



Driving Freedom

NMA Foundation

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All Traffic is Local

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Driving Freedoms

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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.

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LICENSE RENEWAL AND OLDER DRIVERS

BY GARY BILLER, PRESIDENT, NMA

The issues surrounding aging drivers—not just driver licensing requirements but also independence and mobility concerns—are drawing attention these days. The baby boomer generation has dominated the roads for several decades, and as they (including me) enter their 60s, 70s, and 80s, the U.S. driver demographic is growing older with them.

Recently I was interviewed by a writer from *HowStuffWorks.com* about licensing standards for older drivers. His story focused on whether more frequent testing should be required of advanced-age drivers.

Before I dive into some of the thornier issues that this raises, here's what I told him, which he quoted in full as the closing for the story:

"Safety statistics consistently show that the accident rates of drivers 70 years of age and older are not much different than those in the 35 to 69 age group. By contrast, drivers younger than 35 are at the highest risk of an accident. That indicates a couple of things. One is that experience behind the wheel is one of the most important factors for safe driving. Another is that state requirements for the renewal of driver's licenses are reasonable. Those requirements vary state by state but generally include more frequent relicensing and vision tests once a driver reaches 65, 70 or, in some cases, 75 years of age.

"The NMA doesn't believe that states need to increase licensing requirements for older drivers beyond current standards. There should be an objective process through which the licensing agency could be petitioned to do an evaluation of a given license holder

based on first-hand knowledge of family members, a law enforcement agency, or the courts. In fairness, there should also be an appeal process for the person who is in jeopardy of losing his or her license or having it restricted."

Elderly driving has some commonality with other NMA positions. For instance, we don't believe that one-size-fits-all standards should be used to create penalties for driving behaviors not evidenced. Not everyone's abilities behind the wheel magically diminish at a predetermined age just as impairment doesn't automatically occur at a blood alcohol content of 0.08. But logically with age, you would eventually expect some deterioration of vision, of reaction time, and in some cases, of comprehension.

A few years ago I asked NMA and NMA Foundation directors to offer suggestions about what the Association's position should be on retesting of older drivers. While none advocated more frequent road tests for all age groups of drivers, some wondered whether that requirement should be implemented at some point. The rub, of course, is how to determine the onset age and frequency of such testing. That brings us back to the basic NMA principle of "don't restrict the driving privileges of an individual without supporting quantitative evidence."

Technology has some answers for those concerned about independence with advancing age. With the advent of ride-hailing services, e.g., Uber and Lyft, and the introduction of autonomous vehicle technology, more options for senior mobility are developing. That may make it easier for some to accept that having a driver's license at an

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Interview with Richard Diamond, the Force behind TheNewspaper.com

In addition to being the founder and editor of TheNewspaper.com, an excellent daily source of news and opinions on the politics of driving, Richard Diamond has an extensive background in journalism. He has served as a communications leader at the White House Writers Group and managing editor of the Opinion pages at The Washington Times. Richard was on the staff of former House Majority Leader Dick Armey from the mid-1990s to the early 2000s and in that role was instrumental in developing one of the earliest reports on the predatory nature of short yellow lights in photo enforcement.

What year did you start TheNewspaper.com website and why?

I started TheNewspaper in 2004 as a simple site to collect news items and documents of interest, mostly about photo enforcement. At the time, the media treated transportation as a purely local issue. Red-light camera companies took great advantage of this. They'd go city-to-city, putting on the same show at each stop, singing the praises of cameras. The local TV stations and newspapers would repeat these same talking points over and over, not realizing that other jurisdictions had found the claims were not true.

It soon became clear that just collecting stories was not enough. To cover the important issues, TheNewspaper had to do original reporting and expand coverage of issues like tolling and precedent-setting legal cases that affect motorists. The idea was, and is, to lay out the facts that the rest of the media tends to ignore — both the good and the bad.

What do you consider the biggest issues facing motorists today with regards to the politics of driving?

In many ways, the threat has always been the same: The ticketing industry pushes bad public policy to protect a massive revenue stream. This industry consists of insurance companies (they like tickets because points mean higher premiums), state highway officials (they

balance their budgets with ticket revenue), and the photo enforcement firms that do all of the work.

Vision Zero, for instance, is just a shiny new package that, when you open it up, the same old ideas are inside the box: lowered speed limits, cameras, and just about any technique to increase driver frustration. All of that has the primary goal of increasing the number of tickets issued. It's the national 55-speed limit arguments applied at the local street level.

Do you see any difference in the politics of driving between today and when you started the website?

Reporters are much more skeptical about claims being made by the ticketing industry. In the early 2000s, the media openly mocked the idea that there was a connection between short yellow times and an increase in red-light camera citations. Now, it's pretty much common knowledge. A few investigative reporters across the country have even been active in exposing the dark side of the industry, including the Chicago Tribune reporting that helped put the top management of Redflex in prison.

There's also a much more active resistance to speed cameras. When I started, three cities had voted to ban red-light and speed cameras. Now there have been 41 votes across a dozen states. That's only possible because of the increased public awareness from a number of sources, including the NMA.

