What owners say about V1...

**Bill P., Phoenix, AZ**
Where’s the radar? An arrow lights up, pointing either Ahead, to the side, or Behind. And, amazingly, it’s never wrong.

**Annie R., Atlanta, GA**
So easy to operate, a box with one knob. No need to poke around at full-arm's reach for little buttons the size of rice grains.

**Dennis E., Dulles, VA**
Love the arrows! Where’s the radar? They tell me every time.

**Dwight L., Charlotte, NC**
Situation Awareness you can trust. With the Radar Locator arrowing toward threats, and the Bogey Counter telling how many threats you face, V1 makes defense easy.

**Cal L., Trenton, NJ**
I've owned my V1 since 2001, and I’ve had it upgraded twice. I trust the arrows to point out every radar trap. When I know where, I know how to defend.

**Mike Valentine**
Radar Fanatic
Valentine Research, Inc.
Department No. YPB
10280 Alliance Road
Cincinnati, Ohio 45242
Ph 513-984-8900
Fx 513-984-8976
© 2018 VRI
Call toll-free 1-800-331-3030
www.valentine1.com

**Rob R., Sacramento, CA**
This is the slam dunk best radar detector. No databases to keep updating, or other “features” I’ll never use. Instead V1 tells me the important stuff—the Bogey Counter tells you how many threats within range and the red arrows tell where they are.

**Ed H., Las Vegas, NV**
How can anyone not be smitten by the Arrows? Radar ahead needs a different defense than radar behind. When I know where, I know what to do. When I put the threat behind me, the arrows confirm it. Without the arrows, you’re guessing.

**Harold B., Houston, TX**
On my way home this afternoon I was following another detector user. I could see red blinking in his windshield as we went past the first radar. Thinking the danger was behind, Mr. Ordinary Detector User hit the gas. Uh-Oh. V1’s Radar Locator was showing two arrows, one pointing toward the trap now behind, and a second arrow ahead. The “2” on the Bogey Counter confirmed we were being double teamed.

Sure enough, Mr. O. D. User cruised into the second trap up the hill at 15 over and got himself a blue-light special.

V1 points to every trap. I trust it completely.

Trust...V1 earns it one ambush at a time.

---

Radar Locator
Tracks one or more radars at the same time; points to each.

Bogey Counter
Tells how many:
Radar hiding within a false alarm? Two radars working the same road? Reads instantly.

Rear Antenna
Scans behind for radar.

Control Knob
Turns On/Off, adjust volume, press to mute.

Radar Strength
More LEDs glow as radar strengthens.

---

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For details, log in to the Members Only Section on Motorists.org

THE EXPERTS CORNER

If you have a question that only an expert can answer, the NMA can help. The experts here have volunteered to help you. Please mention that you’re an NMA member when you contact them.

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heliosinst@aol.com
www.straighttalkondriving.com

Contact These Transportation Officials About the 85th Percentile Speed Issue

Federal Highway Administration (FHWA)
Kevin Sylvester, MUTCD Team Leader
Southeast Federal Center Building
1200 New Jersey Avenue, SE
Washington, DC 20590

James “Eric” Ferron, MUTCD Team
Same address

National Transportation Safety Board (NTSB)
Robert Molloy, Director of Office of Highway Safety
1447 E Street, NW, Suite 660
Washington, DC 20590

National Committee on Uniform Traffic Control Devices (NCUTCD)
Thomas Heydel, Chair, Regulatory/Warning Signs Technical Committee
Wisconsin Department of Transportation
141 NW Barstow St, Box 798
Waukesha, WI 53187

State Departments of Transportation
Visit https://www.fhwa.dot.gov/about/website.cfm for information about each state DOT. Direct inquiries to DOT Secretary (by name) and Highway Safety Director (if named).

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Transportation Planning
Steve Bacs
6857 W. Irma Lane
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Other Experts
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Misissipi

A Ballot Initiative Requesting Voter Approval of Tolls Moves Forward

Taxpayers for Transportation in Great Britain and the NMA Foundation, Inc., have been working together to bring the idea of a ballot initiative requesting voter approval of tolls to the state of Mississippi. The ballot initiative, Petition 10, was formally submitted to the Mississippi Secretary of State’s office on July 12, 2018. If approved, the petition would allow the state to implement tolls on highways and roads for the purpose of revenue generation. The initiative has faced opposition from groups such as the American Association of State Highway and Transportation Officials (AASHTO) and the American Transportation Association (ATA), who argue that tolling is not in the best interest of the public.

New Hampshire

Governor Chris Sununu vetoed a bill in July that would have allowed autonomous vehicle (AV) testing beginning in 2019. The bill would have allowed for two lanes of AV testing, but not two lanes at a time. The governor cited concerns about the safety and liability issues associated with AV testing on public roads.

Texas

Starting with a tweet, Texas Governor Greg Abbott, who is up for reelection in November, has made the banning of red-light cameras a campaign issue. At a September press conference and in written documents, the governor said he wants to prohibit local adoption of red-light cameras and preempt any local ordinances or policies already in force permitting the ticketing devices. Not only has a Abbott paid heed to constituents who want the cameras banned, he apparently was also heavily influenced by this summer’s release of a Case Western University study that stated red-light cameras do not make intersections safer overall. Thirty-seven Texas cities currently have red-light camera programs. The next legislative session begins in January where this will be a hotly contested issue, particularly if Abbott is reelected.

Vermont

Since 2009, the Federal Highway Administration (FHWA), has required all states to number signs on the roadways according to the mile marker and not according to the golden rules on the signs. In June, the state had closed nearly 500 dangerous bridges, many with detours up to 40 to 50 miles long. No new funding for infrastructure had been approved by lawmakers since 1987 when they raised the gas tax by 18.4 cents but had not included an adjustment for inflation. That tax revenue was prima- rily used to build 1,088 miles of four-lane roads and bridges in the state.

