



Driving Freedom

NMA Foundation

Vol. 26 • Issue 2 • Spring 2015



**Can motorists' rights survive in an age of abusive enforcement,
24/7 surveillance, high costs and public apathy?**

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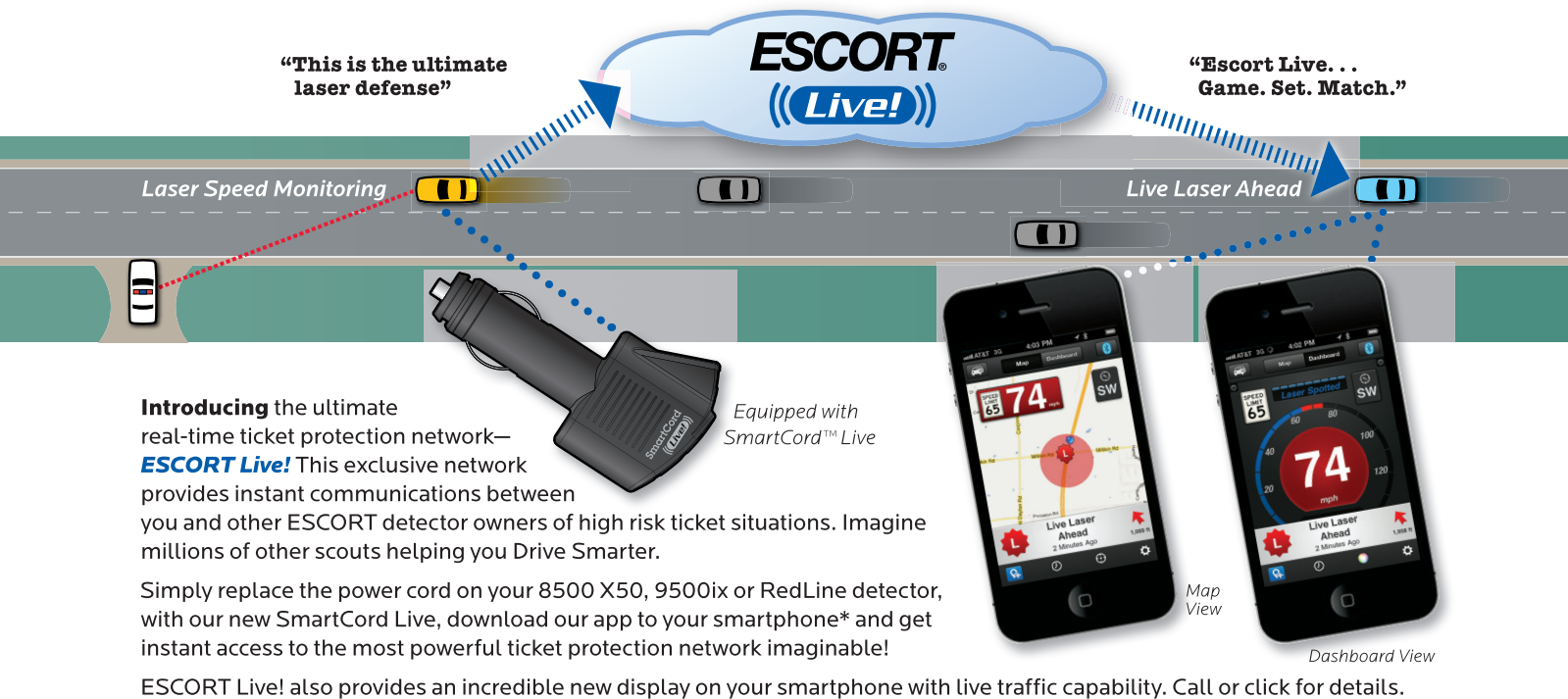
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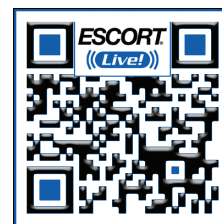
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The NMA Foundation is a non-profit organization dedicated to finding innovative ways to improve and protect the interests of North American motorists.

Renew your NMA membership now to avoid any lapse.

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THE NEXT GENERATION

BY GARY BILLER, PRESIDENT, NMA

I'm not a risk-averse person, but I do tend toward the conservative side when managing the NMA's day-to-day financial operations. It is hard not to be a bit miserly when appreciating the value of each and every dollar contributed to our organization through member dues and donations, and by our advertisers. That is changing, at least for a singular project that will influence the success of the NMA for years to come.

The last overhaul of the NMA's **Motorists.org** website was completed more than six years ago. At least two generations of online design conventions have come and gone during that time. Most notably our online audience has gone from being almost entirely desktop-based to one where nearly 48 percent accesses Motorists via their smartphone or tablet computer.

And there's the rub. The current Motorists platform is not mobile-friendly. Navigating the layers of information is awkwardly inefficient at best with a smaller screen. On top of that, Google recently announced that it will begin downgrading the SEO (search engine optimization) rankings of sites that don't properly accommodate mobile devices. That has the potential of harming a membership-based advocacy organization like ours that depends greatly on the Internet to attract new members, media interest and advertisers.

The decision to upgrade the site is unavoidable. The more difficult questions are 1) how ambitious are we willing to stretch the capabilities of Motorists, and 2) how do we finance

the project? You can't answer one question without addressing the other.

With regard to scope, we have laid out a six-point project plan:

- ▶ Convert Motorists to a design responsive to mobile/tablet traffic;
- ▶ Update the look and feel of the site using modern design elements;
- ▶ Focus on SEO improvements to strengthen online traffic;
- ▶ Integrate a content management system to allow NMA staff to edit content without contract help;
- ▶ Boost state chapter page traffic by regularly adding fresh state-specific content; and
- ▶ Follow with similar upgrades to **Speedtrap.org** and **Roadblock.org**.