Your special focus is on red-light and speed camera traffic enforcement. Do you see any positive trends in this area?

Redflex, once the biggest camera company, is now number two, and it hasn't turned a profit since 2013. If a major state like Texas finally succeeds in banning red-light cameras, it could be enough to push the Australian firm into bankruptcy. Since TheNewspaper began, twelve more states have outlawed cameras because constituents took the time to call their lawmaker and demand it.



From your viewpoint, what are some strategies readers can use when looking into who has interests in local traffic enforcement?

Find as many people who think as you do, especially shop owners who might not want customers hassled on the way to the store. People who show up to city council meetings and make intelligent, calmly presented points backed up with facts stand out. Bringing a crowd and having numbers on your side helps overcome resistance. Your job is basically to convince the council that they need to find another way to raise revenue.

As an important independent voice, what should individual motorist rights advocates focus their attention on these days?

With Vision Zero, the battle has gone local. Advocates for motorist rights need to attend those city council meetings and speak up when there are plans to put obstacles in the road. Point out that traffic calming creates accidents. Great Britain tracked that statistic and reported that "road humps, chicanes, etc." caused nearly 100 accidents, 25 involving hospitalization, in 2017. I guarantee that's not something they have ever heard before.

There's always more to the story, and if activists aren't telling it at the local level, nobody else is going to do it. 🇺🇸



NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

Congress is once again looking into the issue of drunk and drugged driving as federal statistics suggest that the government has not made sufficient progress lowering deaths attributable to impaired driving. The House Energy and Commerce Committee held a hearing recently seeking testimony on ways to address the problem. Overwhelmingly, the witnesses invited to testify suggested it was time for Congress to require automakers to install technology solutions.

At this time, the technology under discussion would be an ignition interlock device. Such a device requires the driver to blow into a mechanism to start a car. Some states currently require that individuals convicted of a DUI install an ignition interlock device in their vehicles though the requirements vary by state. The difference is that Congress is thinking of making this proposed mandate of ignition interlock technology applicable to all new vehicles, not just on those owned by individuals convicted of a DUI.

The federal government is working with private partners on the Driver Alcohol Detection System for Safety (“DADSS”) Program. The DADSS cooperative research partnership is dedicated to advancing the state of alcohol detection systems for motor vehicles. The basic goal is to develop a non-invasive technology

to prevent alcohol-impaired driving. While this research is underway, the state of technology today is not to the point where, as Rep. Darren Soto (D-FL) suggested, a driver can push a button that can tell whether he or she surpasses the legal limit of being impaired. This technology may be available as soon as 2023.

Rep. Debbie Dingell (D-MI), member of the Energy and Commerce Committee, has introduced legislation to direct the Secretary of Transportation to prescribe a motor vehicle safety standard requiring motor vehicles to be equipped with an ignition interlock device that prevents a vehicle from being operated if the operator is intoxicated. This requirement would be implemented virtually immediately if passed by Congress.

The NMA has asked Congress to consider a number of questions associated with the deployment of this technology. For example, how much will this new system cost? Are there false positives? If so, how many and how will sober drivers deal with false positives? Will the government collect data on vehicles that detect ignition efforts that are prevented? What are the privacy protections for drivers? How will the system distinguish between a driver and a passenger? These questions are not answered at this time and are relevant to consideration of the widespread application of the technology. Nevertheless, congress-

sional interest in this issue is very high, and support appears to be relatively widespread.

Also currently under discussion is fixing the ongoing funding shortfall for the nation’s infrastructure. The House Ways and Means Committee held a hearing entitled, “Our Nation’s Crumbling Infrastructure and the Need for Immediate Action.” The hearing was intended to set the stage for potential consideration of a major infrastructure package, a legislative priority for House Democrats.

Potentially transforming this long intractable issue were comments by President Trump in support of raising the gas tax. Also notable is support from the business community. House Transportation Committee leaders are pushing forward a proposal to raise the federal gas tax as a short-term fix for the Highway Trust Fund. The current tax rates, established in 1993, are 18.4 cents and 24.4 cents per gallon respectively for gasoline and diesel. Inflation has risen 74 percent in the meantime. Some members are increasingly interested in a vehicle miles traveled fee as a long-term solution. Other options under discussion include hybrid solutions which would increase the gas tax, establish a federal VMT and even add a tax or fee on electric vehicles to address their use of roads. 🇺🇸

License Renewal and Older Drivers

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advanced age is not an absolute necessity. Those of us that enjoy driving for its own sake will still struggle with that decision, whether made voluntarily or at the hands of family or state.

I’d like to dedicate a future issue of *Driving Freedoms* to the topic of advanced-age driving, including licensing requirements and mobility concerns. To do so, I need your help. We have set up a brief online survey—it shouldn’t take more than two or three minutes to complete—designed to provide feedback on the critical licensing issue.

Please take a moment to complete the NMA survey at <https://tinyurl.com/nma-advanced-age-survey-2019>. The stronger the member involvement, the more complete our review of the NMA position on elderly driving will be. The survey includes a link to current licensing standards for each state, information you might find helpful in formulating your responses.