A NMA’s letter to the Vermont Transportation Agency, requesting an adjustment to the golden rules on the signs, fell on deaf ears. The agency responded with a simple single sentence: “We see no reason to change perfects good signs.” Flynn added that the federal government would pay for the new signs but the costs would still fall back on the taxpayers. FHWA spokesperson Doug Hecox said that the federal government is working with Vermont officials. He added, “Safety is our top priority, and ensuring that highways in all states operate safely is a primary concern. We see no reason to change perfects good signs.”

A number of states have been working on this issue, including New York City, Portland is arguing for the implementation of its own red-light camera program. The city has already received approval from the FHWA to implement the program and has stated that it will not be used to generate revenue, but rather to improve public safety.

A NMA report on the implementation of red-light camera programs in other states has found that safer communities have fewer traffic fatalities and less injury. In a recent study, the FHWA found that states with red-light camera programs had a 32% reduction in traffic fatalities.

For more information, contact your NMA representative or visit the NMA website.

ON THE CURSE OF INTRUSIVE TRAFFIC LAWS

GARY BILLER, PRESIDENT, NMA

A lms have been going off for some time now: Vision Zero proponents continue to promote a rule for establishing safe speed limits as being obsolete, largely to effect a wholesale lowering of posted speeds across the country. One of the loudest sirens was sounded in mid-2017 when the National Transportation Safety Board declared the nation’s speed limit “outdated and inaccurate.” Vision Zero proponents were quick to seize on the opportunity to lower speed limits, and in 2020 the NTSB doubled down by urging states to drop their road’s with speed cameras that so-called limits could be strictly enforced everywhere.

A state appeals court dismissed a ballot measure at the end of the spring legislative session. The measure would have allowed voters to vote on whether tolls could be levied on Interstate 5 and 205 in 2020. The state transportation commission voted in August to seek federal approval for tolling Interstates 5 and 205 in the Portland area.

The three-judge panel disagreed, ruling that voters could vote on tolling, but that voters could not vote on tolling specifics such as toll rates. The ruling is expected to be appealed.

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Dear Editors,

The summer issue mentions sound levels for motorcycles, a concern I have with the noise produced by my own Harley Davidson. For example, the motorcycle is capable of speeds greater than 90 decibels, which is about the noise produced by a high-speed train. While motorcycles are designed to produce sound, I believe they should be designed to produce less noise. I have heard motorcycles at a distance and find them to be a distraction.

I have talked to other motorcycle riders who share my concern about noise. Some suggest that motorcycles should be required to have catalytic converters to reduce noise. Others suggest that motorcycle owners should be required to purchase noise-reducing equipment.

I am not sure what the solution is, but I believe that motorcycles should be required to meet certain noise standards. I would encourage the NMA to take a lead in this issue.

Sincerely,

David Carroll
A Michigan Member

MEMBERS WRITE

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MEMBERS WRITE

Driving News Daily

The Driving News Feed (https://www.motorists.org/news/) is one of the best kept secrets of the NMA website. In order to bring motorists’ rights news straight to your email inbox, the National Office recently started a Monday–Friday service called DRIVING NEWS DAILY which you may register for at https://www.motorists.org/nma-subscriptions/. Encourage your family and friends to register also!

The NMA thanks you for your support of motorists’ rights in North America!

NATIONAL PERSPECTIVE

Living in Washington D.C. affords many opportunities. Easy access to museums like the Smithsonian, professional teams in every major sport, and, of course, the agony of big city traffic. Washington is ranked sixth most congested in the country for worst commutes; this is understandable given the rapid growth of the suburbs and failure of politicians to plan and build a robust transportation network. What is not understandable though is when politicians choose to make traffic worse, as Washington’s government did during the 2007 to 2011 single term of then-mayor Adrian Fenty.

An avid cyclist, Fenty embarked D.C. on a transportation plan to constrain major commuter thoroughfares, build bicycle lanes, and expand the use of photo enforcement of traffic laws throughout the city. Though Fenty was ultimately forced out of office, in part because of traffic woes, city leaders didn’t learn a lesson.

Now a participant in the Vision Zero movement, Washington has followed through on this vision and made driving even worse. For example, Pennsylvania Avenue, NW, the road that connects the Capitol building and the White House, was a multi-lane artery through the city. It was congested at rush hour but otherwise relatively open. Now, the city has blocked off a traffic lane in each direction and has installed bicycle lanes. Today, Pennsylvania Avenue is regularly snarled with traffic even in non-rush hour periods while the bicycle lanes are little used.

There are some in Congress that would like to see this movement expanded throughout the country. Representative Earl Blumenauer (D-OR) has introduced legislation to push the Vision Zero movement through the federal Department of Transportation into state transportation planning programs by funding cities to institute these programs. Deborah Hersman, CEO of the National Safety Council, testified before the Senate Commerce, Banking and Transportation Committee on the issues of vehicle safety and transportation policy and the efforts Congress should take to achieve zero transportation fatalities. Among the initiatives highlighted was the Road to Zero Coalition, which is a collection of government and nongovernmental organizations such as Mothers Against Drunk Driving and the Insurance Institute for Highway Safety. The Road to Zero Coalition is focused on federal initiatives to achieve zero fatalities by 2030 and the means and costs that could be expanded to reach this lofty goal is both financially unsustainable and decidedly anti-car. Congress will be debating this question over the course of the next two years as it prepares to develop the next major transportation policy bill.

Current federal highway and transit program authorization expires in 2020 and Congress must develop a new set of priorities for the five-year period starting in 2020. We can expect to see a lot more discussion about this follow-on program.

On the Cusp of Irrational Traffic Laws

(Continued from Page 1)

participation and dedication of members. That same grassroots effort is needed here, particularly when in the automobile industry contacts listed at the end of this magazine and encourage others in your network of friends, family, and colleagues to do the same.

If you haven’t checked out all the advantages of being an NMA member, including our new travel discount program, be sure to review the guide and keep it handy for future reference. This information can also be found on the Motorists.org website. Instructions on how to do so are included in the Member Benefits insert.

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Setting Speed Limits -- The 85th Percentile Speed

Editor’s Note: This is collected information from the Lincoln, NE Public Works and Utilities, and the Federal Highway Administration.