Each step is formidable, perhaps none as much as revitalizing the content of each state chapter page. Our goal is to have Motorists become THE online destination for those interested in drivers' rights, related regional news and legislative activity, and for those who want to participate in discussion forums about issues facing motorists.

None of this will work without the support of NMA members. With 50 state pages, each with a thirst for current content, the NMA staff can't do it alone. We need a volunteer in each state—New York and New Jersey are already spoken for—who will help us manage the content for each state page. If you are interested in finding out more, please contact me.

The project cost is where my conservative fiscal nature is being challenged. Even with a generous donation from the

(Continued on Page 3)

Florida Couple Receives Sentinel Award for Leading Charge Against Red-Light Cameras

Editor’s Note: The NMA developed the Sentinel Award to recognize those who work diligently on behalf of the motoring public, often at personal risk and sacrifice.

The battle over red-light cameras began in 2013 between the board of commissioners in Hernando County, Florida, and the City of Brooksville over the city’s use of the automated ticketing devices at county intersections. The wrangling came to a head when Brooksville retirees Pat and Shirley Miketinac led a petition drive to allow the public to vote on a charter amendment that would prohibit the use of the ticket cameras in the city.

Pat noted that “Shirley had a knee injury during most of the petition drive but still insisted on going door-to-door in a wheelchair to help get enough signatures before the deadline.”

“Came to a head” is a mild way to describe what happened after the Brooksville supervisor of elections certified the Miketinacs’ petition. The city sued the Miketinacs and the 21 circulators who helped gather signatures. A camera industry front group, Keep Florida Roads Safe, joined the party by filing a separate lawsuit against the same parties plus the elections supervisor. The goal of both lawsuits was to prevent city residents from voting on the charter amendment.

Despite the validity of the petition, just one week before election day last November a Hernando County judge blocked the right of Brooksville citizens to vote on the charter amendment. He noted that the proposed amendment, “. . . if passed would remove or eliminate the power of the Brooksville city council to take action that may result in the authorization of the use

of red-light cameras in the future.”

This significant setback did not deter Pat and Shirley Miketinac who we honor with the NMA’s Sentinel Award for proving that democratic government is a product of the will of the people, not the other way around.

During the week between the judge’s ruling and the general election, the Miketinacs rallied angry voters by noting, “This goes beyond the limited problem of red-light cameras. This goes to the heart of representative government. What good is it to have elected officials who refuse to listen to their constituents?”



Pat and Shirley Miketinac speak out against red-light abuses in Florida during a public meeting.

On November 4, 2014, Brooksville voters ousted a city council member who supported the red-light camera program. Three months later, the reconstituted council voted not to renew the contract with the camera vendor, effectively shutting down the ticketing devices later this year when that contract expires. For good measure, the council voted to increase the right-turn-on-red violation limit from 5 mph to a more realistic 11 mph.

Motorists in Hernando County have much to thank Pat and Shirley Miketinac for. The Sentinel Award is our way of recognizing their substantial and inspirational contributions. 🚗

In the weeks before the November 2014 elections in Brooksville, *The Tampa Bay Times* weighed in with this editorial:

The legal fight (in Brooksville) has drawn the attention of a newly created nonprofit, Keep Florida Roads Safe, that is tied to the red-light camera company, American Traffic Solutions (ATS), according to a report by WTSP – Ch. 10. The advocacy group filed lawsuits mimicking the city’s legal stance.

The group’s purpose, according to its articles of incorporation, is to advocate “for regulations and laws aimed at making Florida roads safer; mobilizing Florida voters to support road safety related measures and educating Floridians on the importance of responsible driving and road safety.”

What disingenuous nonsense. This is about protecting a lucrative business arrangement in which red-light camera operators take almost one-fourth of each \$158 payment from ticketed drivers. ATS doesn’t even hold a contract with the city of Brooksville. The 16 cameras in Brooksville are operated by Sensys America and they produced more than \$550,000 each to the company and the city in their first year of operation . . .

If the red-light cameras are vital to maintaining safe streets in the city of Brooksville, then why is a council majority and now a red-light camera company afraid to ask voters to bless the cameras’ continued use? Could it be that profits are the true motivation and neither wants to damage their bottom line?



NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

Falling gasoline prices, transportation funding and the cost of urban sprawl top the agenda in Washington at the moment.

If oil prices continue to stay at current levels, consumers could save \$50-\$75 billion in fuel costs alone with the benefits felt mainly by low- and middle-class families. That number dwarfs any tax cut Congress has contemplated. Additionally, the United States is now producing more oil than at any time since the 1970s, making the prospect of energy independence an achievable goal, not just a popular political stump speech one-liner.

With this national asset, legislators are now beginning to discuss what it means for U.S. international policy if we are no longer dependent on foreign oil. Given our huge financial and national security commitments in the Middle East, do we need to reassess how and when we engage in geopolitical events based on energy interests? These are very significant questions that will undoubtedly play out over time.

On a more immediate schedule, Congress has yet to address the looming deadline for renewing the mechanisms to fund the Highway

Trust Fund. At the end of May, all authorizations for federal funding of transportation projects ends unless a new authorization bill is passed. Congress has faced this deadline before and has simply extended the current programs. However, the newly elected Republican-controlled House and Senate want to show that they can work together to pass a bill that would, for the first time in years, actually establish a new policy for transportation funding. So far, the efforts to resolve the sticking points don't appear to be making much progress.

The federal government typically spends about \$50 billion per year on transportation projects, but the gas tax only brings \$34 billion. With conservative lawmakers insisting that any new programs be fully funded and a gas tax hike presumably off the table, it isn't a surprise that transportation policy leaders are struggling to find the \$16 billion dollars to make up shortfall.

