



# *Driving Freedom*

NMA Foundation

Vol. 30 • Issue 1 • Winter 2019

## The Wild West Surveillance Frontier

# ALPRs

NON-PROFIT  
ORGANIZATION  
US POSTAGE PAID  
MADISON, WI  
PERMIT #2860

ADDRESS SERVICE REQUESTED

NMA Foundation  
402 W. 2nd St.  
Waukegan, WI 53597

# Driving Freedoms

Vol. 30 Issue 1

President's Report.....1

Fighting and Refighting a Traffic Ticket....2

Washington Report.....3

Bill Tracker and Advocacy Launcher .....4

The Wild West Surveillance Frontier.....6

NMA Recommended ALPR Restrictions...8

Tracking Your Location Everywhere.....9

Members Write.....10

Driving News .....11

State Activist List .....13

## Editorial Staff

Managing Editor.....Shelia Dunn  
 Staff Writer .....Gary Biller  
 Editor-at-Large.....Bill Jordan  
 Writer.....Steve Crawshaw



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.**

Copyright © 2019 by NMA Foundation. All rights reserved.

*Driving Freedoms* (permit # 0716556-KWP) is the official publication of the NMA Foundation, Inc. *Driving Freedoms* is published quarterly by the NMA Foundation, Inc., 402 W. 2nd St., Waunakee, WI 53597. (608/849-6000) Email: nma@motorists.org Web site: www.motorists.org. Nonprofit bulk permit paid Madison, WI. Annual membership in the National Motorists Association includes a subscription to *Driving Freedoms*.



## ONLINE ADVOCACY THE NMA WAY

BY GARY BILLER, PRESIDENT, NMA

A year ago, you accepted our challenge and came through with flying colors. The NMA Foundation fundraising campaign in the fall of 2017 was centered on the development of an online advocacy capability, one that would streamline the process for NMA members (and the public) to voice their opinions to lawmakers about legislative and regulatory actions that affect motorists.

We called the project GRAS—Grassroots Response Advocacy System—and with funding in hand, began the two phases of developing a digital lobbying platform.

Phase 1 was the construction of a bill-tracking portal for the *Motorists.org* website which, with the help of the web development firm that helped us overhaul the *Motorists.org*, *Speedtrap.org* and *Roadblock.org* sites in recent years, proceeded smoothly. In addition to legislative activity, the tracker can be used to monitor regulatory actions, particularly those of the Federal Highway Administration and the National Highway Traffic Safety Administration. Those agencies occasionally issue proposed rules for public comment. As with bills in Congress or state legislatures, these proposals offer an opportunity for us to shape public policy.

Phase 2, an advocacy campaign launcher, proved more challenging. We first looked at the in-house development of an email generating platform, one that would integrate NMA position statements

so that members could then easily personalize a final message to their political representatives. So far so good. The real hurdle was coming up with an efficient delivery system, one that could, with a few key or mouse clicks, forward their support or concerns to their representatives or even to specific legislative committees.

Some elected officials—most notably members of the U.S. Senate—do not disclose their email addresses to the public. Rather, they provide contact forms on their websites which prevents grassroots campaigns like ours a direct means of electronic contact. That forced us to evaluate commercially available online lobbying platforms that offered solutions—though rarely complete ones—to the email conundrum. I evaluated more than a half a dozen such packages, some of which had annual subscription rates well into five figures. Although intrigued by how some of the features meshed with our vision for GRAS, none of the packages met our requirements at a reasonable price.

Then along came DoGooder. Talk about serendipity. This past August, when I had almost given up finding a Phase 2 solution, we received an email solicitation out of the blue from an Australian company that offered an online platform for lobbying policy makers and for building grassroots movements. DoGooder has many of the restrictive web contact forms of U.S.

*(continued on Page 3)*

# If At First You Don't Succeed . . . Fighting and Refighting a Ticket

By Steve Crawshaw, NMA Massachusetts Member

*Res Judicata*

*A matter that has been adjudicated by a competent court and may not be pursued further by the same parties.*

In January 2017, I got a speeding ticket on I-90 in Massachusetts. The officer was using LIDAR through a closed window pointing into the setting sun. Apparently, he had no knowledge of the potential effects of reflection, refraction or occlusion. I spent a lot of time building a really strong case with the help of a \$300 contribution from the NMA's Traffic Justice Program. Through a public records request, I found that despite state law and the manufacturer's recommendation, the LIDAR unit in question had never been calibrated and there was no evidence that the ticketing officer had been given proper training in its operation.

More questions surfaced during my defense preparation. Repair records showed that the police car involved had a history of electrical problems. I had been targeted by LIDAR at over 1,000 feet despite a caution to the contrary in the device's manual. Just to make things interesting, the violation code noted on the ticket was non-existent.

Three months later I appeared before the chief clerk magistrate and lost, giving me an opportunity to appeal before a real judge. The ticketing officer did not appear at the hearing, so I won my case by default. The court provided paperwork signed by the judge as confirmation.

In July, I received a summons requiring me to appear again for the same case. I called the clerk of court and explained that the case was already closed. After I provided proof of that fact, the clerk said I did not need to appear.



A few weeks later, I received a letter from the DMV saying that I had been found guilty by default when I didn't appear in court the previous month and advising that my driver's license had been suspended. I called the court and spoke to the chief clerk magistrate who explained that he did not think it was fair that the officer had not had an opportunity to present his case. He therefore ordered a retrial. I explained that the principle of res judicata (the civil version of double jeopardy) prevented the court from reopening my case. He responded by telling me that I did not know what I was talking about. I told him my information came from the six lawyers in my immediate family, including a state supreme court justice. The magistrate said my relatives also didn't know what they were talking about.