The 85th percentile speed is defined as, “the speed at or below which 85 percent of all vehicles are observed to travel under free-flowing conditions past a reference point.” A way to consider this is the speed at which only 15 percent of traffic violates on average. Traffic engineers use the 85th percentile speed as a standard to set the speed limit at a safe speed, minimizing crashes and promoting uniform traffic flow along a corridor.

With the definition of 85th percentile speed, it would seem that the signed speed limit of a street would be highly influential in determining the 85th percentile speed, however the exact opposite is the case. A deeper dive into 85th percentile speed helps to reveal why it is a major consideration in determining a street’s posted speed limit.

As described above, the 85th percentile speed defines the speed that 85 percent of drivers will drive at or below under free-flowing conditions. Most people don’t drive according to the posted speed limit, but account for the visual aspects of the street and a ‘feel’ for the street. The visual factors that influence speeds can include:

- Sight distance and obstructions
- Presence of surrounding developments to the street
- Access management characteristics and medians/tun lane configurations
- The ‘feel’ for the street can be as simple as being the regular route that someone drives for years, the travel through a busy commercial area, or driving a route with open access and block by block intersection spacing.

With so many factors impacting the speeds on a street, the 85th percentile speed becomes a good metric that can quantify these variables and put them into one useful number. This uniformity of vehicle speeds increases safety and reduces the risks for vehicle collisions. When vehicles deviate from a standard speed, either faster or slower, the potential for crashes increases. By setting the speed limit to the 85th percentile speed, safety is increased.

Selection of the most appropriate speed limit to post can be a challenging responsibility, but proper speed limitations will result in safer and more efficient traffic flow. Setting realistic speed limits is important in inviting driver compliance, allowing effective enforcement, and reducing crash incidence. In contrast, unrealistic speed limits fail to reflect behavior habits of the majority of drivers, tend to breed disrespect for all traffic control devices, result in antagonism toward enforcement efforts, and create a poor community image for visitors, in addition to increasing the potential for crashes.

Excerpt from Priceonomics.com’s “Is Every Speed Limit Too Low?” published in July 2014

If you peruse the websites of state’s departments of transportation, you’ll often find a very technocratic explanation of the 85th percentile principle. Speed limits are consistently lower than the 85th percentile speed across the country; however, because there are many limitations on following the principle. Florida’s Department of Transportation, for example, enforces the 85th percentile principle, yet the state legislature sets maximum limits for each type of roadway. Locally, officials can come under pressure from parents and other safety-conscious groups to lower speed limits. Consistently, the 85th percentile loses out to the perception that faster roads are less safe, so speed limits should be low. It’s a misconception, Michigan State Police Lt. Gary Megyes says, that he faces often in his work. When he proposes raising a speed limit, the initial reaction is always “Oh my god! You can’t do that. People are already going too fast.” People think raising the limit 10 mph will lead people to drive 10 mph faster, when really changing the limit has almost no impact on the speed of traffic.

When speed limits have been set in accordance with the 85th percentile rule based on proper speed studies of free-flowing traffic, the 85th percentile speed rarely is affected by more than 1 to 3 mph with the raising or lowering of a posted speed limit as the Michigan and Utah results illustrate.

The more significant negative safety factor is having under-posted speed limits where most drivers follow their instincts to get to their destinations in the most efficient manner possible while operating within their personal safety comfort zone. At the same time, a small percentage of drivers abide the posted speed limit. The result is a variance in traffic speeds which creates more vehicular interactions and potential conflicts. At 85th percentile posted limits, compliance is much greater and traffic flow is more consistent and less prone to accidents. Yes, damage done by higher-speed accidents can be greater, but the logic of the 85th percentile rule as proven by Solomon and other researchers like Parker who followed him is that there will be far fewer accidents to begin with at properly posted speed limits. Correct 85th percentile speed limits also cause police to focus speed enforcement on the minority of drivers whose speeds are well above the norm, and not on responsible drivers who travel close to the safest 85th percentile levels.

The National Motorists Association (NMA) urges the FHWA and the NCUTCD’s Regulatory/ Warning Signs Technical Committee to strengthen the requirement to use the 85th percentile rule when establishing speed limits as opposed to the NTSB’s call to reject the rule and seek methods for establishing lower limits. If the federal agency has its way, speed limit compliance rates will plummet and the collection of traffic fines will explode upward. And the primary question will remain: Will our roads be safer with systematically lowered speed limits? The evidence would seem to prove not.

Here are the NMA’s specific recommendations:

1. Revise the MUTCD to state that when automated enforcement is used the speed limit shall not be below the 85th percentile speed of free-flowing traffic.
2. Revise the MUTCD and federal-aid highway contracts to require that speed limits during and after road construction be based on operating speed during and after road construction, and not inherited from a decades-old, obsolete speed study or a statutory speed limit as is the current common practice.

Please let me know if you have any questions and again, thank you for the opportunity to expand upon this very important road safety topic. I would be pleased to get you in touch with Thad Peterson to assist with your analysis of the presented data.

Sincerely,
Gary Biller
President
C: F.I.L. Retired Thad Peterson, Michigan State Police Traffic Services Section Commander
The agency also presents the false assumption that proves the effectiveness of the 85th percentile rule by setting speed limits in speed zones that result in higher rates of compliance by drivers and safer roads. Some of the best documented evidence from an authoritative source is from the Michigan State Police Powerpoint presentation (Establishing Safe and Realistic Speed Limits, https://www.motorists.org/msp-establishing-safe-realistic-speed-limits/) made to the Michigan House and Senate Transportation Committees in 2011. A. M’egge’s immediate supervisor at the time of the presentation, F.L. Retired Thad Peterson (M SP Traffic Services Section Command, 2004-2013), recently noted, “Consistently with Parker’s studies, over the past 15 years that M. M’egge and I have increased hundreds of speed limits across Michigan, our fatality rate has plummeted by around a third.” Peterson added, “None of these improvements in traffic safety, or the apparent improvement shown by the year-to-date fatality rate reduction are 100% caused by the speed limit changes, far from it. Nor are these data points impervious from having holes punched in them to a degree. For instance, there is a lag in the reporting of fatal crashes at times, due to enhanced investigation efforts into those crashes. But irrespective of any of those issues, the fact is that our Michigan fatality rates have consistently gone down while our speed limits have gone up to correct, or nearly correct levels.”