Newer to the discussion is the concern about the cost and impact of urban sprawl. Drivers are now estimated to be paying an additional \$625 billion in annual direct costs for living farther and farther outside of metropolitan areas. Indirect costs are rising, too. Approximately \$400

billion in costs are imposed on society from issues like air pollution, traffic delays and accidents. These costs could rise and directly impact new transportation projects.

The administration has recently proposed that all new federally funded projects include an assessment of the impacts on climate change. The new assessments will likely include direct and indirect costs. Direct costs would cover the cost and environmental impact of building the project; indirect costs would factor in the environmental impact of vehicle emissions from new roads as well as emissions from developing, refining, and transporting the fuel consumed while using the new road—for the next 50 years.

Additionally, the new review process will require consideration of more environmentally conscious alternatives. What might such a review conclude? That your next federally funded road project ought to be light rail or bus lanes rather than road and bridge improvements. These changes are anticipated to make road building more cumbersome and more expensive, leading to fewer and most costly highway construction projects. 🚗

The Next Generation

(Continued from Page 1)

NMA Foundation, the NMA will spend in excess of \$20,000 in the near term. Shortly after you read this, look for a letter from me that kicks off the Spring 2015 NMA Legislative Campaign. That campaign will be geared toward raising money to finance the effort to re-energize our websites. I'll include much more detail about the look and feel of

the new Motorists home and state pages so that you can share in our excitement.

I'm also pleased to announce that the NMA Board recently elected John Bowman to the position of Vice President. John joined the NMA in October 2011. In his 3-1/2 years as communications director, he has become a true partner whose input I

rely upon heavily. The VP title will give John more range in dealing with the media, while attending to his primary role of managing our social media presence and editing *Driving Freedoms*. Over time, he will continue to get more involved in the business operations and policy decisions of the association. Congratulations, John! 🚗

The Mileage-Based User Fee: At what cost?

By Gary Biller. Originally published in *The Ripon Forum*. (Reproduced with permission.)

Rarely is a problem best solved by adding layers of complexity to an existing process, particularly a budgetary process. Such is the proposal to supplement or replace the fuel tax with a mileage-based user fee to pull the Federal Highway Trust Fund back from the teetering edge of insolvency.

The real problem with the Trust Fund is how the money is being spent, more so than with how it is being collected from road users. While the nation's roads and bridges decline further into disrepair, those who constitute the Washington, D.C. political establishment continue to fiddle.

In the 2007 report, "Paying at the Pump: Gasoline Taxes in America," Jonathan Williams (then of the Tax Foundation) wrote, "... current federal highway legislation authorized over 6,000 earmarks from the Highway Trust Fund. Some of these went to legitimate transportation programs, but others were earmarked for items such as the infamous 'Bridge to Nowhere.' Today, gasoline tax revenue is spent on everything from public education and museums to graffiti removal and parking garages."

At about the same time, the Transportation Review Board noted in its "Special Report 285" that, two years earlier, the federal government collected \$107 billion in highway user fees, with the majority being generated from gas tax revenue. The TRB reported that only \$85 billion of that total was devoted to highway spending.

The Trust Fund allocation process is little better today. Any discussion about the effectiveness of the fuel tax vs. a mileage-based user fee needs to start there, because any revenue collection method will be saddled with the same systemic problem. If

only our legislators had the political will and self-discipline to limit the incessant earmarking of transportation funds for non-highway projects.

That being said, the fuel tax is the simplest, most equitable method of charging motorists for the maintenance of our highway infrastructure. Heavier, less fuel-efficient vehicles contribute more to road wear and tear than do smaller passenger vehicles and motorcycles, but by virtue of higher fuel consumption their owners also pay more toward the Trust Fund.



Bridge to Nowhere, San Gabriel Mountains, California.

A mileage-based user fee requires tracking of actual vehicle miles traveled. Recording the mileage is an added data collection step, either through periodic odometer inspections or by a much more intrusive GPS-based tracking system that monitors the whereabouts of each vehicle at all times. The GPS method opens the door for creative traffic management schemes such as charging drivers more per mile when they are navigating through congested traffic zones. Urban planning by way of social engineering. No thank you.

The loss of motorist privacy by GPS tracking would come with another hefty cost. Paying an estimated \$50 to \$100

to install the necessary hardware per vehicle for the 250 million registered cars and trucks on U.S. roads translates to a vehicle owner and taxpayer-absorbed cost of nearly \$12.5 billion.

Whether the mileage-based fee is determined by reading odometers or through uploaded tracking information, it does not apportion cost based on the road maintenance caused by specific vehicles that is a hallmark of the fuel tax. Instead, the tax per vehicle mile would ostensibly be the same for an 18-wheel tractor-trailer as it would for a motorcycle; all this at the cost of introducing a new revenue collection system (and requisite overhead) to monitor and collect road user fees based on the distance vs. time profile of each vehicle.

Critics of the fuel tax point to electric cars and gas/electric hybrids as not consuming enough fuel to contribute their fair share to the Trust Fund. Through late 2014, 3.8 million plug-in electric and hybrid vehicles have been sold in the U.S. since introduction. That constitutes only 1.5 percent of the nation's motorized traffic today. These vehicles are not part of the Trust Fund's solvency issues and likely won't be for several more years. If need be, owners of electric vehicles can be charged an assessment based on average miles traveled to make their contribution to the Trust Fund more equitable.

Index the federal fuel tax to inflation if you must. (The last adjustment to the per-gallon tax was over 20 years ago.) But do not take the existing and inherently fair method of charging drivers for highway use by vehicle fuel consumption and complicate it with a mileage-based user fee that adds new levels of cost, bureaucracy, and privacy concerns. 🚗

Traffic Enforcement Cameras Won't Live Up to Safety Promises

By John Bowman. Originally published in *The Times of Northwest Indiana*. (Reproduced with permission.)