While the survey has space for short essay responses, feel free to email us at nma@motorists.org or write to NMA, 402 W. 2nd St., Waunakee, WI 53597 to share more expansive viewpoints about issues we should include in an overall position statement about older drivers. 🇺🇸

10 Reasons to Fight Congestion Pricing in New York City (& Everywhere Else)

By New York Member Arthur L. Miller, an attorney specializing in helping truckers and who also writes for www.newyorktruckstop.com. A version of this article originally appeared on that blog.

Editor's Note: As of late March, both the State Assembly and Senate were poised to move forward with Governor Andrew Cuomo's budget item of congestion pricing to help pay for the subway in New York City, making this the first city to use this funding mechanism in the US. Other cities (Los Angeles, Seattle, and Portland, Oregon) have also been considering congestion tolling.

As New York Governor Andrew Cuomo tries to strong-arm the New York Legislature into implementing Manhattan tolls in his just-submitted budget bill, let's examine the ten biggest lies congestion pricing supporters use to sell this scheme.

Congestion Pricing Will Reduce Congestion

Traffic is DOWN by about 10% each day from about six years ago. Increased congestion in Manhattan is due to the removal of traffic and parking lanes for bike and bus lanes, and the explosion of rideshare vehicles like Uber and Lyft. Congestion pricing does nothing to address these factors.

In fact, by the estimates of Governor Cuomo's FIX NYC panel, congestion pricing will improve travel speeds only marginally from 6.8 mph to 7.4 mph. Buckle your seatbelts! Those who have no other options like truck drivers, the disabled or people who live in transit deserts, will still have to navigate city streets daily. Truck travel is non-discretionary and is dictated by the delivery time the customer requests and the building's open hours. Besides, truckers cannot haul freight on the subways.

Congestion Pricing Will Fix the Metropolitan Transit Authority

The MTA is an unaccountable quasi-government agency that has been mismanaged for decades. Unless the organization is substantially reformed, all "fixes" are nothing more than window dressing. Throwing more money at this organization will only lead to more problems down the road. It is more accurate to call "congestion pricing" a "debt scheme" because the real plan is to use tolling revenue to secure \$15 billion in new borrowing, on top of the \$38 billion in bond liabilities that the MTA already has incurred. To put that in perspective, take the debt that bankrupted Sears and the debt that bankrupted Toys R Us and combine them, and it's still only one-third of the debt the MTA has right now. \$53 billion in debt fixes nothing.

Congestion Pricing Is Progressive

Tolls and user fees are extremely regressive. Here is what the Internal Revenue Service says about regressive taxes:

"A regressive tax may at first appear to be a fair way of taxing citizens because everyone, regardless of income level pays the same dollar amount. By taking a closer look, it is easy to see that such a tax causes lower-income people to pay a larger share of their income than wealthier people pay. Tough true regressive taxes are not used as income taxes; they are used as taxes on tobacco, alcohol, gasoline, jewelry, perfume, and travel. User fees often are considered regressive because they take a larger percentage of income from low-income groups than from high-income groups. These include fees for licenses, parking, admission to museums and parks, and tolls for roads, bridges, and tunnels."

Those who drive into the zone are not fat cats who flaunt public transportation, and they are not likely "commuters." They are people with no other options like truckers making deliveries and those isolated from transit options.

Congestion Pricing Is Needed Because Drivers Do Not Pay Their Fair Share

Really? Congestion costs the trucking industry \$4.6 billion a year. At Port Authority bridges and tolls, trucks currently pay \$85 to \$105 depending on vehicle size. At the MTA bridges and tunnels, that cost is between \$28 and \$46 per trip. Then there's New York State's Highway Use Tax. New York is the only state on the East Coast to charge this tax, which is based on miles driven. On top of that, there is also the IFTA (International Fuel Tax) which is apportioned based on miles traveled within New York State, and the IRP (the International Registration Plan).

Of course, there are fuel taxes collected with each fill-up. Much of that money is supposedly dedicated to improving and maintaining highway infrastructure even though elected officials frequently raid gas tax funding for other programs.

In NYC, there's also the Commercial Motor Vehicle Tax which imposes up to a \$300 annual fee on each vehicle. And don't forget about the parking tickets! Motorists paid almost \$700 million in parking tickets last year, and there are plenty of other fines as well. That number is only rising. New York State's trucking industry pays about \$1.2 billion/year in federal and state roadway taxes.

Fair share? Truckers pay about 35 percent of all taxes paid by New York motorists even though trucks only drive about seven percent of the total state-wide vehicle miles traveled. The typical five-axle tractor-trailer pays \$20,539

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in highway user fees and taxes. These figures are over and above the typical taxes paid by businesses in New York.