A number of different transportation philosophies have permeated the world at great cost even though none have realized anything close to the stated goals. More than 35 US cities have adopted Vision Zero principles. The nonprofit Smart Growth America’s National Complete Streets Coalition became a partner with Vision Zero proponents just last year. Complete Streets promotes a transportation and design approach that requires streets to be planned for road users of all ages and abilities regardless of their mode of transportation. In October 2017, over 1,140 agencies at the local, regional and state levels have adopted Complete Street policies. Smart Growth is an approach to development that encourages a mix of building types and uses, with diverse housing and transportation options in neighborhoods and involves ongoing community engagement. Smart Growth America has laid out 10 principles that encourage urban planners to design neighborhoods that are for mixed use, compact and walkable with less need for vehicles. Living Streets has an objective similar to Complete Streets. Its mission statement is “We envision streets in our living public space that are safe, pleasant and inviting to people to places and to each other.”

Living Streets, a recent approach to the U.S., is based on personal, not vehicle mobility, and provides multiple ways for people to travel in a shared space. All modes of transportation are free to move without restrictions in all barriers. Distinct separation of modes of travel, pavement marking or signage defining space define limitations. Even though no mode dominates, the safety and mobility of people is the fundamental starting point. Traffic calming puts physical impediments in place on existing roads to reduce vehicle speeds. The Institute of Transportation Engineers defines traffic calming as the combination of measures that reduce the negative effects of motor vehicle use, after driver behavior, and improve conditions for non-motorized street users. Traffic calming can be implemented on single streets, single intersections, entire neighborhoods or city-wide. Some examples of traffic calming include:

- Vertical Deflations: speed humps, speed tables, and raised intersections.
- Horizontal Shifts: physical barriers that do not allow drivers to drive in a straight line down a street or a road design that narrows the width of the travel lane.
- Street Closures: the use of physical means to reduce cut-through traffic in one or more directions.
- Motorists around the country are negatively impacted by efforts to make road diets and traffic calming do fact standards. Drivers need to speak up before we are overrun with costly Vision Zero programs that have yet to be proven effective in actual practice.
The Big Lie: Traffic Safety Only at Lower Speeds

By Chad Dornsife, NMA Activist, Executive Director of Best Highway Safety Practices Institute, and Institute of Transportation Engineers (ITE) Member

A recent survey sent to members earlier this year by the ITE brought light efforts by the US Department of Transportation (USDOT), the National Transportation Safety Board, and elements within the ITE to get Congress's Highway Safety Act of 1996. These efforts disregard, reject, or contradict scientifically recognized safety standards, historical precedents, and constitutional guarantees.

I'll be more direct: The USDOT is weaponizing unsafe practices by eliminating any pretext of engineering. And it is being enabled by so-called safety and engineering organizations that are abdicating their responsibilities to the public.

These actions, no doubt prompted and supported by conjecture, faulty or misleading statistics, and social objectives, are a clear and present danger to the safety and freedom of all U.S. drivers. All of this under the false aegis of SAFETY.

The ramifications of the context and nature of the ITE survey are alarming because it disregards decades of best practices and established engineering standards; instead, the survey substituted conjecture and bad science. After seeing it I felt compelled to attend the August 2018 National ITE Conference in Minneapolis and, in particular, the Workshop on Speed Limits.

The Speed Limit Workshop began with USDOT's prerequisite BIG LIE that has been repeated for decades as the primer for every presentation on safety. It was followed with a coup de grace: Recommended changes to the Manual on Uniform Traffic Control Devices (MUTCD) by USDOT that would codify safety standards that disregard established engineering practices while also providing an endorsement within the MUTCD of non-traffic control devices such as red-light and speed cameras.

The BIG LIE: The National Highway Traffic Safety Administration's (NHTSA) overview of speeding:

Speeding endangers everyone on the road: In 2016, speeding killed 10,111 people, accounting for more than 30 percent of all fatalities that year. We all know that studies from the United Kingdom and data from NHTSA's own Fatality Analysis Reporting System have demonstrated that only about two percent of all traffic fatalities are the responsibility of drivers exceeding the speed limit.

Elimination of the 55 mph National Maximum Speed Limit (NMSL) over two decades ago was accompanied by dire predictions of mass fatalities due to higher speed limits. Yet Western states saw fatality rates drop despite 80 and 85 mph posted limits on interstates and 75 mph on rural county highways. Montana eliminated posted limits for more than four years and experienced unchanged driving speeds and safety.

National speed limit policy has been used for decades as a cudgel against motorists. The roots of this abuse began with the implementation of the 55 mph NMSL in 1974. Most of us have forgotten that the NMSL was an effort to conserve fuel during the Arab oil embargo and to make the U.S. more dependent on oil imports. Its metamorphosis into a safety issue resulted in organized resistance in the form of the Citizen's Coalition for Rational Traffic Laws—the original National Motorists Association—which is widely credited with the resurgence of the NMSL.

The scientific 85th percentile speed consensus is the "speed-kills" proponents' Achilles heel, defended at all costs. In engineering terms, the 85th percentile is the gold standard of the scientific community. It holds that the primary consideration for traffic control is represented by the actual measured, safe-for-conditions speed of the public, which rationally regards the speed limit as the one-size-fits-all rule of the road. This method results in speed limits that are not only acceptable to a majority of the motorist, but also fall within the speed range where accident risk is lowest.

No other factors need to be considered since they are reflected in the driver's speed choice.

In conversations with USDOT personnel I'm not sure they are aware of the underlying legislation that authorizes them to regulate the federal highway system. Non-conforming practices have become the norm, combined with so-called home rule carve-outs. A change to the MUTCD made arbitrary and capricious statutory limits superior to fact-based practices. That's just on the engineering side.

