. In the meantime, other states that are planning to expand their own tolling operations best take notice. As NMA President Gary Biller noted to TheNewspaper.com, “PennDOT has been extracting an annual payment from the Pennsylvania Turnpike Commission of $450 million for many years, most of which is used for “general purpose” non-turnpike projects. Is it any wonder that the Pennsylvania Turnpike toll rates have increased more than 200 percent since the mid-2000s, placing the burden of that debt on road users? At a time when other states are considering the tolling of more roads to raise funds, this suit sends a strong message that truckers and motorists are not willing to serve as ATMs for the government.”

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**Gross Toll Revenue vs. Cost of Turnpike Services**

Pennsylvania Turnpike Commission, 2007 - 2017

- Toll Revenue to Cost of Services Ratio
- Cost of Services
- Toll Revenue

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<td>$1,040,000</td>
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DF Spring 2018  www.motorists.org
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.

I am no fan of the insurance industry but I felt compelled to comment on the Driving Freedoms Winter 2018 article on Auto Insurance Equity. Surely you understand the justification in charging a higher auto insurance premium in Detroit than Owosso Township, Michigan; higher premiums in East Los Angeles than in Napa Valley.

There are definitely zip codes where residents are more apt to crash their autos than residents of other zip codes. Actuaries determine these differentials based on actual and estimated numbers.

Obviously, someone in an accident-prone area and a clean accident record, should not be penalized for living in high risk area. But the track record of residential areas cannot and should not be ignored.

Otherwise, those in generally safer, more responsible areas must pick up even more of the cost of areas historically occupied by more irresponsible citizens.

Clyde L. Hunt, Jr.
North Carolina Member

Parhamovich got his $90k back.
David Holzman,
Massachusetts Member

Editor’s Response:
The governor of Wyoming just announced at the time of publication that he was banning the use of property release forms during traffic stops by state troopers because of the Parhamovich case.

Your article, How Members Can Push a Legislative Agenda, would take all the time and effort most people use just to exist. I can’t imagine how a 9-to-5 worker, a single parent or someone like an MD could do what Jim Baxter proposes. For each issue, no less.

Many of us out here want to fight the enemies of the automobile, but would even you be able to follow Jim’s plan?
David Carroll
Michigan Member

The Fourth Amendment article in Driving Freedoms Winter 2018 edition was powerful. My dream trip, to be taken one of these years, and hopefully soon, is a leisurely cross-country drive mostly on back roads, but it is scary to think that I could lose anything I had in my car in some far-flung state. I’m glad you’re fighting this highway robbery, and I’m very glad Mr. Parhamovich got his $90k back.

David Holzman,
Massachusetts Member

Editor’s Response:
Thank you for your insightful comment, David. An enormous commitment of time is needed to effectively advocate for motorists’ rights. No one can do it all and no one can do it alone.

There are dozens of issues related to drivers’ rights at any given time; you are correct that even the National Office must focus on which issues it can tackle effectively. For example, we are currently concentrating on two issues at the federal level with Rob Talley, our NMA Washington lobbyist: civil asset forfeiture reform and eliminating federally funded traffic enforcement campaigns that perpetuate ticket quotas, and by extension, policing for profit.

The NMA encourages advocates to choose one to two issues and try to make a difference in their cities or states. Start by writing a letter to the editor of your local paper or write letters, email or call your elected officials on the issues most important to you.

2018 NMA Blog Schedule
Did you know that the NMA has a seven-day-a-week blog lineup that runs the gamut from news roundups, car reviews, traffic law issues, NMA core issues and the Car of the Future.

Mondays: NMA Weekly E-Newsletter
TheNewsPaper.com Weekly Roundup
Tuesdays: Automotive Writer Eric Peters’ weekly insight blog
Traffic Law Blog written by NMA-listed attorneys
Wednesdays: A guest blog from automotive writers around the world
Car of the Future Weekly News Roundup.
Thursdays: Massachusetts State Activist John Carr’s weekly insight blog
Fridays: Driving in America Blog highlighting NMA issues
Driving News Weekly Roundup.
Saturdays: Eric Peters Car Review
Sundays: Car of the Future Blog
Sign up for daily blog updates sent by email by checking out www.motorists.org/blog/.
STATE ROUNDUP

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.