My lawyer argued a motion to dismiss in January 2018, but that was

denied. I spoke to the state attorney general's office and was directed to the chief justice of Massachusetts whose staff said they couldn't help me.

I then decided to go to the court of public opinion. I contacted the local ABC TV affiliate's investigative reporting team. Ironically they were in the middle of exposing a big scandal where the State Police had been lying about overtime shifts. Federal charges were being considered against the involved officers because the bogus overtime pay was federal money given to the state to increase enforcement of road rage related violations. It turned out that the ticketing officer in my case had been forced to retire because he had been caught lying about his overtime.

The ABC reporters expressed interest in attending and video recording my new trial. With the cameras rolling, it was not possible to imagine all the employees of the court being any friendlier. Once again the ticketing officer (who was no longer a cop) was not there, so the judge found me not guilty and the case was over. Again.

After four court appearances spread over 14 months, and a total of 17 months since I had gotten the ticket, victory was finally mine. I can only hope that telling this story to NMA members, along with the local TV station's broadcast of my trial and its aftermath, will inform other citizens whose rights are similarly violated by a judicial system that tends to trample those who don't fully understand their rights or their options to fight back.



# NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

The 115th Congress wrapped up with a whimper when it comes to transportation policy. Only 21 bills jurisdictional to the House Transportation and Infrastructure Committee became law over the two-year session, and the vast majority of them had nothing to do with the motoring public. While new laws aren't necessarily always a good thing, consider that Congress must pass a law to get rid or amend a bad law or even a bad federal policy. Furthermore, all federal funding must originate in the House of Representatives.

The 116th Congress is likely to be more productive in the transportation sector for two reasons. First, among the very short list of issues that both Democrats and Republicans agree must be addressed is infrastructure. Although the two parties have serious differences over issues they would like to address, both are openly

discussing infrastructure concepts that might be jointly palatable. Secondly, the 116th Congress will have to address highway and transit authorization legislation because our current highway authorization runs out in 2020. A highway bill is a "must-pass" legislation in the 116th Congress.

During the year or two leading to a renewal of highway authorization, Congress generally holds hearings assessing the state of highway and transit policy. This means 2019 will be a year of oversight hearings assessing everything from highway funding mechanisms to how our highway safety policies are shaped. These hearings will then be used as the basis for developing new policies to incorporate into a new highway and transit bill. That bill will then become the basis for the prioritization of programs that will be the subject of federal funding for the next five years.

Incoming House Transportation Committee Chairman Peter DeFazio's priorities may not align closely with those of the NMA. He once sponsored a bill proclaiming that "staff in Federal, State, regional, and local transportation agencies should work to promote the use of bicycles as a means of transportation." As chairman, DeFazio will have the ability to control much of the policy direction of new federal transportation policy.

This new leadership will only increase the need for the NMA to play a role in working with the oversight and authorizing committees. We must point out the need for Congress to assess whether cities or agencies like NHTSA have become overzealous in pursuit of policies like Vision Zero or whether photo enforcement is about safety or just another revenue mechanism for states and localities. 🍷

## Online Advocacy the NMA Way

*(continued from Page 1)*

politicians mapped out to allow the direct transfer of messaging and does so at a reasonable cost. Solution found.

Now that I've taken you through some of the GRAS trials and tribulations, I am pleased to introduce on pages 4 and 5, and just in time for the start of federal and state 2019 legislative sessions, the NMA Bill and Regulation Tracker and Advocacy Campaign Launcher. (I'll grant you, that's a mouthful compared to GRAS.) But we have one very significant challenge left, and I'm hoping some of you will volunteer to help once again.

The real in-house work left is to sweep through legislative and government agency websites on a regular basis for motorist-related activity. That is no small task across 50 state sites, the dockets of myriad U.S. House and Senate committees, and federal rules-making agencies. If you are willing to help us with tracking for your state, we will provide the tools to make the search process straight forward. Typically an activity search once every two to three weeks while a state legislature is in session is sufficient.

For everyone: If you hear about activity the NMA should be tracking for its members, regardless of venue, drop us a line at [nma@motorists.org](mailto:nma@motorists.org). The effectiveness of true grassroots movements is in direct proportion to the number of people chipping in. 🍷

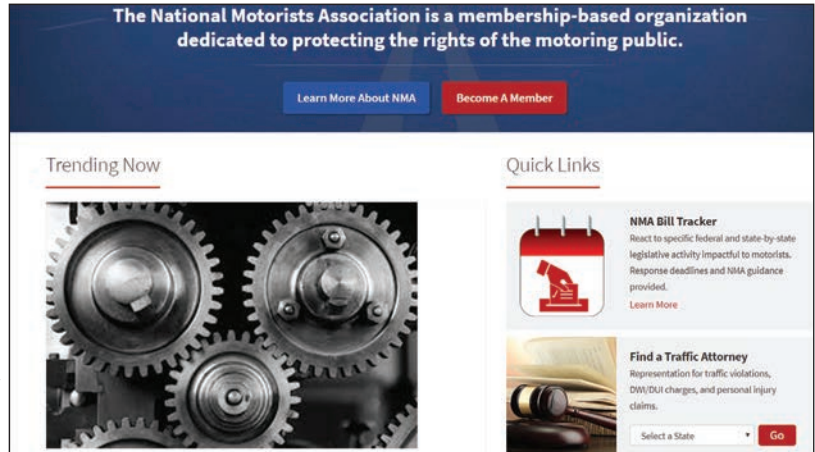
*Editor's Note: The Winter 2019 Edition of Driving Freedoms Magazine is the 30th year of this publication which started out as a newsletter and became the magazine it is today.*