Congestion Pricing is Needed to Reduce Emissions

As stated above, truck travel is non-discretionary and dictated by the delivery time the customer requests. Truck emissions have been rapidly decreasing in the past few decades. New truck engines produce 98 percent fewer particulate matter and nitrogen oxide emissions than pre-1990 models. Sulfur emissions have been reduced by 97 percent since 1999. In fact, in New York City, trucks only account for 10 percent of emissions while delivering about 90 percent of the freight. Not to mention, as electric trucks become cost competitive, emissions will be reduced further.

Congestion Pricing is the Only Option

Nonsense! There are plenty of other options which include the increase of the real estate transfer tax; tax the multimillion-dollar real estate sales of co-ops, condos, and new developments; reinstitute a commuter tax; and, of course, use part of the revenue from marijuana sales and gambling. Most importantly though, the MTA must better monetize the assets they have now. The MTA sits on assets worth about \$1 trillion. Only three percent of MTA revenue comes from income earned from those assets.

Congestion Pricing Works in London

New York's plan is a lemon compared to London's.

In London, all vehicles pay the same rate, although trucks that do not meet certain emissions standards pay more. The congestion charge is an £11.50 (that's about USD 14.50) daily charge for driving a vehicle within the charging zone. The charge hours are limited to between 7:00 am to 6:00 pm, Monday to Friday. Vehicles are only charged once a day and even if they moved within

the zone. There are discounts available for fleets (about 10 percent) and deep discounts for residents if they can prove they live within the district. Traffic dropped off the first couple of years with congestion pricing but is now back up to the previous level.

The plan in NYC is to not toll vehicles coming through the Hudson tunnels to and from New Jersey. With exemptions like this, how can congestion pricing even be fair, let alone profitable?

Congestion Pricing is Efficient

The opposite is true—tolling is incredibly inefficient. Between 20-30 percent of tolling revenue goes to build out the tolling infrastructure, administer and enforce the tolls. Also, this plan relies on cashless tolling. There are numerous problems with the cashless tolling system, such as sloppy data handoffs, unread EZ Pass tags, insufficient notices to motorists, and scant customer service. If as promised that traffic will go down after congestion pricing is implemented, won't collections be diminished also? Not without future toll increases, we bet!

Congestion Pricing is Good for Business

Business is great if you are an investment banker selling bonds financed with congestion pricing revenue or the construction companies that will build the tolling infrastructure. It's also great for the company Conduent, which administers E-ZPass and oversees collections. Conduent just paid its top execs \$19 million in bonuses last year. Congestion pricing is also good for New York's real estate industry which gets \$7 billion/year in tax breaks for creating more population density and congestion in areas already well served by public transport. With congestion pricing, real estate developers won't be asked to kick in for the strain on the transit lines and road traffic they cause. Talk about using other people's money!

For delivery firms which have to pay the tolls, this is just another tax. Toll charges will be passed on to the merchants within the tolling zone, putting them at a competitive disadvantage to their counterparts outside the zone. If Manhattan tolls reduce traffic, local merchants would see a reduction in customers. Tolls are a death by a thousand cuts for Manhattan small businesses and merchants. Eventually, these costs will be passed onto the consumers and Manhattan will continue to become a playground for the tourists and the wealthy.

Congestion Pricing Will Help Seniors and the Disabled

Advocates claim congestion pricing revenue would be used to make transit stations more accessible to senior citizens and those with disabilities. Sounds nice, but the MTA's track record on accessibility is lousy. The Americans with Disabilities Act took effect in 1990, yet too many stations are still not accessible. The MTA found billions for building grandiose projects like the Fulton Center, the Second Avenue Subway and extending the Number 7 train to Hudson Yards. Accessibility, basic maintenance, and ease of system upgrades were not priorities. With no commitment to improving accessibility if the MTA gets another revenue stream, how can we be sure it will use the money for this purpose?

Over the years many funding sources have been sold as the long-term solutions to the MTA's woes. A substantial portion of MTA bridge and tunnel toll revenue already goes to the subways. There are also special real estate taxes, payroll taxes, and taxi surcharges, to name a few. If you think that congestion pricing is the answer, we've got a bridge to sell you!

If you are interested in joining the recently formed NYC NMA local advocacy group, contact the national office at nma@motorists.org. 

All Traffic is Local: A Look at Force-Fed Road Diets

Driving can sometimes be a daily grind. But when cities reconfigure the streets you take every day—presumably, to make them safer—that daily grind often seems much worse. The war on cars, for many drivers, is no longer an abstract construct when the commute that used to take 20 minutes is now 40 minutes because of traffic restrictions. Inconveniencing drivers is the byproduct of the Vision Zero war to get us out of our cars. Road diets on arterial streets in urban cores are the weapon of choice.

The primary function of an arterial roadway is to deliver traffic from collector roads to freeways, expressways, and highways between urban centers at the highest Level of Service (LOS) possible (Check out page 9 for more on LOS.) LOS is a qualitative measure used to analyze streets and intersections by categorizing traffic flow and assigning quality levels of traffic based on vehicle speed, density, and congestion.