Best estimates, using findings by the Federal Highway Administration and the American Association of State Highway and Transportation Officials, are that more than 60 million citations are being issued annually for driving that would otherwise be safe. Should the movement to eliminate the 85th percentile rule for establishing safe speed limits be successful, you can be sure ticket volumes will soar above an already formidable level.

On top of that, many states have changed moving violations to civil infractions, which improves the efficiency of convictions and fine collection. Regardless of how erratic or contrary to MUTCD standards, there is no legal remedy because civil charges are often litigated in an administrative court with little to no due process for defendants. In addition, photo enforcement has removed any pretext of due process by using administrative staff or private contractors to collect fines.

The latest attempts by the USDOT to undermine recognized and accepted best practices, and to sanction the use of enforcement devices such as ticket cameras and automated controls in the name of safety must be fought at every turn. Make no mistake, those efforts by USDOT and others are gaining momentum as Vision Zero proponents contend that the "85th percentile standard is obsolete and unsafe."

No truer words have been spoken than these from Matthew C. Siedlis, past president of the ITE:

Traffic laws that are based upon behavior of reasonable motorists are found to be successful. Laws that arbitrarily restrict the majority of motorists encourage wholesale violations, lack of public support, and usually fail to bring about desirable changes in driving behavior. This is especially true of speed limits.

Cover Story (Continued from Page 6)
The Big Lie: Traffic Safety Only at Lower Speeds

By Chad Dornsife, NMA Activist, Executive Director of Best Highway Safety Practices Institute, and Institute of Transportation Engineers (ITE) Member

A recent online survey sent to members earlier this year by the ITE brought to light efforts by the US Department of Transportation (USDOT), the National Transportation Safety Board, and elements within the ITE to gut Congress’s Highway Safety Act of 1996. These efforts disregard, reject, or contradict scientifically recognized safety standards, historical precedents, and constitutional guarantees.

I’ll be more direct: The USDOT is weaponizing unsafe practices by eliminating any pretext of engineering. And it is being enabled by so-called safety and engineering organizations that are abdicating their responsibilities to the public.

These actions, no doubt prompted and supported by conjecture, faulty or misleading statistics, and social objectives, are a clear and present danger to the ticket-issuing industry, law enforcement, and special interests—the insurance industry, the photo enforcement industry, lawyer make-a-take, local government, and elements within the ITE to gut Congress’s Highway Safety Act of 1996. These efforts disregard, reject, or contradict scientific, engineering, and social objectives. Unless the public protests en masse, misleading statistics, and social objectives are a clear and present danger to the ticket-issuing industry, law enforcement, and special interests—the insurance industry, the photo enforcement industry, lawyer make-a-take, local government, and elements within the ITE to gut Congress’s Highway Safety Act of 1996. These efforts disregard, reject, or contradict scientific, engineering, and social objectives.

National speed limit policy has been unpopular for decades as a cudgel against motorists. The roots of this abuse began with the implementation of the 55 mph NMSL in 1974. Most of us have forgotten that the NMSL was an effort to conserve fuel during the Arab oil embargo and to make the U.S. less dependent on oil imports. Its meta-morphosis into a safety issue resulted in organized resistance in the form of the Citizen’s Coalition for Rational Speed Limits (CCRSL), which was recognized by the Federal Highway Administration as “an organization that has the best protocols for speed limits, view the presentation we made in 2009 to the ITE. You can find it on the NMA website at: https://tinyurl.com/SustainableTraffic.

From Report No. FHWA/RD-85/096 Technical Summary, “Synthesis of Speed Zoning Practice”: “Based on the best available evidence, the speed limit should be set at the speed driven by 85 percent of the free-moving vehicles rounded up to nearest 5 mph increment. This method results in speed limits that are not only acceptable to a majority of the motorists, but also fall within the speed range where accident risk is lowest.”

No other factors need to be considered since they are reflected in the driver’s speed choice.”

In conversations with USDOT personnel I’m not sure they are aware of the underlying legislation that authorizes them to regulate the federal safety system. Non-conforming practices have become the norm, combined with so-called home rule carve-outs. A change to the 2003 MUTCD made arbitrary and capricious statutory limits superior to fact-based practices. That’s just on the engineering side.

Best estimates, using findings by the Federal Highway Administration and the American Association of State Highway and Transportation Officials, are that more than 60 million citations are issued annually for driving that would otherwise be safe. Should the movement to eliminate the 85th percentile rule for establishing safe speed limits be successful, you can be sure ticket volumes will soar above an already formidable level.

On top of that, many states have changed moving violations to civil infractions, which improves the efficiency of convictions and fine collection. Regardless of how erratic or contrary to MUTCD standards, there is no legal remedy because civil charges are often litigated in an administrative court with little to no due process for defendants. In addition, photo enforcement has removed any pretext of due process by using administrative staff or private contractors to collect fines.

The latest attempts by the USDOT to undermine recognized and accepted best practices, and to sanction the use of enforcement devices such as ticket cameras and automated controls in the name of safety must be fought at every turn. Make no mistake, those efforts by USDOT and others are gaining momentum as Vision Zero proponents contend that the 85th percentile standard is obsolete and unsafe.

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Dear Mr. Ferron,

Thank you for the opportunity to elaborate further about the concerns presented in my May 2, 2018 letter to Kevin Sylvester. In that correspondence, I presented specific recommendations to the FHWA provided again for reference at the end of this letter for the revision of the MUTCD to strengthen the use of the 85th percentile speed limit setting rule and requiring that such specific conditions be met before permitting the use of automated speed enforcement.

The letter to Mr. Sylvester was sparked by the National Transportation Safety Board’s report Reducing Speeding-Related Crashes Involving Pedestrians, Bicyclists, and Motorized Vehicles, NTSB/SS-17/01, P 2017-102431, in which the agency recommended obsoleting the 85th percentile rule, lowering overall speed limits, and increasing speed enforcement, particularly through the widespread use of speed enforcement cameras.