*Another recent milestone for the National Office: the last Weekly E-Newsletter in December celebrated 10 years of non-stop weekly email service to our readers! Subscribe today at [www.motorists.org/nma-subscriptions/](http://www.motorists.org/nma-subscriptions/).*

# The NMA Bill/Regulation Tracker and Advocacy Campaign Launcher

When the NMA is following active legislative bills, federal or state, or proposed regulatory rules of interest to motorists, the **NMA Bill Tracker** (“Tracker”) icon will be displayed as the first quick link on the Motorists.org home page as seen to the right.

Clicking on that link will open up the **Tracker** page (as seen below) where each bill or regulation being followed is listed together with an NMA “support or oppose” recommendation. (You can also bookmark this URL to go directly to the Tracker page if you wish: <https://www.motorists.org/bill-regulation-tracker/>.)



Bill/Regulation Tracker						
Home > Bill/Regulation Tracker						
Filter by Jurisdiction: All		Filter by Issue: All		Reset		
Jurisdiction	Governing Body	Legislative Reference (e.g., bill number)	Motorist Issue Keyword/Phrase	NMA Support or Oppose	Response Date	Deadline
California	Senate House & Transportation Committee	AB 852	School Bus Cameras	Opposed	Pending	More >
New Jersey	Assembly Law & Public Safety Committee	A 4454	Ticket Cameras	Support	Pending	More >
New Jersey	Senate Transportation Committee	S 2876	Speed Limits	Support	Pending	More >

If the tracked item has a hard deadline, e.g., a bill is coming up for a hearing before a legislative committee or is scheduled for a floor vote, that date will appear in the *Response Date Deadline* column. Often legislation is under consideration but without a current timetable. In those instances, “Pending” will appear in the *Deadline* column.

The **Tracker** table can be sorted by any column heading. Two filters are provided, one for jurisdiction and the other for the issue. If you are particularly interested in activity within your state, the former can be handy. Likewise, many members like to focus on specific issues, so for those who want to see all bills related to red-light cameras, for instance, the *Filter by Issue* feature simplifies the task.

To view more detail of an entry in the **Tracker**, click on it or the adjacent “More” link. You’ll find additional information including committee assignments and a link to the full text of the bill. If there is no upcoming deadline, a legislative alert like this for S 2876, a New Jersey speed limit bill, is provided.

## New Jersey S 2876 – Speed Limit Sanity Act

December 6, 2018 • speed limits

---

<b>Bill No.:</b>	S 2876
<b>Bill Location:</b>	New Jersey • Senate
<b>Bill Title:</b>	Speed Limit Sanity Act <a href="#">Full Bill Text &gt;</a>
<b>NMA Recommendation:</b>	<span style="color: green;">👍 Support</span>

---

S 2876 was introduced to the NJ Senate on August 27, 2018. It is currently referred to the Senate Transportation Committee.

Status: Not currently scheduled for roll call or hearing.

The Senate bill would require the posted speed limit on certain limited access highways be based on the speed at which 85 percent of vehicles are traveling.

(continued on Page 5)

(continued from Page 4)

If, on the other hand, there is a looming key-decision deadline for a bill or regulation, the user will be directed to a specific NMA Advocacy Campaign Launcher (“Launcher”) page where tools to craft a personalized email along with the ability to forward it to the appropriate legislators or agency are made available. The **Launcher** can be accessed from the **Tracker** but for critical events we will also send an email alert to NMA supporters with specific details of the campaign.

The following graphic of a **Launcher** page is based on a legislative event—a bill on the desk of Pennsylvania Governor Tom Wolf that would permit speed cameras in the state—that is no longer active. We will use it to highlight some of the features of a typical campaign:

**Immediate Action Required: Contact Gov. Tom Wolf to oppose SB 172 (Speed Cameras in Work Zones and US-1)**

**Oppose Pennsylvania's Senate Bill SB 172 - Speed Cameras in Work Zones and on US-1** 0 emails sent

Time is of the essence. Governor Tom Wolf may sign **SB 172** into law at any time so it is important to send in your message in opposition to that bill as soon as possible.

Use the information provided by the NMA at the left to craft a personalized message against the proposed legislation that would allow the operation of speed cameras in PA road construction zones and on US-1 ...

**Find your local rep**

**Compose your email** Email Tips

**Subject:** Constituent Opposition to PA SB 172 - Speed Cameras

Dear Governor Wolf,

I urge you not to sign SB 172, a bill that would authorize a pilot program for road work zone speed cameras. As a Pennsylvania resident and active, safety-conscious driver, I am strongly opposed to the use of such cameras for the following reasons.

[INSERT]

Yes, send me updates

No, do not send me updates

**Speed cameras encourage artificially low speed limits and revenue-driven enforcement**

Use the following information to copy and paste the talking points that resonate most with you at the **INSERT** point of the email template to the right. The most impactful messages are those that are concise by focusing on no more than two or three main points and include the sender's individual perspective. We encourage you to restate in your own words the main points you choose for the email.