Editor's Note: NMA members in Indiana recently helped defeat a bill to allow speed cameras in work zones as well as ticket cameras on school buses. The NMA contributed the following op-ed that laid out the plain facts about cameras and safety. We were responding to a piece from AAA extolling the virtues of ticket cameras (see sidebar). Once you read it, you'll know why we had to set the record straight.

Indiana House Bill 1404, which would allow the use of traffic enforcement cameras in highway construction zones and on school buses, is nothing more than a revenue-raising scheme dressed up to look like a public safety program.

School bus enforcement systems employ cameras on the exterior of school buses to record alleged passing violations of stopped school buses that are loading or unloading children. Supporters imply cameras will save countless lives. They highlight the sheer amount of potential risk involved with the business of transporting children to and from school.

The reality is quite different. According to a National Highway Traffic Safety Administration (NHTSA) report, of the 119 school children who were killed in bus-related accidents between 2003 and 2012, 70 percent were struck by the bus, and 30 percent were struck by another vehicle. In other words, school buses were responsible for the deaths of 83 school children while motorists were responsible for 36 across the entire country over that 10-year period.

Indiana's numbers follow the same pattern. Between 2004 and 2013, six school children in the state were killed in school-bus related accidents, according to data collected by the Kansas State Department of Education. The data show that five of these, 83 percent,



were caused by the school bus. The presence of a camera bolted onto the side of a bus would have done little, if anything, to prevent these tragedies.

Likewise, putting speed cameras in highway work zones will do little to protect workers since only around 14 percent of work zone fatalities involve workers and many of these are caused by construction vehicles or other non-traffic related causes, according to the U.S. Department of Labor.

The purpose of all camera-based traffic enforcement is to enrich the for-profit camera companies and their business partners: the public officials who become

addicted to the easy revenue cameras provide. This alliance often leads to many unintended consequences for the communities afflicted with ticket cameras, including corruption scandals, costly legal challenges and lawsuits, as well as disgruntled constituents who rebel against their elected leaders. This is why many states are shedding camera programs. Indiana lawmakers should learn from their examples.

Once ticket cameras gain a foothold, they will spread throughout the state. If House Bill 1404 becomes law, the next push will be for speed cameras in non-work zones as well as accident-causing red-light cameras at "dangerous" intersections.

Those who perpetuate the myth of photo-based traffic enforcement for safety do us all disservice. Their efforts confuse, mislead and distract from the real solutions for improving highway safety based on sound traffic engineering, reasonable enforcement and widespread public education. 🚗

In 2013, there were 485,820 illegal school bus passes reported in Indiana within 184 of the state's 354 school districts. Additionally, in 2012, Indiana recorded 3,498 work-zone collisions which resulted in 10 fatalities and 637 injuries.

Sadly, many motorists ignore existing laws and put Indiana children, work zone workers and other drivers in danger by illegally passing school buses and speeding through work zones.

Fueled by overwhelming support from its 405,000 members, AAA Hoosier Motor Club supports House Bill 1404, which would allow for the use of enforcement cameras on school bus stop arms and in work zones.

As long-time safety advocates, AAA HMC believes a school bus should never be passed when its red lights are engaged and stop arm is extended and work zone speed limits should not be at the discretion of motorists based on worker visibility.

Oftentimes, workers are present even when they can't be seen, and with lane shifts, reduced lane widths, barriers and uneven pavement, drivers take a terrible risk when speeding through these areas because there's no margin for navigational error.

The issue isn't driver privacy, government intrusion or motorist inconvenience. House Bill 1404 is about preventing injuries and saving lives.

—AAA Hoosier Motor Club Guest Commentary, www.nwitimes.com

Drivers: Second Class, Double-Taxed Citizens (and it's our Own Fault!)

Motorists' rights in the age of abusive enforcement, 24/7 surveillance, high costs and public apathy

In his last *Driving Freedoms* column, NMA President Gary Biller described the NMA's 2015 outreach program, which includes in-person speaking engagements to other liberty-minded organizations around the country. The purpose is twofold: 1) to attract new members who share our concerns about the erosion of our civil rights, and 2) to meet with groups of NMA members to better understand regional motorists' issues and share ideas about how to address them.

We're happy to report that Gary's first road trip was a great success. In February Gary addressed approximately 100 members of the Lehigh Valley Tea Party (LVTP) in Allentown, Pennsylvania. The next day Gary and NMA Foundation Board Chair Steve Carrellas had a lunch meeting with 35 NMA members from Pennsylvania as well from three adjoining states.

We're eager to schedule more such meetings and to get together with NMA members around the country. Shoot us a note if you know of a likely group we should contact. In the mean time we thought we would share Gary's LVTP presentation, in condensed form. The complete presentation can be viewed on YouTube at https://www.youtube.com/watch?v=8SyU_n3_3FQ.

The title of my presentation tonight is "Drivers: Second Class, Double-Taxed Citizens (and it's our Own Fault!)." Let me explain that the second part of the title is not a lament, it's a call to action.

There are approximately 225 million licensed drivers in the United States. It would be difficult to name any special interest group larger than that. Yet, there is little outcry about:

- ▶ Increasingly invasive surveillance of motorists by authorities and even

by private for-profit contractors;

- ▶ Federal, state, and local governments that collect \$110 billion from motorists each year while our roads and bridges continue to deteriorate;
- ▶ The disregard of drivers' constitutional rights during traffic stops and by the courts.

Let's take a look at these in order.

Why is there little outcry about increasingly invasive surveillance of motorists by authorities and even by private, for-profit contractors?

Stories abound of abuses of surveillance technology gone awry. From NSA domestic spying to the Drug Enforcement Agency (DEA) building a database using automated license plate readers (ALPRs), advances in technology far outpace our legal protections.