California

Last year, supporters of the Road Repair and Accountability Act (SB 1) celebrated what they deemed a huge win. It increased the state’s gas tax to 12 cents per gallon (an estimated $10 more per month per car), and is projected to raise roughly $5.4 billion annually for infrastructure projects. However, not everyone is happy with the law. Petitioners have begun gathering signatures for a November ballot measure to repeal the tax. In the meantime, cities and counties are using the added tax money to begin building as much infrastructure as possible just in case the repeal wins.

Colorado

Petitioners want to put a ballot question before voters in November on “Stopping the Shakedowns” by police. The “Disposition of Government Fines, Surcharges and Forfeitures” question would remove the conflict of interest for policing for profit. If passed, it would repeal and replace 23 existing state laws and require that future fines be paid as restitution to the victim(s) of a crime. If there is no victim, the money would be donated to charity. Lawyers from the state legislature calculated that in 2019, the state plans to “make” $256 million in penalties and $322 in 2020.

Connecticut

Lawmakers and the Governor are at loggerheads on how to fund infrastructure. Currently, the state has no toll roads and if tolls are enacted as discussed, Connecticut could become the most tolled state of 22 that currently levy tolls in the U.S. A 2015 study proposed 78 electronic toll gantries be placed on all 347 miles of interstate. Congestion tolling would also be implemented with 72 percent of the tolls paid for by commuters—an additional $523 per year for each of the state’s 1.3 million households. Governor Dan Malloy is also calling for an increase in both the gas tax and tire fees. In the meantime, the Governor has said that he is prepared to stall hundreds of transportation projects due to lack of funding.

Florida

Jacksonville and Miami have recently stopped red-light camera (RLC) programs. Lawmakers pushed again this year to ban RLCs but the measure stalled in the Senate. The Florida Supreme Court heard arguments on a RLC case in February and are expected to rule in April. Other communities are waiting for the legislature and the Supreme Court decision before they decide to continue or begin their own programs.

Iowa

In December, Cedar Rapids mailed out 221,000 automated traffic ticket collection notices representing $17 million. As of February 12th, only about two percent or 4,800 of the tickets have been paid. The city submitted another 70,809 debtors’ names to the state offset program which garners casino and lottery winnings, vendor payments and state income tax refunds. In March, lawmakers passed a bill to better regulate automated traffic cameras which would allow ballot petition referendums and signage before cameras. Unfortunately, the proposed law would have no effect on the current debt problem in Cedar Rapids.

Idaho

During the 2018 legislative session, a bill to eliminate differential speed limits between cars and trucks was defeated. The bill would have brought the speed limit in line with cars, which is 80 mph on rural interstates. Currently, only seven states have different speed limits for cars and trucks.

Massachusetts

The Massachusetts Supreme Court ruled in February that law enforcement has the right to use traffic stops as a pretext to search cars and use the stops as a gateway to uncover unrelated crimes. Drivers, however, would be allowed to challenge this decision if they could prove the traffic stop was racially motivated.

Also in February, the court ruled 4 to 3 against police going too far on a voluntary search of a car. Chief Justice Ralph Gants wrote that “a typical reasonable person would understand the scope of such consent to be limited to the interior of a vehicle, including the trunk—not the engine compartment.” In 2015, a driver allowed officers to voluntarily search his car. After removing the air filter from the engine, police found a black bag with two guns. In dissent, Justice Ellie Cypher stated that she did not see a difference between a vehicle’s trunk and engine compartment as “both are beyond the passenger compartment and must be opened separately.”

Maryland

Lawmakers have proposed sweeping reforms of speed and red-light cameras (RLCs). Under heavy pressure from jurisdictions that would have lost revenue from longer yellow lights at red-light camera intersections, delegates deleted a promising 4 second yellow light requirement of all RLC intersections. Amended HB204 now states that a red-light camera ticket can only be enforced if the yellow signal duration is consistent with state

(Continued on Page 12)
(Continued from Page 11) regulations. If passed, the new law would allow motorists to challenge RLCs at intersections with overly short yellows.