[Click here](#) for main objections to the use of speed cameras.


Also note that road work/construction zone safety is integral to this bill. Some information to consider for your message:

- In 2015 per the National Highway Traffic Safety Administration, there were 712 road work zone fatalities --- workers and motorists --- across the U.S. Of those, 23 were in Pennsylvania. The answer for safer construction zones is sound, proven engineering solutions that the state should undertake first and foremost.
- The majority of highway work zone fatalities are motorists.
- Worker fatalities are in the minority and of those, only a small portion are due to pedestrian workers being struck by highway traffic.
- The single most effective safety measure is managing the traffic flow by causing as little disruption to that flow as possible and giving drivers adequate notice of pending traffic pattern changes ahead.

Thank you for making your voice heard!

The left side of the page contains reference material to help in crafting a personalized message of support or opposition of the bill. The email message is composed and sent using the input fields on the right. For this example, we left the default “*Find your local rep*” field in place. If your address is entered, the names of the specific representatives for that district, both state and federal, will appear as “*Send to*” choices.

If this were a real campaign initiative for Governor Wolf, the “*Find your local rep*” field would be replaced by a single-click *Send* button labeled for the chief executive. In some instances, public officials provide only a web-based contact form that isn’t mapped by our platform. We would include a direct link to that online contact form; the user could then copy and paste the email message from the **NMA Launcher** to the official’s contact template.

Effective advocacy requires a platform that not only identifies important pending legislative events, but also provides the means to deliver a personalized message of support or opposition. The **NMA Bill/Regulation Tracker** and **Advocacy Campaign Launcher** have been designed for that purpose. 

## The Wild West Surveillance Frontier

To drive legally in the US, motorists agree to register their vehicles upon purchase and every year thereafter. Laws also require attaching a unique license plate on the back of the vehicle—some states require both front and back—that associates the registered vehicle with the car's owner. Because of this contract we make with the state, most people believe that the license plate is a personal identifier even though it is publicly displayed.

A core principle of American society is that our laws protect both our property and our privacy. The question to consider is whether the public display of car license plates entitles others to use them for purposes other than that for which they are intended. That intention is to demonstrate that a vehicle conforms to the requirements of state and local laws. Use of licenses for other purposes may be considered as compromising our right to personal privacy. However, this is exactly what is happening when police as well as private, for-profit companies use automated license plate readers (ALPRs) to track our location—certainly an issue of personal privacy—around the clock.

ALPRs have become the primary dragnet of big data surveillance. It is the mother lode of data miners.

The American Civil Liberties Union (ACLU) claims that when license plate information is collected it can easily connect separate sets of data about people by inference, if not by verification. Cross-referencing vehicle location data with registered vehicle owners allows anyone to track one's ongoing movement both by time and place.

How prevalent are ALPR systems? According to the Bureau of Justice Statistics, 93 percent of police departments in cities with one million or more people used ALPRs in 2013. Also, half the departments serving



fewer than 25,000 residents utilized at least one ALPR. Many use state and/or federal enforcement grants to purchase the equipment. Some enforcement agencies even use funds garnered from civil asset forfeiture or automated traffic enforcement fines.

Policing for profit has its rewards. A tragic consequence of the proliferation of police-related ALPRs is that the data so gathered are often sold to private, profit-making businesses. On the reverse side, some police purchase ALPR data from private businesses. There is big money in exploiting the privacy of a motorist's location.

### What is an ALPR?

ALPRs are high-speed, computer-controlled camera systems that are typically mounted on street "furniture" such as light poles, street lights and highway overpasses. They can also be mobile—attached to police squad cars or inside mobile trailers. The technology uses optical character recognition (OCR) to read license plates and digitally store the plate number, location, time, and the make, model and color of the vehicle. The system also retains a photograph of the vehicle and, if possible, its occupants. All data are stored on central servers.

Did you know that some ALPRs mounted on overhead passes can capture

four lanes of traffic rushing past at high rates of speed?

Police can know in minutes whether a plate number needs further attention.

Database checks can indicate if:

- \* The car has been involved in a crime;
- \* The car has been reported stolen;
- \* If the car's registration has expired; or
- \* The registered owner is uninsured, has unpaid taxes, or even is late on a car payment or other debts such as child support.

Also, ALPRs can be used for parking enforcement and at shopping malls. Until recently, the California Department of Social Services has used the devices for welfare fraud detection. However, in Oklahoma, police can only use ALPRs to identify uninsured motorists.

When you pair ALPRs with predictive policing, the privacy problem becomes more acute, especially in neighborhoods where law enforcement is conducting a more data-intensive form of policing utilizing the surveillance net.

A recent *Wired.com* article (*If You Drive in Los Angeles, the Cops Can Track Your Every Move* from November 13, 2018) outlined how the Los Angeles Police Department (LAPD) uses ALPRs along with a data rich, predictive policing software provided by Palantir, a company

(continued on Page 7)

(continued from Page 6)

that offers enterprise data collection, integration, management and analysis. The LAPD was one of the first local PDs to sign up with Palantir in 2009 after the company had already worked on programs for the Pentagon, Central Intelligence Agency and the National Security Administration.

Through a public records request, Wired.com learned that the LAPD spent more than \$20 million on this program with just over a quarter of that funding (\$5.7 million) spent on ALPR technology.