The NTSB report casts doubts on the efficacy of reducing the 85th percentile rule by concluding that existing “MUTCD guidance for setting speed limits in speed zones is based on the 85th percentile speed, but there is not strong evidence based on the 85th percentile rule by concluding that most drivers traveled below the stated speed limit. The 85th percentile rule in setting speed limits is not the only way cities try to slow down traffic. A round the country, motorists face numerous obstacles that attempt to restrict traffic flow even beyond the street’s stated speed limit.

A number of different transportation policies have permeated the transportation planning sector, which is often the reason for the war on the 85th percentile rule to determine safe and reasonable speeds. Vision Zero, for example, promotes lower speed limits and encourages road diet. Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all. Implemented in Sweden in the 1990’s, Vision Zero programs are spreading across the world, especially in Europe. The Living Streets concept is evident in many European cities.

Complete Streets and Living Streets approach the issue of transportation calming differently. Complete Streets accommodate each mode of travel in its own defined space, which includes bike lanes, sidewalks, bus lanes. The design and posted speeds are generally based on the 85th percentile. However, in some urban areas are reducing speed limits to a uniform level of between 15 to 25 mph.

Living Streets has an objective similar to Complete Streets. Its mission statement is “We envision streets and public spaces as places for people to go to places and to each other.” There is a version of Complete Streets generalized to people of all ages and abilities regardless of their mode of transportation. In October 2017, over 1,140 agencies at the local, regional and state levels have adopted Complete Street policies.

Smart Growth is an approach to development that encourages a mix of building types and uses, with diverse housing and transportation options in neighborhoods and involves ongoing community engagement. Smart Growth America’s mission is to create livable communities. Encourage urban planners to design neighborhoods that are for mixed-use, compact and walkable with less need for vehicles.

NMA Urges FHWA to Support Engineering Standards

Changing speed limits is not the only way cities try to slow down traffic. A round the country, motorists face numerous obstacles that attempt to restrict traffic flow even beyond the street’s stated speed limit.

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US cities have adopted Vision Zero principles. The nonprofit Smart Growth America’s National Complete Streets Coalition became a partner with Vision Zero proponents just last year. Complete Streets promotes a transportation and design approach that requires streets to be designed for road users of all ages and abilities regardless of their mode of transportation. In October 2017, over 1,140 agencies at the local, regional and state levels have adopted Complete Street policies.

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Street closures: The use of median barriers that reduce cut-through traffic in one or more directions. Motorists around the country are negatively impacted by efforts to make road diets and traffic calming do not standards. Drivers need to speak up before we are overrun with costly Vision Zero programs that have yet to be proven effective in actual practice.

Vertical Deflections: speed bumps/humps, speed tables, and raised intersections.

Horizontal Shifts: physical barriers that do not allow drivers to drive in a straight line down a street or a road design that narrows the width of the travel lane.

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Setting Speed Limits -- The 85th Percentile Speed

The 85th percentile speed is defined as, "the speed at or below which 85 percent of all vehicles are observed to travel under free-flowing conditions past a given point." A nother way to consider this is the speed at which only 15 percent of traffic violates on average. Traffic engineers use the 85th percentile speed as a standard to set the speed limit at a safe speed, minimizing crashes and promoting uniform traffic flow along a corridor.

With the definition of 85th percentile speed, it would seem that the signed speed limit of a street would be highly influential in determining the 85th percentile speed, however the exact opposite is the case. A deeper dive into 85th percentile speed helps to reveal why it is a major consideration in determining a street’s posted speed limit.

As described above, the 85th percentile speed is the speed that 85 percent of all drivers will drive at or below under free-flowing conditions. Most people don’t drive according to the posted speed limit, but account for the visual aspects of the street and a ‘feel’ for the street. The visual factors that influence speeds can include:

- Lane and shoulder configurations, widths, and presence of curbs
- Presence of vertical and horizontal curves
- Sight distance and obstructions
- Presence of surrounding developments to the street
- Access management characteristics and medians/tunnel lane configurations

The ‘feel’ for the street can be as simple as being the regular route that someone drives for years, the travel through a busy commercial area, or driving a route with open access and block by block intersection spacing. With so many factors impacting the speeds on a street, the 85th percentile speed becomes a good metric that can quantify these variables and put them into one useful number.

This uniformity of vehicle speeds increases safety and reduces the risks for vehicle collisions. When vehicles deviate from a standard speed, either faster or slower, the potential for crashes increases. By setting the speed limit to the 85th percentile speed, safety is increased.

Selection of the most appropriate speed limit to post can be a challenging responsibility, but proper speed limitations will result in safer and more efficient traffic flow. Setting realistic speed limits is important in inviting driver compliance, allowing effective enforcement, and reducing crash incidence. In contrast, unrealistic limits fail to reflect behavior habits of the majority of drivers, tend to breed disrespect for all traffic control devices, result in antagonism toward enforcement efforts, and create a poor community image for visitors, in addition to increasing the potential for crashes.

Excerpt from Priceconomics.com’s “Is Every Speed Limit Too Low?” published in July 2014

If you peruse the websites of state’s departments of transportation, you’ll often find a very technical explanation of the 85th percentile principle.

Speed limits are consistently lower than the 85th percentile speed across the country, however, because there are many limitations on following the principle. Florida’s Department of Transportation, for example, evolved the 85th percentile principle, yet the state legislature sets maximum limits for each type of roadway. Locally, officials can come under pressure from parents and other safety-conscious groups to lower speed limits.

Consistently, the 85th percentile loses out to the perception that faster roads are less safe, so speed limits should be low. It’s a misconception, Michigan State Police LT. Gary Megge says, that he faces often in his work. When he proposes raising a speed limit, the initial reaction is always, “Oh my god! You can’t do that. People are already going too fast.” People think raising the limit 10 mph will lead people to drive 10 mph faster, when really changing the limit has almost no impact on the speed of traffic.

NMA ADVOCACY

(Continued from Page 8)

when speed limits have been set in accordance with the 85th percentile rule based on proper speed studies of free-flowing traffic. The 85th percentile speed rarely is affected by more than 1 to 3 mph with the raising or lowering of a posted speed limit as the Michigan and Utah results illustrate.