Due to the Vision Zero and Complete Streets movements, city and county officials are feeling the pressure or are actively advocating to replace LOS analyses with a different set of metrics that accounts for other street users such as pedestrians, bicyclists, scooter riders, buses, and rideshare vehicles. Ironically, Americans are driving more today than ever before. Also, census statistics show that the percentages of pedestrian and bicyclist commuters are just 2.7 and 0.6 percent respectively.

Converting car lanes for protected bike use, often along both sides of the street, causes gridlock, frustration, and unsafe traffic conditions. When congestion blocks roads regularly used by drivers, they will naturally divert to residential streets that aren't designed to handle the traffic load, causing further bottlenecks, potentially unsafe conditions, and neighborhood frustra-



tion and hostility.

According to a 2004 Federal Highway Administration Report on the *Evaluation of Lane Reduction Road Diet Measures*,

“Under most average daily traffic (ADT) conditions tested, road diets have minimal effects on vehicle capacity, because left-turning vehicles are moved into a common two-way left-turn lane. However, for road diets with ADTs above approximately 20,000 vehicles, there is a greater likelihood that traffic congestion will increase to the point of diverting traffic to alternate routes.”

The Mar Vista area of Los Angeles currently features a 0.8-mile road diet along Venice Boulevard. Once a six-lane street, the restriction cut the street down to two lanes in each direction to accommodate a parking-protected bike lane on either side. Mid-block pedestrian crossings and expanded crosswalks further limit vehicular traffic. The city also later added modified right-turn lanes that include a short merge into the bicycle lane.

In 2014, newly elected Los Angeles Mayor Eric Garcetti announced a Great Streets Initiative. Venice Boulevard was one of 40 streets in the city that

was considered part of the High Injury Network, an integral part of LA's Vision Zero Action Plan. All streets in the network were now primed for road diet makeovers.

Before beginning the project, Los Angeles had to take control of the street from Caltrans, the state department of transportation, since Venice Boulevard is considered an arterial street. Many state transportation agencies govern arterial streets due to their classification as state highways.

The LADOT finally completed the Venice Boulevard safety improvement project in June 2017. A month later, city officials hosted an open house to showcase the “One-Year Temporary Road Diet Project.” They maintained at the open house and in written documents that progress reports would be issued at three-month, six-month and one-year milestones. The officials also gave assurances that area residents could provide input on the temporary street arrangement.

In December 2018, the project was made permanent with no reports and no input from residents and business owners. Also in December, the City Council Transportation Committee

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unanimously denied an appeal from *Westside LA Neighbors*, an opposition advocacy group. The Council asserted that street safety improvements are categorically exempt from full California Environmental Quality Act (CEQA) review.

Recently the state updated rules that outline various types of projects that are exempt from CEQA. (More on the future of CEQA in the sidebar.) The Mar Vista road diet falls under those parameters: reduction in lanes, removal of on-street parking spaces, and the addition of bike lanes.

In early March 2019, the Los Angeles City Council approved the project. *Westside LA Neighbors* has filed a second lawsuit against the city to get rid of the controversial road restrictions.

Data from the California Highway Patrol indicate that accidents increased 19 percent in the 12 months after the road diet implementation compared to the previous 12 months. Also, by the end of 2018, 22 businesses had closed on this affected section of Venice Blvd.

In the same time frame, the LADOT suddenly removed two lanes of traffic to add bike lanes on four streets in the Playa Del Rey area: Vista del Mar, Pershing Drive, Culver Boulevard and Jefferson Boulevard.

Fierce motorist backlash began immediately, and a new group was born, *Keep LA Moving*. By October 2017, Los Angeles brought back the vehicular traffic lanes and instead improved crosswalks, set out speed feedback signs and placed improved stoplight signals at intersections.

Keep LA Moving Founder John Russo stated that at the end of the four months of road diets, monthly traffic accidents exceeded the previous year's rate by over 200 percent. Local businesses on the street saw an immediate impact with month-over-month sales dropping from 20 to 40 percent. The

Future of CEQA

Beyond the rules update mentioned in the cover story, additional CEQA rules will be coming online soon that could have an even more significant impact on street design. By July 2020, all California cities will be required to update their transportation impact analysis from "Level of Service" (LOS) to "Vehicle Miles Traveled" (VMT). Rather than treating traffic congestion faced by drivers as an environmental impact, this new metric instead would consider the act of driving itself as the environmental impact.

For decades, the transportation impacts of all projects subject to CEQA, which included housing developments, apartment complexes, sporting venues, and transportation infrastructure, were evaluated using the LOS. This has been the standard of measure for automobile traffic congestion at signalized intersections surrounding a project site. Any project determined to have a significant impact on LOS has been required to provide mitigation measures, which frequently included road widenings. The change of the standard to VMT will allow development projects to address impacts through alternative transportation measures such as car-sharing, transit, pedestrian/bicycle infrastructure and unbundled parking (separating the cost of renting a parking space from the cost of renting an apartment).

LAX Coastal Chamber of Commerce and 63 businesses sent a letter to the city imploring it to restore the traffic lanes.