The LAPD shares ALPRs with the Los Angeles County Sheriff's Department, Long Beach, Glendale, and Burbank Police as well as three airports: Burbank, Los Angeles International and Van Nuys. Apparently, the LAPD also uses privately owned surveillance cameras deployed in shopping malls, universities and transit centers. The department has not said how many ALPRs it owns or has access to... we can only imagine.

Again, through a public records request, Wired.com found that in 2016, LAPD officers tapped into the system 200 to 300 times per day and so did the Los Angeles County Sheriff's Office. Long Beach Police accessed it about 30 times a day. Peter Bibring of the California ACLU considers the number of police searches "enormous." He also said that it shows ALPRs are now a standard surveillance tool used by police even when "officers have no reason to believe a driver was involved in any criminal activity." He added:

"The broad language for categorizing searches suggests that no indication of criminality is required to make a query. If that's the case, it's basically the Wild West for when officers can query millions of data points."

Not only can those using the LAPD system track a single license plate, they can also draw a circle on a map and ask for a list of all license plates spotted in the area at a given time. Of course, this time machine element can occasionally

help detectives solve difficult crimes. But should all this information be part of a surveillance database indefinitely?

Sixteen states and several cities have set specific time limits for data storage. Los Angeles County can keep data for at least five years. The California Highway Patrol can retain data for only 60 days. Colorado police departments may keep license plate data for three years, Georgia for 30 months, Montana, North Carolina and Tennessee for 90 days, Utah for 30 days, and Maine for 21 days. New Hampshire police must purge the system within three minutes of capture if there is no reason to keep the data.

One of the problems with ALPR data under some current laws is that they can be stored indefinitely, shared with other governmental agencies and in the case of Florida, sold to the highest bidder.



The New Civil Liberties Alliance (NCLA), a Washington, D.C. based organization that seeks to limit the power of administrative agencies, recently sued the city of Coral Gables, Florida, for using 30 cameras to record the movements of drivers passing through the city even when there was no reason to suspect them of a crime.

The group's attorney, David L. Benjamin, wrote in the filing:

"Using dozens of automatic license plate recognition cameras and software, the city surreptitiously tracks, records, collects, and aggregates the personal and private activities of its citizens and visitors, without any prior wrongdoing. It also stockpiles and analyzes this data for at least three years. Furthermore, it shares this data with a private vendor, who sells

it to still other governmental entities."

In 2015, the city contracted with Safeware and Vigilant Solutions to operate the cameras and feed data into the city's crime intelligence center. However, rather than crime prevention, the devices have been used to identify cars with expired tags, probably with the intent of issuing revenue-producing citations. The NCLA suit's plaintiff, Raul Mas Canosa, estimates that Coral Gables has captured images of his car "thousands of times." By the end of 2018, the city was expected to have scanned more than 30 million license plates despite having a population of roughly 50,000 people.

The NLCA argues that the current Florida ALPR guidelines (not a law, by the way) are so loose, they effectively allow unfettered use of large-scale vehicle tracking devices. The suit argues that tracking every move of every driver over the course of three years constitutes a search under the Fourth Amendment, particularly since the city's cache of data sets can be accessed without suspicion of any crime.

In November, the Electronic Frontier Foundation (EFF) teamed up with Muckrock, a collaborative, non-profit organization that assists in submission of Freedom of Information requests, to determine how 200 US cities use ALPRs. Utilizing the Freedom of Information Act to extract details, they determined that these programs have scanned 2.5 billion license plates even though 95 percent of the vehicles scanned were not under any suspicion of a crime. In each of the city programs, the data collected were shared with an average of 160 other agencies through the private company Vigilant Solutions. Many agencies are sharing data with over 800 separate entities.

The EFF, together with ACLU local chapters, has been instrumental in forcing cities to set new community standards for the use of surveillance technology. Santa Clara County, CA, Berkeley, CA, Davis, CA, and Seattle, WA have all developed,

(continued on Page 8)



## The Wild West Surveillance Frontier

(continued from Page 7)

with community partners, ordinances that require transparency and community engagement before police departments can acquire and use surveillance.

Oakland, CA, passed its own Surveillance and Community Safety ordinance in April, 2018, and the EFF says it is the new gold standard. The reason—Oakland’s ordinance expressly prohibits any city agency from entering into non-disclosure agreements (NDAs) or any surveillance-related contract that conflicts with the ordinance. Communities for years have been kept in the dark about the use of surveillance technology due to NDAs with both tech vendors and federal agencies including the FBI. As a result, prosecutors have dropped cases against suspected criminals to protect the NDA.

As cities increasingly pursue controlling legislation, just as many police departments are acquiring ALPRs. Community residents and the Massachusetts chapter of the ACLU recently worked with the city of Cambridge and its police department to establish guidelines for all surveillance including ALPRs. The ACLU claims this as an historic victory for transparency. The entire process took two years.

One concern for states and cities that want transparency is the use of surveillance technology by the federal government. With federal agencies expanding their domestic surveillance programs—against illegal aliens, for example—should they be allowed to commandeer local and state surveillance programs even if a community has its own opposing standards for use?