Try defending yourself in court against a red-light camera or speed camera ticket. It can be done successfully, but with automated surveillance comes a loss of discretion and due-process rights. That discretion is the judgment a live officer can impart on a particular incident. Cameras have been known to ticket entire

funeral processions, even with local police waving the vehicles through intersections. Bottom line: Red-light and speed cameras are for-profit, budget-gap-plugging enterprises.

Today well over 90 percent of the vehicles on the road have event data recorders, also known as black boxes. These devices store operating information—speed, braking/accelerating profiles, etc.—a few seconds before and after an accident that sets off the vehicle airbag.

It may surprise you to know that black boxes were first installed in domestic vehicles some 20 years ago. Yet today, only 15 states have any laws that define who owns the black box data. Just about all these laws agree that the vehicle owner does, but most states leave that as an open question.

Police cruisers use automated license plate readers to cruise roadways and parking lots snapping up license plate information, including owner information and time and place data. The largest private contractor for ALPR data is Vigilant Solutions, which boasts of gathering data on 70 million license plates per month.

Ford VP: 'We have GPS in your car, so we know what you're doing'

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Vigilant uploads the information to a slew of databases and sells access to anyone who will pay: debt collectors, tax authorities looking for delinquents, law enforcement looking for drivers with expired driver's licenses or lapsed insurance coverage. And now we have reports of the DEA expanding its ALPR operation into a nationwide tracking program when it was intended as a program to control drug trafficking in just a few states.

During the 2014 Consumer Electronics Show in Las Vegas, the automakers shared their mindset on your privacy as a motorist when a Ford executive made the following comment: "We have GPS in your car, so we know what you're doing." The crowd immediately murmured its disapproval which caused him to add, "But we aren't sharing the information with anyone." That didn't help.

Why is there little outcry over federal, state, and local governments that collect \$110 billion from motorists each year while our roads and bridges continue to deteriorate?

The federal and state gas taxes you pay at the pump were established to pay for the maintenance and expansion of our roads. Yet we see a proliferation of highway tolling schemes, which amounts to a doubling up on fees to maintain roads. Even when justified to pay for new road segments, it's funny (not ha ha) how the collections continue indefinitely. Toll revenue is an addiction for public officials who need the money fix.

Per the Transportation Research Board, overhead, maintenance and enforcement costs for a typical toll facility are one-third of collections. That number is closer to one percent to administer the gas tax. And consider the other taxes and fees you pay for the privilege of driving: tire/battery excise taxes, vehicle registration



fees, license renewal fees. It kind of adds up for 225 million motorists.

Traffic tickets are a multi-billion dollar industry for thousands of jurisdictions across the country. It's not just the penalty, but the layers of additional taxes and fees that get tacked on. In California, the base fine or a routine moving violation, improper lane change for example, is \$98. But by the time you add on the fees and surcharges to fund 15 distinct local and state programs, the total amount quintuples to \$480. Things like the state DNA ID fund, the state automation fund, new courthouse construction. I even saw one for the state treasurer's forensic fund. What this heck is that and how does it pertain to a traffic violation?

Why are these tacked on to traffic violations? Because most people, around 95 percent, never contest their traffic tickets and become easy prey as a result.

How we allocate transportation funding is more critical than how (or even how much) money is collected from road users. The Federal Highway Trust Fund is constantly on the brink of insolvency, getting bailed out at the last minute by a political process that shuffles money around.

A 2007 report from the Tax Foundation stated that federal highway legislation had authorized over 6,000 earmarks from the Highway Trust Fund. Some went to legitimate transportation programs, but others were allocated to items like the infamous "bridge to nowhere," graffiti removal from government buildings and parking garages. The process is no better today. Stop the

earmarks and spend gas tax revenue on what road users were told from day one: maintaining our highway infrastructure.

Why is there is little outcry about the disregard of drivers' constitutional rights during traffic stops and by the courts?

I've handed out complimentary copies of a special issue of our NMA member magazine titled "We are all Suspects." In it you'll find story after story about the abuse of motorists' rights. Sadly, there's too much material to cover in one presentation or even a week's worth of presentations so I'll hit a few highlights.

A New Mexico driver was subjected to multiple cavity searches, repeated enemas and a colonoscopy, all against his will. Why? Because the police claimed his body language—they cited the impression of clenched buttocks—indicated that he was concealing drugs and gave them probable cause. No drugs were found, and to add insult to injury, the hospital billed him for the procedures he had to endure.

The U.S. Supreme Court has ruled that roadblocks are unconstitutional, but they provided a loophole for DUI checkpoints. These checkpoints catch very few drunk drivers, but they do allow increased scrutiny of responsible drivers who have done nothing to warrant a traffic stop. They're profitable as well. The State of California seized \$40 million worth of property at DUI checkpoints in a recent year. Only one in seven cars towed and impounded was for suspected DUI. The rest were for charges like lack of proof of insurance or an expired license.

The National Motorists Association advocates for the following principles:

1. Traffic laws fairly written and reasonably enforced. Translation: Drop the command-and-control tactics and treat motorists as

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responsible adults. Engineering, education then enforcement.

Highway safety and the motoring public at large benefit by incorporating proven engineering solutions such as bigger, brighter traffic lights with backing plates to cut down glare and reflection, better sight lines at intersections, clearer lane markings. Ditto for education, whether through PSAs or informative signage. Many enforcement agencies and the insurance industry reverse the order of the 3 E's, putting enforcement above all else.

2. Full due process rights for motorists—in the courts, on the streets, and in their vehicles. Translation: Follow the Constitution. It isn't just a piece of paper and drivers aren't second-class citizens.