Since then, the *Keep LA Moving* group has expanded to nearby areas. Pasadena quickly squelched a road diet plan for Orange Grove Boulevard, a 2.9-mile stretch north of the 210 Freeway, which would have reduced a four-lane street to two, with bike lanes on both sides and a left-hand center turn lane for use in both directions. Area residents formed the group called *Keep Pasadena Moving*, and at least 400 residents came out at several city council meetings to oppose the measure.

Due to the many requests for help around the country, Russo recently started a national nonprofit called *Keep the US Moving*. Matthew Schneider from Waverly, Iowa, helped found the national group after his hometown went through a similar road diet experience.

In August 2018, the city council voted to reduce one of Waverly's main streets, Bremer Avenue, from four lanes down to two. By October, the road restriction was complete, and now the city is dealing with traffic congestion all hours of the day, a reduction in business on the

street, and overall driver frustration.

Schneider says the most frustrating thing is that the city council had already said NO to the road diet after gathering input from residents. A new council was voted in soon after and with little warning, it voted while many residents were enjoying out-of-town summer vacations. Two months later, the town of nearly 10,000 received the unwanted road diet.

In the first 17 weeks of the Waverly road diet, reported traffic accidents increased 33 percent even though officials expected that crashes would drop 50 percent. Waverly is a river town, and Bremer Avenue is the only access to the town's bridge. Bremer is also the primary access road used for emergency vehicles. Seventy percent of the town's volunteer firefighters use the avenue to get to the station quickly.

Local motorist activists are fighting back in cities such as Atlanta, Seattle, the New York City borough of Queens, and in smaller cities such as Tallahassee, Florida; Tahlequah, Oklahoma; Phoenix, Oregon; and La Crosse, Wisconsin.

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The list is growing almost weekly according to Russo. Public officials pushing road diets seem to be using the same playbook with the same rhetoric and ideology.

Road diets can have deadly consequences, too.

Ask the people who were escaping Paradise, California last fall after a wildfire quickly raged out of control. With only two ways out of the mountain community, city officials from years past believed it would be a great idea to reduce the main street from four lanes to two to implement a road diet, even though they had been warned this might cause problems during an emergency evacuation. Shortly after the November 8, 2018 fire erupted, residents were forced to abandon their cars in bumper-to-bumper traffic and flee on foot. The Camp Fire was the deadliest wildfire in the US since 1918, killing 85 residents and destroying nearly 18,800 structures, with most of the damage occurring within the first four hours.

Elimination of road diets will require significant push back by motorists. The NMA will continue to get the word out through our War on Cars Watch weekly blog, newsletters, and by working closely with groups like Keep the US Moving, but effective opposition must include actively engaged local activists. 🇺🇸

10 Reasons to Oppose Road Diets

You just learned that your city intends to install a road diet on an arterial route you take every day. You are not alone—this now happens regularly all over the country. Here are 10 excellent arguments to combat road diets in your city council or county commission.

1. Road diets can cause more accidents. When traffic does not flow, more accidents occur. Vulnerable road users sometimes have the mistaken belief that the road is safer. In reality, all users of the road need to remain vigilant and responsible. There are better and less expensive ways to make a street safer: better crosswalks, improved stoplights, & bikeways placed on non-arterial streets.
2. Emergency vehicles such as large fire ladder trucks cannot always navigate corners on streets that have been reduced which could violate fire codes.
3. Blocked egress during mass evacuations can cause injury and death.
4. Loss of parking can cause business districts to be decimated with job losses and business closures.
5. Gridlocked boulevards will divert traffic to residential streets which are not intended to handle that load.
6. Due to the increased gridlock, there is more individual vehicle wear and tear, greater overall street noise, and increased vehicle emissions.
7. Many times, a road diet may cause violations of the Americans with Disability Act due to difficult curb cuts and the loss of handicapped parking.
8. Road diets can present already underfunded local and county street departments with more street elements to maintain, stretching their budgets and liability exposure even further.
9. Road diets can create animosity between neighbors in the area.
10. Residents and business owners can have increased distrust of government if the process is forced and not transparent.

If you would like to become more involved in defeating road diets in your city, contact the NMA today at nma@motorists.org.

Level of Service: Measuring Traffic Congestion

According to the latest census, 85 percent of all Americans travel to work by single passenger car or by carpool. Since World War II, land use and American culture have been built around driving cars from locations A to B. By design, the US is automobile-centric and has been since the construction of the interstate highway system was authorized by the Federal Aid Highway Act of 1956 during the Eisenhower presidency. Most people still rely on cars as their primary source of daily transportation.

Level of Service or LOS is a performance metric which started when the US began building freeways in the 1950s. LOS uses a scale of A to F based on an objective formula that tries to answer the question, “How much congestion are we willing to tolerate?”

LOS measures the delay experienced by motorists on a roadway or at an intersection of least delay (an A rating) through the most delay (an F rating). See sidebar for details.

The LOS grade is used to communicate the potential impact from new development on a road or a street intersection. It is also often used to assess potential congestion in the 20- to 30-year timeframe of the development.