The ACLU and the EFF, along with Privacy Watch STL and the Citizens Network of Protection, continue to work to develop comprehensive legislation to assure civil liberties and privacy on local, state and federal levels. The NMA will do its part by keeping members informed and will continue to advocate for better ALPR laws. ❤️



### NMA Recommended Requirements for Restricting ALPR Use

The National Motorists Association believes that ALPR surveillance, if used at all, must be tightly restricted. The regulation should be done at the state level so that it applies to all jurisdictions within the state and supersedes local attempts to enact permissive ALPR policies. Contact your statewide representatives and insist upon instituting an ALPR statute that:

- Restricts use of ALPRs to municipal, county, or state law enforcement agencies;
- Requires that ALPR data only be compared with specific enforcement databases, such as
  - State Criminal Justice Information Networks
  - The FBI National Crime Information Center
  - The FBI and State Kidnapping & Missing Persons lists
  - The FBI Terrorist Screening Database
- Identifies specific crimes and violations that ALPR sourcing is restricted to;
- Limits the retention period of captured data to 10 days unless flagged by one of the named databases;
- Requires that data not flagged must be permanently destroyed within the 10-day period;
- Designates that ALPR data must not be shared with or sold to any non-municipal, non-county, or non-state government enforcement agency other than the FBI or the Department of Homeland Security; and
- Requires enforcement agencies that hold ALPR data to be responsible for its security and for issuing (without specific identifying information of individual license plates) annual reports on the effectiveness of the ALPR program to the state governing body. This reporting must be transparent, i.e., part of the public record. ❤️

## Tracking Your Location Everywhere You Go

Although we love the convenience of a smart phone, did you know that it can track everywhere you go?

The New York Times (*Your Apps Know Where You Were Last Night, and They're Not Keeping It Secret* from December 10, 2018) describes how smart phones track you in real time whether you're driving, walking or riding a bus, and even in an airplane.

Generally, you are only a dot on a map moving with all the other dots.

Math teacher Lisa Magrin takes her smart phone with her everywhere. Even though her identity was not disclosed in records gathered by the NY Times, it was able to track her whereabouts. A phone app gathered her location as often as every two seconds with information available to be sold and subsequently entered into a database with more than a million other phone users in the New York City area. Using the data from one of the databases, the reporters were easily able to connect her to one of those millions of dots.

Lisa Magrin was tracked driving to the middle school where she worked. Afterward, she went to a Weight Watchers meeting, followed by a visit to her dermatologist. She went home, walked her dog, and then stayed at a friend's house. She felt being tracked by her phone like this disturbing. "It's the thought of people finding out those intimate details that you don't want people to know," she said.

Like the rest of us who have smart phones, Magrin knew that apps could track her movements but she had no idea how accurate and intrusive they could be.

Among the most striking findings of the Times are the following:

- *At least 75 companies pay for anonymous, precise location data;*
- *Several of these companies claim to have tracked up to 200 million US*

*mobile phones—about half of those in use in 2017;*

- *One company revealed it could track people within a few yards and in some cases updated their locations more than 14,000 times a day; and*

- *More than 1,000 popular apps contain location-sharing code. Android phones have access to about 1,200 tracking apps; iPhones offer another 200.*



### What Do They Do With All The Data?

It's called location-targeted advertising. If you saw the Tom Cruise movie, *Minority Report*, you might recall him walking in a hallway of video-screen walls urging him by name to buy products predicted to have interest to him. This is one of the many disturbing scenes from the film, and now it seems plausible.

Businesses such as IBM, which now owns all the Weather Channel apps, and the social network Foursquare say their interests are in data patterns and not single identities. Company officials note that the data collected are not tied to a personal identifier (such as a phone number) but rather to a unique ID.

Location-targeted advertising companies say that when you enable location services on any app, the data is no longer yours. After all, you looked at the permissions agreement, right? Most of us don't read the fine print. We just accept and move on.

In exchange for allowing companies

to extract our data, we receive customized services such as the area weather forecast or the local sports scores. Many of us like this convenience but we need to recognize and be willing to accept the associated risks.

Here are some of those risks.

- *Retailers know what you are doing. Online you might be looking for healthy recipes but they might also know that you eat lunch at fast food restaurants frequently;*
- *Financial firms have detailed analyses of how many people are working in a certain business or walking into particular stores or banking institutions;*
- *Personal injury lawyers can target ads to accident victims who are in hospital emergency rooms; and*
- *Government can surveil those attending events such as lectures, rallies, or demonstrations.*


Of course, companies claim they take privacy seriously, even though policies vary broadly. Some delete data after using it for targeted ads. Others collect data for personalized ads and then sell it to data mining enterprises. Still others keep the information indefinitely.

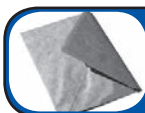
Currently, no laws limit data collection and usage. That needs to change.

In the meantime, if you do not want to be tracked or want to limit the tracking, Consumer Reports says you can do that directly on your phone:

*For Android Phones: Go to Settings > Google > Location. There you will find all the apps with location tracking and can decide which to turn off or not.*

*For Apple Phones: Go to Settings > Privacy > Location Services. Again, there you will find all the apps with location tracking and can decide which to turn off or not.*

Remember Location Tracking is not the same as Browser History—that is an entirely different privacy issue. 



## MEMBERS WRITE

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

Dear Editor,

I have been a member of the NMA from day one. I've driven over a million miles in my lifetime and raced (SCCA) on road courses into my '60's.

Anyway, something that has been bothering me for decades is "left lane squatters." Not just from an annoyance standpoint, but primarily from the danger created by this arrogant, ignorant and selfish behavior. This would be a terrific subject for one of your short impactful videos, explaining why slower traffic should stay to the right. Actually all traffic that is not passing should be in the right lane.

Amazingly, there are many who feel they are entitled to cruise in the left lane of a four-lane highway as if that is the only lane they want to drive. A Virginia Highway Patrolman expressed this to me. As apparently some might think, it is not that we want slower traffic out of the way so we can dangerously speed in the left lane.