**Michigan**

The Driver Responsibility Fee (DRF) will officially end October 1, 2018. Governor Rich Snyder signed the legislation ending this most hated fee in early March. Passed in 2003 to fill a budget hole, the $100 to $500 fee proved crushing for many motorists. Statewide, over 300,000 people currently owe more than $600 million and in Detroit alone, 70,000 motorists owe more than $100 million. If drivers could not pay the fee, they would lose their licenses and pay an additional $125 license reinstatement fee. This fee is now canceled and any remaining DRFs will be canceled when the law becomes effective.

**Montana**

First responders have been working diligently to get the I-90 80 mph speed limit lowered in Gallatin County. The state has a law which requires vehicles to slow down 20 mph below the speed limit and move over when emergency vehicles are at the side of the road. Bozeman city commissioner Josh Waldo said the fire department has tried to reduce their footprint at the scene of emergencies to stay safe but it is not enough. The Belgrade City Council voted NO on lowering the speed limit in January. They did say that when the city’s population hits 50,000, the council would ask the DOT to do another traffic survey of the area. In early March, Bozeman city commissioners agreed with the Fire Department’s proposal and will ask the Montana DOT to change the I-90 speed limit in the city’s urban boundaries from 75 to 60 mph.

**Nebraska**

Governor Pete Ricketts announced in January that he wanted to streamline and “right-size” state speed limits. LB 1009 would set speed limits at 65 mph on rural highways, raise speed limits on expressways. In the second round of debate in late March, lawmakers decided to exempt I-80 from increased speed limits.

**New York**

Even though Governor Andrew Cuomo wanted to levy congestion fees in Manhattan to force motorists to pay for fixing New York’s problematic subway system, the proposal was not included in the state budget negotiated by the Governor and lawmakers in late March. In January, Cuomo’s Fix NYC panel proposed that drivers pay $11.52 per trip, which would raise $1.5 billion annually. Instead, taxi and rideshers will have new surcharge fees. For-hire vehicles including Uber and Lyft will have $2.75 tacked on to every ride, car pool rides such as Via and UberPool will be 75 cents per ride and yellow taxis will be $2.50 per ride. All new fees will go towards the NYC subway system fix and Cuomo and congestion pricing advocates see the new surcharges as the first step for congestion pricing.

**Oklahoma**

The Oklahoma Supreme Court ruled in December that the new attempt to crack down on DUI violated due process because it required police officers to tear up a driver’s license if a driver was suspected of being impaired (neither charged nor convicted). The attorneys filing suit argued that it was unconstitutional for the government to seize and destroy private property without due process. Also, the court found that the law in question included a number of other provisions that violated the state’s constitutional requirement that bills deal with a single topic. Other provisions included criminalizing the refusal to take a breathalyzer test and conditions for use of interlock devices.

**South Carolina**

In its last legislative session, representatives dropped a requirement to have drivers’ eyes checked a condition for obtaining a driver’s license. The ban was passed to smooth the transition to new REAL ID driver’s license. In February, the House voted to bring back the exams (H3293). Lawmakers decied they valued road safety over DMV headaches.

**Tennessee**

Knoxville’s Court of Criminal Appeals ruled in February that it is unconstitutional for a person convicted of a DUI evidenced by a blood draw or a breath test to pay a testing fee to the Bureau of Investigation. The $250 fee violates due process and calls into question the trustworthiness of the results since the fee system creates a financial incentive.

**Texas**

After successfully turning off red-light cameras in Arlington, activist Kelly Canon has initiated a petition campaign to end red-light cameras in Fort Worth, in which she needs 20,000 signatures to put the question on the November ballot. In 2016, Fort Worth made $2.44 million from RLC tickets. Canon. After Fort Worth, Cannon says the effort to remove RLCs will shift to the 2019 biannual Texas Legislature.

**Utah**

Lawmakers hope to give the DOT permission to toll every roadway in the state if needed. SB71 would modernize toll collection using license plate scanning technology and electronic tolling. The bill also requires a study for how to best collect tolls from out-of-state and rental car drivers. Senate President Wayne Niederhauser said congestion issues continue to worsen despite best efforts over the last two decades. He added that the state needs to prepare now for big changes in how transportation revenue is raised and believes that the fuel tax will soon be obsolete. Currently, $600 million of the state’s general fund is spent to help cover road costs. Lawmakers are also considering hiking the gas tax to provide money for schools to prevent a ballot initiative that would hike sales and income tax rates.

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