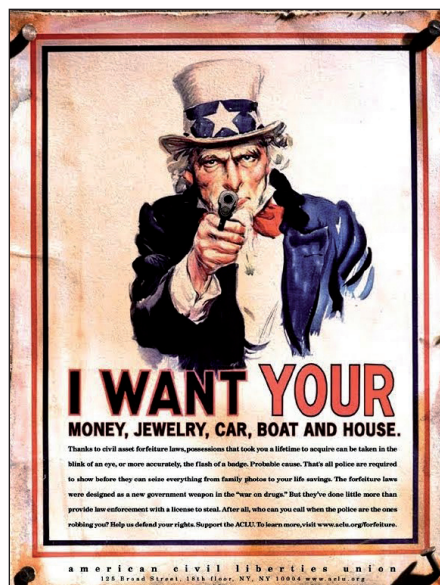
It sounds simple but motorists' constitutional rights are violated every day. For example, an Ohio law prevents vehicles from having concealed compartments, and a driver can be convicted for having one, even if no contraband is found. The premise of the law is that a hidden compartment is proof enough of nefarious intentions. Do we really want to compromise our system of justice by legitimizing a charge of guilt without evidence of a crime?

3. Traffic penalties based on sensible standards that differentiate between responsible behavior and demonstrated unsafe behavior. Translation: Stop assigning guilt by suspicion. Constitutional republics aren't police states.

A young driver in Georgia left a fast food restaurant, steering with one hand and eating a cheeseburger with the other. Not necessarily a wise thing to do but this driver showed no signs of driving irresponsibly and he

wasn't putting anyone at risk. Still, a cop pulled him over and issued a ticket for distracted driving.

4. Reasonable highway user fees for maintaining/improving highway infrastructure, not for wasteful overhead or unrelated pet projects. Translation: Having road users pay for necessary upkeep and expansion is fair. Charging them twice—as taxpayers and as drivers—for non-highway projects is not.



5. Traffic safety based on sound engineering solutions, not by arbitrary measures such as speed traps or red-light cameras. Translation: "Revenue collection" corrupts rather than enhances road safety.

Case in point: Chicago's red-light camera program is the largest in the country and possibly the world. The city collects over \$70 million in red-light camera ticket revenue each year. Talk about big business. So, it came as no surprise when some city officials and the for-profit camera company officials were indicted on federal bribery charges. One official has already pleaded guilty for funneling two million dollars from the camera company Redflex to a former Chicago transportation official.

6. Driver education emphasizing early advanced driving-skill development, both on-road and in controlled learning environments. Translation: There is no substitute for quality experience behind the wheel for novice drivers.

Graduated licensing programs put tight restrictions on young drivers such as driving curfews and limits on number of passengers. Proponents point to sharply reduced accident and fatality rates as a result. What has also been shown is that the accident and fatality rates of slightly older drivers climb by a comparable amount. We aren't doing our kids justice by delaying real-life experiences behind the wheel. The implementation of better, skill-based driver education classes along with the use of simulators is the solution.

I'll ask again. Why is there so little outrage about these injustices? I'll answer with a few quotes from an eclectic but insightful group of erstwhile philosophers:

"We may have found a cure for most evils; but we have found no remedy for the worst of them all, the apathy of human beings."

—Helen Keller

"People in America think democracy is a given. I think of it as an ecosystem, and what gets in the way of it is politicians and apathy."

—Henry Rollins

"Government is at its worst when you have apathy from its citizens."

—Jesse Ventura

Grassroots efforts by dedicated people do work. For example, many local advocates have successfully petitioned to let citizens have an up or down vote on the use of photo enforcement in their communities.

Take action. Get involved. Demand government transparency. Engage your local, state and federal representatives. 🗳️

Update: Mixed News on Civil Forfeiture Reforms

Having a government agency police itself is a bit like having the fox guard the hen house. A recent example comes courtesy of the Department of Justice (DOJ) and its recent “reforms” to civil forfeiture practices.

In January Attorney General Eric Holder announced what was billed as sweeping changes to the rules governing civil forfeiture practices in the United States. At first this sounded like good news, but a closer analysis reveals that the reforms are cosmetic, intended to address growing public outrage over civil forfeiture without actually changing anything.

Using civil forfeiture laws, police can confiscate property like cash and vehicles if they suspect the property is tied to illegal activity. The police don’t actually have to prove such a connection exists, and motorists must often fight lengthy and expensive legal battles to retrieve their property, even if they haven’t been charged with a crime, let alone convicted. Motorists are prime targets since many civil forfeiture operations are conducted under the guise of drug interdictions along known smuggling routes.

The abuses spawned by civil forfeiture are many, some almost too outrageous to be believed. For example, in Camden County, Georgia, the sheriff’s department seized approximately \$20 million over 15 years. The department then used the money to buy a \$90,000 Dodge Viper, a \$79,000 boat and college tuition for favored deputies, among other things.

In Caddo County, Oklahoma, the district attorney’s office contracted with Desert Snow, a private firm specializing in civil forfeiture consulting, to conduct interdiction operations on state highways. Working with local police officers, Desert Snow seized more than

\$1 million over six months. The firm retained 25 percent of the haul under the contract terms. Fortunately, the scheme was shut down after a local judge got wind of it and threatened to jail the Desert Snow employees who participated.

The primary pipeline for all the loot runs through a DOJ scheme known as the Equitable Sharing Program. Under equitable sharing, local and state law enforcement agencies can seize property using federal law, thereby circumventing stricter state forfeiture laws and procedures. The proceeds are transferred to the Justice Department, pooled and then redistributed; the feds keep 20 percent and 80 percent goes back to the states.

Equitable sharing means easy money—lots of it. Since 2008, local and state police agencies have used the program to make more than 55,000 seizures of cash and property worth \$3 billion, according to *The Washington Post*. So many observers and activists were encouraged when Holder announced changes to equitable sharing, ostensibly intended to excise the profit motive by limiting unnecessary stops and seizures.

But a closer analysis paints a different picture. Turns out the “sweeping changes” will only affect one small piece of the program that accounts for about three percent of total revenue. Big whoop. And law enforcement agencies can still use state laws, as well as other components of the Equitable Sharing Program, to conduct forfeiture operations.