Motor vehicles are more likely to collide when they are very close to each other at interstate speeds. Cars are likely to crash when they are bunched together and must slow down or change lanes abruptly to pass in the right lane, all because someone is cruising slowly in the left lane.

If slower traffic is in the right lane allowing faster traffic to spread and flow in the left lane, it's much safer (and more relaxing) for everyone. Drivers need to understand they do

not have the "right" to drive more slowly than others in the passing lane. It's too dangerous!

***Bottom-line: Drivers should cruise in the right lane and pass in the left. Drivers need to practice lane courtesy.***

Why left lane cruising has not been a punishable offense all these years is a mystery. As long as law enforcement continues hanging its hat on "speed kills," I guess there's little hope of changing this for the sake of safety—but let's keep trying.

Clyde L. Hunt, Jr.,  
North Carolina Member

Dear Editor,

We appear to be in a time where a driver's right of way is being challenged by others for other purposes. Once our right of way can be controlled, most if not all aspects of our lives can be controlled.

The global plan that is regional planning (sustainable development, UN Agenda 21/2030) is all about global control through planning, be it public right-of-way, zoning, permitting, etc. For this plan to be successful, the use of cars as a key aspect of freedom of travel needs to be curtailed.

You may be familiar with the concept of "gradualism," which seeks to incrementally eliminate or modify activities such as legal systems. Applied in this case, one does not successfully ban cars, one starts with slowing them down with "traffic calming," for example. It is absurd to

think that different rates of travel are going to mesh into one public right of way. The practice creates frustration as one's right of way is encroached and in some cases denied due to slower movement of others in that space. The increase in road rage is really about the expressed frustration of encroachment upon ones free exercise of their right of way by another.

Instead of educating on the proper use of right of way and enforcement of same, our government experts continue to engineer our roads to make our movements not only safe but mindless as well.

Another concern I have with zero vision is that the people making decisions about the roadways are not elected and do not necessarily represent us. My guess is they have a goal and that goal is not to make roads safer, but to control and manage people through modifying their driving.

I would suggest that comments go to elected representatives who can then direct the work of appointed people on these committees and in these departments. There is no force of law and no use of our legal political power with these experts. I see no law cited anywhere nor any defense of the public's inalienable right to go where, when, and how they want.

***We all want to travel freely and arrive safely. What should the government's role be in all this though?***

From my viewpoint, planning replaces law. Local, regional, global unconstitutional one-branch governance replaces county, state, federal constitutional, three-branch national government. Public replaces private. Tyranny replaces freedom. Social engineering replaces free society.

A California Member





## DRIVING NEWS

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

### California

In 2015, Paradise reduced its downtown main street from four lanes to two in a road diet project. This may have caused a dangerous bottleneck during the start of the November 8th Camp Fire. Many evacuees reported gridlock-like conditions that caused them to abandon their vehicles and run from the fire on foot because it was faster.

Throughout the summer, the DMV was heavily criticized due to lengthy wait times but a bigger crisis is looming. Federally-mandated REAL ID will be required by October 1, 2020. From January-September 2018, the DMV had only issued 1.5 million REAL IDs. The DMV now needs to issue about a million REAL IDs per month to accommodate an estimated 23.5 million motorists.

### Colorado

Two-thirds of voters in Aurora rejected red-light cameras on November 6th. The ballot initiative was unusual because it was instigated by the city council and not by a bloc of concerned citizens. Over about five years, the program made the city nearly \$21.5 million, with one-third of the tickets going to motorists who made uneventful, right-hand turns on red. This is the first time Colorado voters were asked to weigh in on automated ticketing devices.

### District of Columbia

As part of her Vision Zero plan, Mayor Muriel Bowser has been pushing for new legislation that would raise speeding tickets up to \$500 for motorists going 25 mph over the speed limit on city streets

and \$400 for freeways and interstates. She also wants to designate school zone and youth/senior area speed limits at 15 mph. The city is already rife with red-light and speed cameras. Since 2001, speed cameras alone have generated \$775.1 million for the District.

### Florida

The Lakeland City Council voted 5-2 in November to use \$225,000 of the city’s red-light camera citation money to move a Confederate monument out of a city park. In May, the council had voted to use only private funding. Some members of the council stated that they believed that the RLC money was not exactly “public money” since it came from individual motorists.

### Georgia

A Georgia motorist has filed a federal lawsuit after she spent four months in jail due to overzealous police. During a traffic stop, a roadside drug test was administered by untrained officers who falsely identified a bag of cotton candy as methamphetamine. Monroe County resident Dasha Fincher was pulled over on New Year’s Eve 2016 due to a dark window tint, which deputies later admitted was legal. Fincher is suing the county, the two sheriff deputies who stopped her and the drug company that makes the drug test called Nark II. In Georgia, at least 30 people have been wrongly arrested when untrained police used Nark II in the field.

### Iowa

In November, Waterloo Police Chief Dan Trelka asked the city council to

earmark some of the automated traffic enforcement money for police personnel in the next city budget. The city council said NO because the money had already been earmarked specifically for property tax relief two budget years after initial collection.