The more significant negative safety factor is having under-posted speed limits where most drivers follow their instincts to get to their destinations in the most efficient manner possible while operating within their personal safety comfort zone. At the same time, a small percent of drivers abide the posted speed limit. The result is a variance in traffic speeds which creates more vehicular interactions and potential conflicts. At 85th percentile posted limits, compliance is much greater and traffic flow is more consistent and less prone to accidents. Yes, damage done by higher-speed accidents can be greater, but the logic of the 85th percentile rule as proven by Solomon and other researchers like Parker who followed him is that there will be far fewer accidents to begin with at properly posted speed limits. Correct 85th percentile speed limits also cause police to focus on speeding enforcement on the minority of drivers whose speeds are well above the norm, and not on responsible drivers who travel close to the safest 85th percentile levels.

The National Motorists Association (NMA) urges the FHWA and the NHTSA’s Regulatory Warning Signs Technical Commit- tee to strengthen the requirement to use the 85th percentile rule when establishing speed limits as opposed to the NTSB’s call to reject the rule and seek methods for establishing lower limits. If the federal agency has its way, speed limit compliance rates will plummet and the collection of traffic fines will explode upward. And the primary question will remain: Will our roads be safer with systematically lowered speed limits? The evidence would seem to prove not.

Here are the NMA’s specific recommendations:

1. Revise the MUTCD to state that when automated enforcement is used the speed limit shall not be below the 85th percentile speed of free-flowing traffic.

2. Revise the MUTCD and federal-aid highway contracts to require that speed limits during and after road construction be based on operating speeds during and after road construction, and not inherited from a decades-old, obsolete speed study or a statutory speed limit as is the current common practice.

Please let me know if you have any questions and again, thank you for the opportunity to expand upon this very important road safety topic. I would be pleased to get you in touch with Thad Peterson to assist with your analysis of the presented data.

Sincerely,
Gary Biller
President
Cc: F.I.L. Retired Thad Peterson, Michigan State Police Traffic Services Section Commander
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: members@motorists.org or mail to NMA, 402 W 2nd St, Waukesha, WI 53187

Dear Editors,

The summer issue mentions sound traps for ticketing loud cars in Alberta, Canada. This raises my perennial question: Why are motorcycles allowed to assault our eardrums, when cars—far more numerous—are not?

I've had many bikes myself, so don't say I'm biased. And some of them were damn fast and virtually dead silent. No one at any level, official or not, ever deigned to answer me; will you, at last?

David Carroll
A Michigan Member
Editor: The exhaust noise of most motorcycles from the factory is less than 90 decibels, which is about as loud as a typical lawnmower. Two utility bills to prove who I was and where I lived. Of course, the line had grown exponentially and I had an even longer wait this time.

I learned the hard way that license plate stickers can be obtained by mail and I also learned in Ohio at least, married women who changed their last name must also bring their legal marriage license issued by the probate court if they want to obtain a REAL ID. Women drivers feel they are being discriminated against with this rule. Perhaps they are.

It is still unclear to me though, how this process would work with a digital driver’s license. Going digital seems fraught with the potential for identity hacking and thievery. Standing in line is really not so bad when you think of alternative consequences of going all digital.

Carl Bockman
An Ohio member

On the Cusp of Irrational Traffic Laws

(Continued from Page 1)

A Guided Tour of Member Benefits

MEMBERS WRITE

Driving News Daily

The Driving News Feed (https://www.motorists.org/news/) is one of the best kept secrets of the NMA website. In order to bring motorists’ rights news straight to your email inbox, the National Office recently started a Monday-Friday service called DRIVING NEWS DAILY which you may register for at https://www.motorists.org/nma-subscriptions/. Encourage your family and friends to register also!

The NMA thanks you for your support of motorists’ rights in North America!

By Robert Talley, NMA Lobbyist

Living in Washington D.C. affords many opportunities. Easy access to museums like the Smithsonian, professional teams in every major sport, and, of course, the agony of big city traffic. Washington is ranked sixth most congested in the country for worst commutes; this is understandable given the rapid growth of the suburbs and failure of politicians to plan for and build a robust transportation network.

What is not understandable though is why politicians choose to make traffic worse, as Washington’s government did during the 2007 to 2011 single term of then-mayor Adrian Fenty. A vivid bicyclist, Fenty embarked D.C. on a transportation planning path to constrain major commuter thoroughfares, build bicycle lanes, and expand the photo enforcement of traffic laws throughout the city.

Standing Fenty was ultimately forced off of office, in part because of traffic woes, city leaders didn’t learn a lesson.

Now a participant in the Vision Zero movement, Washington has followed through on this vision and made driving even worse. For example, Pennsylvania Avenue, NW, the road that connects the Capitol building and the White House, was a multi-lane artery through the city. It was congested at rush hour but otherwise relatively open. Now, the city has blocked off a traffic lane in each direction and has installed bicycle lanes.

Today, Pennsylvania Avenue is regularly snarled with traffic even in non-rush hour periods while the bicycle lanes are little used.

There are some in Congress that would like to see this movement expanded throughout the country. Representative Earl Blumenauer (D-WA) has introduced legislation to push the Vision Zero movement through the federal Department of Transportation into state transportation planning programs by funding cities to institute these programs.

Deborah Hersman, CEO of the National Safety Council, testified before the Senate Commerce, Banking and Transportation Committee on the issues of vehicle safety and transportation policy and the efforts Congress should take to achieve zero traffic fatalities. Among the initiatives highlighted was the Road to Zero Coalition, which is a collection of government and nongovernmental organizations such as Mothers against Drunk Driving and the Insurance Institute for Highway Safety. The Road to Zero Coalition is focused on federal initiatives to achieve zero fatalities by 2050 and the means and costs that could be expended to reach this lofty goal is both financially unsustainable and decidedly anti-car.

Congress will be debating this question over the course of the next two years as it prepares to develop the next major transportation policy bill. Current federal highway and transit program authorization expires in 2020 and Congress must develop a new set of priorities for the five-year period starting in 2020. We can expect to see a lot more discussion about this follow-on program.
Two statewide initiatives regarding state transportation spending and investment will be on the November ballot. The transportation spending and investment programs for a total of more than $2 billion.