But don’t give up hope just yet. With all of the public criticism and outrage

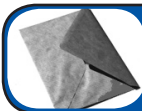


over civil forfeiture lately, Congress is starting to pay attention. Sen. Rand Paul (R-KY) and Rep. Tim Walberg (R-MI) have introduced the Fifth Amendment Integrity Restoration Act of 2015 (FAIR). If passed, the act would level the playing field for citizens faced with the loss of their property and take the profit motive out of civil forfeiture.

Among other things, the FAIR Act would do the following:

- ▶ Prohibit the DOJ from retaining seized assets for its own use; forfeited property would have to go to the General Fund of the Treasury.
- ▶ Abolish the Equitable Sharing Program completely;
- ▶ Increase the legal burden of proof on government agencies to establish that property is subject to forfeiture;
- ▶ Require the government to prove that the owner had knowledge that his property was used in criminal activity and restore the concept of “innocent until proven guilty;”
- ▶ Provide indigent property owners with appointed counsel in civil forfeiture proceedings.

We’re hopeful that the FAIR Act will become the law of the land. It would go a long way toward tamping out the perverse practice of policing for profit and restoring the civil rights of motorists whose only crime is to be in the wrong place at the wrong time. 🚗



MEMBERS WRITE

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

Big Brother is alive and well. And “do-gooders” and politicians eager to garner votes are planning to further take away our individual rights such as the laws in New York State usually named after some poor victim killed in a driving accident. Friends of mine are so fearful of the Gestapo-type techniques to fill quotas, such as road blocks and speed traps, that they refuse to travel very far on weekends and have a glass of wine with dinner at a restaurant. We so often forget about our individual rights and are romanced by these very restrictive ideas that usually end up with unintended consequences. Thank you for your concern over our evaporating constitutional rights!

A New York Member

Well, I just beat a red-light camera ticket in Richardson, Texas. I went to a hearing to challenge it and started by asking if the hearing administrator thought I was “the only one who did not get the memo that these cameras can’t be beat?”

It was an exceptionally dark, early morning. I was turning right in a dedicated right-turn lane with no cars in front of me. It was a relatively short yellow. I was doing 5 mph with my turn indicator on. There were no other cars in the intersection. The light turned red when the front of my car was three feet from the corner. I rolled through, on my way.

The hearing administrator said, “The camera doesn’t lie,” and I said, “The camera doesn’t have to drive the car.” I added that, “Drivers, at some point, have to decide if they can stop in time or end up halfway into the intersection, causing a possibly worse situation.” I added that these decisions cannot be made if I focus on the yellow light instead of other drivers and the actual situation in the intersection.

She finally observed that the glare from oncoming headlights showed excessive reflection off the pavement and determined it may have been damp or wet. I was found “not liable” and no fine was assessed. I had beaten the red-light camera!

The money I saved bought me a year’s subscription to NMA.

*Wayne MacNaughton
Dallas, TX*

I just read the cover story “Just How Smart is Smart Growth” in the winter 2015 issue of *Driving Freedoms*. Great article, because about half way through it, it became crystal-clear the size of the battle that we’re facing. Your article highlighted the success of those who believe that the United Nations’ Agenda 21 should be implemented in full and have already enjoyed in some of our more “progressive” communities. I would recommend all fellow members research Agenda 21 and start to understand the

genesis of many of the regulations that environmentalists propose and pandering politicians pass. If you don’t like reading legal language, pick up Glenn Beck’s book *Agenda 21*. He weaves an entertaining, fictional story set in a future United States in which Agenda 21 has been fully implemented.

The possibility is terrifying. One of the major end goals of Agenda 21 is to force humans into highly concentrated housing and ban the use of fossil fuels. Individual liberty is subservient to a faceless committee that sets rules based upon its definition of what is good for the environment. It requires no leap at all to read your descriptions of “smart growth,” “sustainable communities” and “hostile urban planners” to see these as the necessary first steps to a full implementation of Agenda 21. Thank you, NMA, for alerting us to these erosions of our liberties and for leading the fight against them.

*Jason Potts
Maceo, KY*

I received my issue of *Driving Freedoms* today, and the article on Smart Growth got my attention. We’re starting to hear the same talk here in Florida now that we have Sunrail to save us from ourselves.

The community planners and “big thinkers” hate the automobile for one reason: With the automobile, they lose control. It bothers them no end because I can throw a suitcase into the trunk of my car, hit 95 north to I-10 west and head for California. I don’t have to tell them where I’m going, how I’m going to get there, or how long I’ll stay.

*Tom Schneider
Palm Coast, FL*





DRIVING NEWS

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

National

The National Highway Traffic Safety Administration (NHTSA) released its 2013 Fatality Analysis Reporting System (FARS) study showing a total of 32,719 deaths on the roads for that year. That’s a drop of 3.1 percent from 2012 and a decrease of around 25 percent since 2004. Injuries were also down with 2.3 million people hurt, a 2.1 percent reduction year-over-year. The 2013 fatality rate of 1.10 people per 100 million vehicle miles traveled ties 2011 as the lowest number ever recorded in the agency’s annual study.

U.S. Department of Transportation Secretary Anthony Foxx announced the addition of two automatic emergency braking systems to the recommended list of safety features under the New Car Assessment Program. Specifically, NHTSA is recommending that future vehicles come equipped with crash imminent braking and dynamic brake support. The first component begins slowing the vehicle automatically when front crash sensors believe a collision is imminent. Alternatively, the latter technology applies supplemental braking if the driver isn’t slowing enough to avoid an accident.

Colorado

Colorado lawmakers are taking another look at banning speed and red-light cameras, an idea that has had bipartisan support but that

municipalities and law enforcement staunchly oppose. Last year, the proposal failed despite support from legislative leaders in each chamber. This year, Rep. Stephen Humphrey said he believes the political environment is more favorable for passage because legislators aren’t running for re-election.