Up until recently, the LOS rating system had been used by traffic engineers to define problems and prioritize transportation system improvements. A LOS rating of D or worse usually meant that the road or intersection needed work and was a priority.

The moderate-to-liberal Washington, D.C. think tank The Brookings Institution has recently called for a change from the LOS rating system. In a post on its website:

“The LOS rating system, though, is not just used as a descriptive tool. State and local departments of transportation and the Federal Highway Administration benchmark the success of regional transportation systems against the LOS scorecard. That means engineers, planners, and many other leaders target their priorities and investment decisions towards reducing congestion.”

“The irony of the LOS system is that it hasn’t solved congestion at all. In fact, it’s just the opposite: LOS keeps making traffic worse.”

According to Brookings, major urban road mileage rose by 77 percent from 1980 to 2014 compared to 41 percent growth in the US population. That’s an increase of a 169,153 lane miles over 34 years. As the number of lanes grew, people drove more and increased vehicle miles traveled by 146 percent during that period.

Critics call LOS mono-modal because it measures streets only by their ability to move vehicles and not by economic, environmental or social vibrancy. Many traffic engineers and city planners now consider the LOS methodology technically flawed and biased because it ignores other issues such as parking congestion, traffic accident rates, mobility issues for non-drivers, energy usage, vehicle emissions, physical fitness and increased consumer costs for car owners.

There has never been a national requirement or mandate to apply LOS standards. It has become a tradition, a convenient way to measure the traffic impact when evaluating a street or intersection design. With the advent of big data, cities are now looking more closely at LOS, especially if they have adopted a Complete Streets program.

Departments of transportation around the country are now adopting multi-modal LOS indicators based on Complete Streets policies, which refers to street design that accommodates diverse users and activities safely. Thirty-three state governments have adopted Complete Street policies with over 1400 US cities participating. Since 2001, advocates have also been pushing the Green Transportation Hierarchy:

1. Pedestrians
2. Bicycles
3. Public Transportation
4. Service and Freight Vehicles
5. Taxis (and now ridesharing)
6. Multiple Occupant Vehicles
7. Single Occupant Vehicles


Now the US Congress is getting involved in the issue. In early March, law-

Level of Service Grading System

A – Free-flowing traffic at or above the posted speed limit
 B – Reasonably free flow, traffic stream is slightly restricted
 C – Stable flow, speeds decrease slightly with increased traffic volume
 D – Approaching unstable flow with noticeable restrictions
 E – Unstable flow, traffic is at capacity and moves irregularly
 F – Forced/breakdown flow, more or less bumper to bumper, with frequent slowing

makers introduced two bills (SB654 and HB1517) simultaneously. If passed, they would provide funding to five state DOTs and 10 Metropolitan Planning Organizations (MPOs) to apply accessibility metrics to decision-making and to measure access to destinations by various modes. This brings to the forefront the effort to apply accessibility to transportation and land use-decisions. Those metrics are also expected to improve modal choice and vehicle-miles traveled predictions.

More people equals more vehicle miles traveled, but should motorists be the ones to pay for all the changes that Complete Streets planners want to make to the transportation system? New York City will soon become the first in the US to have congestion pricing/tolling when driving to certain parts of the city. Collected toll revenue will not only hurt the middle class and poor, but also businesses, and ultimately the consumer. Lawmakers say the funding will reduce congestion while at the same time help pay for the failing subway system that is over-capacitated and in poor physical shape. The money to pay for the system has to come from somewhere, but why tax motorists for public transit systems that can’t sustain themselves?

A Portland, Oregon member recently wrote to us with this observation: “Both the city council and mayor have said they want us out of our cars and will do what it takes to do that. Ironically, that same city council wants to raise the gas tax again. Why? Funding for pedestrian safety and more bicycle lanes. So they want to tax us more and take away more? The insanity is overwhelming!” 

Don't Take a Seat Belt Citation Sitting Down

By An NMA Maine Member

For the first time in about fifteen years, I recently had to dust off my NMA ticket fighting materials (I tried half a dozen non-functional cassette players before finally listening to my “Guerilla Ticket Fighter” tape in my car) to contest a seat belt citation. I am always grateful for member accounts of such efforts in *Driving Freedoms* and hope my experience might prove helpful.

Maine has a primary enforcement seat belt law, which I was accused of violating last spring; this was the sole offense for which I was stopped and cited. As soon as I saw the lights behind me, my actions were automatic, informed by prior experience and NMA advice: I pulled to a safe area out of traffic and kept my hands in view on the steering wheel. The stop was brief and was completed without my saying a word. I contested the charge and nearly three months later received notification of a trial date, scheduled for more than six months after the stop.

While successfully requesting two continuances, I researched the statute under which I was charged and possible defense strategies. The NMA was directly helpful in organizing my efforts, and research assistance was readily obtained by contacting the local law library.

Seat belt defenses appear to be challenging because the charge is wholly observational. I requested discovery, including the officer's copy of the ticket and any notes; the officer's daily log; any audio or video; and registration information for the patrol car. I was redirected among agencies—which can include the district attorney's office, a specific traffic bureau, the issuing police department, etc.—but in Maine, discovery



in traffic cases is not automatic. I then moved the court to order discovery and requested another continuance. The continuance was denied, and, oddly, I received no response to the discovery motion.