### Illinois

After an investigation by ProPublica and WBEZ, the city of Chicago announced in late November that it would dismiss some 23,000 outstanding duplicate vehicle sticker tickets and refund motorists who paid for an additional 12,000 duplicates dating to the early 1990s. Traffic enforcement officers apparently would issue more than one ticket in the same day for the same parked car. Chicago requires motorists to buy annual stickers that cost between \$88 and \$139 depending on the vehicle weight. These stickers then need to be affixed to the windshield. If not, the owner of the vehicle would receive a \$200 ticket. This has contributed to hundreds of millions of dollars of debt and thousands of bankruptcies particularly in black neighborhoods. The income from the city’s annual stickers goes toward street repair.

### Louisiana

Baton Rouge City-Parish leaders projected a half million dollar boost in revenue from a new red-light camera contract giving up to a 30 percent increase on the rate of return for tickets paid. There’s only one problem—few motorists pay their tickets. In 2017, only 38 percent of those who received one of the nearly 73,000 notices actually paid them. Over the past 10 years, the city has not collected on \$43 million in unpaid fines. As part of the new contract, American Traffic Solutions or ATS (now Verra Mobility) has contracted with the city to receive a flat fee for every ticket issued instead of earning a percentage of the gross revenue from each ticket paid.

*(Continued on Page 12)*

(Continued from Page 11)

## Massachusetts

In mid-November, the Boston City Council again began discussing lowering the speed limit for drivers. In January 2017, the city reduced the default speed limit to 25 mph citywide and now intends to reduce it further to 20 mph.

## Michigan

A new Move Over Law will take effect in February that will require drivers to reduce their speed to 10 miles per hour below the speed limit when passing emergency, utility, garbage and other vehicles stopped on the road with flashing lights activated. Drivers must also move over a lane if a lane is available. The fine for not doing so is \$400 plus two points on the offender's driver's license.

## North Carolina

The NC Board of Examiners for Engineers and Surveyors ruled in late November that ATS violated state law when it issued its engineering plans for Wilmington's red-light cameras. The ruling stems from an investigation that began over the summer and focused on whether ATS used certified NC engineers for its plan to install 13 cameras around the city. Wilmington Traffic Engineer Don Bennett said that the RLCs did not require an engineer's certificate, only permission from the state DOT. The decision is not a "final legal determination" and ATS has the right to appeal the board's decision before any court action is taken.

## New Jersey

In November, the state's Supreme Court ruled that 20,000 breathalyzer tests might be tossed after it was discovered the machines were not properly calibrated. State Police Sgt. Marc Dennis pleaded not guilty in January 2017 to official misconduct and records tampering charges after he was accused of lying about the machine calibrations in 2016. The ruling called into question tests conducted in five counties (Middlesex, Monmouth, Ocean, Somerset,

and Union) between 2008 and 2016.

## New York

Suffolk County resident Stephen Ruth who had been working against the county's \$29 million per year red-light camera program told lawmakers in September that he was ending his battle. Ruth became a notorious folk hero after vandalizing 17 cameras in 2016. After his conviction, he unsuccessfully ran for county and state offices. The county is now holding a review of the ticket camera program and there is also a lawsuit challenging the program's validity.

## Ohio

Ohio cities certainly love their speed cameras and now police have a new device—a handheld automated speed camera called a dragon cam. Police no longer have to make traffic stops to catch motorists in a speed trap. They can just point the dragon cam from a discrete location and the tickets will automatically be mailed out. In November, Norton police announced they had issued 9,352 tickets from their work zone speed trap on Interstate 76 from September 10 through October 31. At \$200 per ticket, motorists were hit with \$1.8 million in fines. The dragon cam program is now on hiatus for the winter in Norton, but Franklin Township started ticketing motorists using its dragon cam on November 14, handing out \$100 fines.

## Texas

On November 1, the Texas Supreme Court heard arguments on whether red-light cameras are constitutional. Residents from the town of Willis say their city's cameras are illegal because the city failed to do a state-mandated engineering study before they were installed. The court will issue an opinion in several months. In the meantime, newly reelected Governor Greg Abbott has made the banning of RLCs an important part of his 2019 legislative agenda, pledging that any contracts used by local jurisdictions will be legislatively preempted.

Two lawmakers have already filed a bill, however, that would permit local jurisdictions to continue using RLCs indefinitely.

## Utah

Beginning December 30, Utah adopted the nation's highest DUI standard. Lawmakers voted to lower the BAC level to 0.05%. The standard in all other states is 0.08%. But what happens if your BAC level is lower than that and you still get arrested for DUI? Anexora Leon was stopped for an expired license plate in October 2016. The officer claimed that he smelled alcohol and insisted that Leon take the standard roadside tests which apparently she failed. She was promptly arrested so a blood sample could be obtained at the county jail. The charges hung over her head for two months until the result of the test became available. The result was negative. Accordingly, Leon sued Summit County for its practice of opening DUI prosecutions before results were confirmed by a lab. To pursue the case, Leon hired an attorney to defend against the original DUI charges even though they were eventually dropped. Leon lost her suit in Federal Appeals court in late November.

## Vermont

Three members of the Vermont congressional delegation have expressed concerns over a US Border Patrol plan to set up immigration checkpoints in the interior of the state instead of closer to the border. Senators Patrick Leahy and Bernie Sanders with Representative Peter Welch said they appreciated what the Patrol does but checkpoints away from the border create needless delays and hinder commerce. They also stated that interior checkpoints may result in warrantless searches that violate the Fourth Amendment right to privacy regardless of an individual's immigration status. Their joint statement concluded, "We believe that inside our country the phrase 'show me your papers' does not belong in the United States of America." 