In August, the California Transportation Commission approved hundreds of local projects for a total of more than $2 billion. In August, the Encinitas city council decided to keep its red-light camera program for only 18 more months. Mayor decided to keep its red-light camera program because monitoring the cameras would be too much of a financial burden due to a change in state law. Beginning in August, private companies are no longer allowed to issue tickets and it is now only up to local law enforcement.

Also, on the November ballot: Aurora voters will have the final say on whether its city will continue its red-light camera program.

In June, toll operator SunPass upgraded its computer system in what was scheduled to be a two-week operation. Unfortunately, that upgrade turned into a comprehensive $10 million electronic toll study. Lawmakers toyed with implementing tolls in the Spring legislative session but could not reach a compromise. Since November 2017, SunPass had a backlog of 90 million transactions. The state’s Special Transportation Fund is headed for insolvency. According to early DOT estimates, tolls would yield $600 to $800 million annually in new revenue. Connecticut is the only New England state that does not rely on tolls for infrastructure funding.

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In Michigan, three motorists have filed a federal class action against Wayne County prosecutors and police for seizing their vehicles under civil asset forfeiture statutes. One of the plaintiffs, Stephen Nichols was pulled over in July 2015 for driving without a valid driver’s license. His car was towed from system vendor Gemalto said the computer system had already been offline for two weeks in early August for a scheduled upgrade. Representatives from system vendor Gemalto said the multi-state problem had nothing to do with the upgrade, but did not elaborate. Because of the ongoing problems, the state’s county sheriff departments, which run the driver’s license renewal program, want to be taken out of the equation and no longer have responsibility for driver’s license renewals.

The state’s Supreme Court rejected in late July the presumption that the owner of a car is the driver behind the wheel. The case was instigated by an April 2016 traffic stop by a Douglas County sheriff deputy involving a driver with a revoked license.

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In late August in both Idaho and Colorado. Idaho had been particularly hard hit because its computer system had already been offline for two weeks in early August for a scheduled upgrade. Representatives from system vendor Gemalto said the multi-state problem had nothing to do with the upgrade, but did not elaborate. Because of the ongoing problems, the state’s county sheriff departments, which run the driver’s license renewal program, want to be taken out of the equation and no longer have responsibility for driver’s license renewals.

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M ississippi

because it only permitted Level 5 AV in 2019. He declined signing HB 314 for other roads and bridges in the state.

A ballot initiative requiring voter approval of tolls has moved forward. Petition 10 would amend the state Constitution and if passed would mandate that voters approve whether tolls can be placed on existing roads or lanes. However, under the petition, voters would not be allowed to decide on tolls for new highway construction projects or on "new net capacity" of any infrastructure that did not exist prior to January 1, 2018. The ballot measure still has a number of obstacles before appearing on the ballot in 2020. The state transportation commission voted in August to seek federal approval for tolling Interstates 5 and 205 in the Portland area.

Tennessee

In early July, a federal court judge barred Tennessee drivers from taking their licenses from motorists who can’t pay court costs. The order means that 100,000 licenses from motorists who can’t pay court costs or other fees and only 10,750 of those drivers had their licenses reinstated. From July 1, 2012 to June 1, 2016, the state revoked nearly 500,000 drivers, many with due dates up to 40 to 50 miles long. No new funding for infrastructure had been approved by lawmakers since 1987 when they raised the gas tax by 18.4 cents but had not included an adjustment for inflation. That tax revenue was prima-

New Hampshire

Governor Chris Sununu vetoed a bill in July that would have allowed autonomous vehicle (AV) testing beginning in 2020 and excluded tolling HB 314 because it only permitted Level 5 AV testing and did not include oversight into the lower categories. (Level 5 is full autonomous operation, i.e., no human intervention necessary, while Levels 1 - 4 require some level of driver interaction.) Sununu felt that the March Arizona crash of a Level 4 Uber test vehicle that killed a pedestrian highlighted the greater need for regulatory oversight.

Oregon

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Texas

Starting with a tweet, Texas Governor Greg Abbott, who is up for reelection in November, has made the banning of red-light cameras and preempt any local ordinances or policies already in force for permitting the ticketing devices. Not only has a bill paid heed to constituents who want the cameras banned, he apparently was also heavily influenced by this summer’s release of a Case Western University study that stated red-light cameras do not make intersections safer overall. Thirty-seven Texas cities currently have red-light camera programs. The next legislative session begins in January where this will be a hotly contested issue, particularly if Abbott is reelected.

Vermont

Since 2009, the Federal Highway Administration’s MUTCD, has required all states to number exits on the interstate according to the mile marker and not sequentially. Vermont has yet to adopt this standard and state officials fear that the costs would still fall back on the government would pay for the new signs or other fees and only 10,750 of those drivers had their licenses reinstated. From July 1, 2012 to June 1, 2016, the state revoked nearly 500,000 drivers, many with due dates up to 40 to 50 miles long. No new funding for infrastructure had been approved by lawmakers since 1987 when they raised the gas tax by 18.4 cents but had not included an adjustment for inflation. That tax revenue was primarily used to build 1,088 miles of four-lane highways but no additional money was ever approved to maintain them or any other roads and bridges in the state.

Washington

Is working with Vermont of the need to avoid any lapse. As Chad Dornsife notes in the cover story, even venerable technical consultant that advises Portland, Oregon on the implementation of its Vision Zero measures. Outside of New York City, Portland is arguably the nation’s most aggressive city embracing the zero-road-fatality dogma. The NCUTCD, and therefore likely the FHWA, deck is stacked toward abolishing the 85th percentile speed limit standard.

This magazine is dedicated to raising our own alarms. I believe we are facing the most dangerous threat to our driving safety and freedom in more than two decades, back to when the NMA fought for the repeal of the 55 mph National Aximum Speed Limit. Our success in that long battle was largely dependent upon active

(Continued from Page 3)