Florida

A West Palm Beach magistrate threw out en masse, 253 red-light camera cases. Hundreds of defendants who packed commission chambers at City Hall stood and cheered as Ira Raab made good on the promise he had made to toss all of the cases on a given day unless the Fourth District Court of Appeal, or the Florida Supreme Court stopped him. West Palm Beach shut down its camera enforcement program in October, one day after the Fourth District Court of Appeals ruled against cameras in Hollywood, which has procedures similar to West Palm Beach’s.

Illinois

Illinois’ traffic fatalities went down in 2014, even though the speed limit went up. There were 926 people killed on Illinois roadways last year, compared to 991 in 2013. The drop happened even though the speed limit on interstates in non-urban areas increased from 65 mph to 70 mph at the start of the year. Highway-safety proponents and even the head of the state’s Department of

Transportation opposed the higher speed limit, on grounds that it would cause more deaths. But state Rep. Jerry Costello II, who sponsored the legislation that increased the speed limit, said he doubted it would lead to more fatalities.

Maryland

Managers from Baltimore’s former speed camera vendor Xerox State & Local Solutions defended their actions before a city council committee investigating what went wrong with the city’s system, which has been shut down for more than a year after issuing erroneous tickets at rates between 10 and 50 percent. Senior Vice President Allen Shutt acknowledged some of his company’s employees got “a little sloppy” in how they approved tickets in 2012, but he said Baltimore’s Police Department shared responsibility for issuing bogus tickets. The city’s speed camera system, which was run for years by Xerox and briefly by Brekford Corp., was shut down in April 2013. An investigation by *The Baltimore Sun* found errors by many cameras, including tickets issued for slow-moving or stopped cars.

Missouri

Missouri’s attorney general announced lawsuits against 13 suburban St. Louis communities, accusing them of ignoring a law that sets limits on revenue derived from traffic fines. The move came after widespread allegations of harassment and profiteering by small municipal governments against the poor and minorities. Since the racially charged protests over the death of Michael Brown at the hands of a police officer in Ferguson last year, demonstrators have frequently complained

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about a perceived hyper vigilance to minor traffic violations in St. Louis County's patchwork of 90 municipalities. Many of those cities have their own courts and police departments, but some are only a few square blocks in size and have populations smaller than some high schools.

Ohio

Troopers in Ohio have been writing fewer speeding tickets on the rural stretches of interstates where the speed limit increased to 70 mph almost 18 months ago. The monthly average of speeding tickets has dropped about seven percent—from 4,933 in the five years before the change to 4,571 citations a month since the new speed limit took effect. The biggest drop occurred on Interstate 70, where monthly citations are down about 25 percent.

New York

Nassau County legislators pulled the plug on school zone speed cameras, just a few months after the controversial program began. The short-lived program, which had made more than \$30 million for the county, had been under fire for the way it was implemented. County Democratic minority leader Kevan Abrahams said thousands of residents were hit with a charge when there were no speed signs, flashing lights or other warnings installed where the cameras were located.

South Carolina

An Aiken County man lost his job after a 17-year-old speeding conviction turned up on his driving record. The ticket had never been properly processed, but after catching the mistake the South Carolina Department of Transportation decided

to add it to his file. As a result, he lost his auto insurance coverage, which was a requirement for his job as a power line contractor.

Texas

The Willis City Council dismissed a petition calling for red-light camera use in the city to be taken to a public vote in the upcoming May elections. Council members unanimously approved the dismissal of the proposal after consideration and a recommendation by City Attorney Larry Foerster, who proclaimed the petition illegal and void.

Utah

Highway crashes have dropped annually on some stretches of Interstate 15 since raising the speed limit to 80 mph in late 2008, studies show. In Utah, the speed limit increased to 80 mph in three phases in 2008, 2013 and 2014, according to the Utah Department of Transportation. At present, 36 percent of interstate highway miles in Utah have speed limits of 80 mph. A 2009 study found drivers complied better with the 80 mph speed limit than with the previous 75 mph limit. There was a 20 percent reduction in drivers exceeding the 80 mph limit, the study showed. Data from a separate 2012 study of two portions of I-15 found an 11 percent to 20 percent drop in speed-related crashes, depending on which stretches were studied.

Virginia

Two state lawmakers have proposed legislation to put limits on how long police can hold data collected from license plate readers. Virginia currently has no laws governing the use of license plate readers or the data they compile. As a result, data can be held indefinitely in the state. The legislators want personal information

to be purged by police after seven days. They also want to limit excessive amounts of license plate numbers from being collected in the first place.

Washington

State Rep. Cary Condotta has proposed legislation to limit red-light camera fines to \$25 and to lengthen yellow-light times at camera-equipped intersections to a minimum of four seconds. Condotta said the bill is intended to take away the revenue-earning incentive of photo enforcement.

Wisconsin

Assembly Republicans are making another attempt at raising the speed limit to 70 mph, and they're hoping they can get their Senate colleagues to come along for the ride this time. The Assembly in 2013 approved hiking the highway speed limit by 5 mph, but the measure died when the Senate declined to back it. Both houses were controlled by Republicans at the time, as they are now. But the makeup of the Senate has changed significantly because of retirements, and supporters hope to pass the change in the legislative session that began in January.

Wyoming

The head of the Wyoming Highway Patrol announced that the agency no longer will require troopers to meet yearly quotas on traffic stops and citations. Under the policy, troopers in Laramie and Albany counties were expected to each make at least 732 traffic stops and issue at least 55 seat belt violation tickets per year to be deemed "competent." The agency had instituted the policy in August 2014. Law enforcement and civil liberties groups expressed concern that the practice could increase the risk of questionable stops. 🚔