On the day of trial, the courtroom was busy, with multiple municipalities represented by multiple cops. I did not recognize the issuing officer, but I assumed he was there, so my hope for easy dismissal dimmed. I had prepared motions for dismissal, which included the fact that the fine amount on the ticket did not match the amount prescribed in the statute. I also had a series of cross-examination questions—hoping to discredit the officer—related to traffic conditions and a vehicle-type discrepancy on the ticket. Because the citation was issued on the last day of the month, I was prepared to ask if ticket quota pressures may have been involved. I wore a suit, referred to notes, and generally tried to look serious. I expected to lose.

After preliminary instructions from the judge, we were instructed to speak to the issuing officers directly. I had expected to speak to a representative of the district attorney's office, but I got in a line and was directed to the officer. He asked what

I was looking for, and he suggested a filing, which cost more than the citation amount. I asked if he had checked my record at any point, which has been clean for a long time. I then asked if I was polite and cooperative during the stop. He said I was, and he flipped through some papers and showed me he had specifically noted that I was polite and never said anything during the stop. I asked him if we could just have the charge go away. He said it looked like I had done my homework, and also that he had worked the previous night and was tired. He agreed to dismissal. He added it was so long ago he did not remember the stop. He further explained he had been on a “grant detail,” during which he received overtime for specifically pursuing the offense(s) for which the grant money is provided.

Thank you to the NMA and all its members. 🍷

If you have a traffic ticket story to share or would like to write a letter or email to us concerning this edition of *Driving Freedoms*, please contact us by email nma@motorists.org or by mail at 402 W. 2nd Street, Waunakee, WI 53597. Thank you for your support!



DRIVING NEWS

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

Alabama

The Alabama Law Enforcement Agency now allows motorists to apply for hardship driver’s licenses. Hardship licenses would restore driving privileges for nearly 20,000 Alabamians who have suspended licenses due to unpaid fines or offenses unrelated to public safety.

Arkansas

On January 1, the city of Damascus began writing speeding tickets again. The city was found to have violated the state’s speed trap laws two years ago. A media investigation showed in 2015, the city brought in almost \$610,000 in speeding and unsafe driving tickets, which constituted 46 percent of the city’s preceding year’s revenue. State law says no city can collect traffic ticket revenue that exceeds 30 percent of its annual budget.

Arizona

In December, the City of El Mirage sent out checks totaling nearly \$93,000 to motorists who received speed camera tickets in a particular location of town between October 2016 and February 2017. The reason: The city had set up an illegal speed trap and nabbed 378 motorists. A question still remains whether those who received driver’s license points will have their records expunged.

California

In September 2018, Los Angeles officials cut the HOV (high-occupancy vehicle) lane free rides for green stickered vehicles (hybrids and electric cars). Earlier this year, the city considered raising the number of people in a car to five for HOV lane eligibility. Later, officials decided to tax every rideshare vehicle trip

and commissioned a study on congestion pricing and tolling based on vehicle miles traveled. Seemingly desperate, Los Angeles officials are looking into many other ways to raise additional funds to fix infrastructure ahead of the 2028 Olympic Summer Games. Many of the already 28 approved and accelerated projects have been funded by voter-approved Measures R and M which included a sales tax increase.

Colorado

At the end of 2018, the Denver City Council was set to pass a \$1.2 million plan to add red-light cameras to three intersections. That is, until Councilman Kevin Flynn and his wife spent a Saturday at the intersections with a stopwatch. Flynn was able to convince his colleagues that setting the yellow light timings appropriately would be a much better alternative. City staff said they would delay the expansion by up to nine months and try longer yellows. That won’t deter them from looking at other intersections for possible camera installations.

Even though a ban on red-light cameras passed both houses of the state legislature the past two sessions and then was vetoed by former Governor John Hickenlooper, this year’s bill to ban red-light cameras did not even make it out of committee. The bipartisan measure was defeated 8-3 in the House Committee on Transportation and Local Government in late February.

Connecticut

A public backlash against a number of traffic signs placed on curved roads in the New Milford area will probably result in lower speed limits. Regarded as an eyesore, the signs are part of a state program to

make driving curved, rural roads safer. The number of signs installed on a road is a function of the posted limit and the speed deemed safe for the curve. Mayor Pete Bass informed outraged residents that the town would begin work on lowering the speed limit that would then reduce the number of signs needed.

DC Area

Just over 50,400 motorists who don’t live in the District and 15,521 drivers who do had their driver’s licenses reinstated last year. The DMV made the change after the District passed a law to end suspensions, which according to advocates, unfairly punish the poor. In January, another new law was passed that drivers will no longer receive suspensions because of civil judgments, which affects over 2,200 drivers. DC residents can apply for reinstatement beginning in March. Drivers who owe the city more than \$101 can still be denied licenses under current law.

Florida

The NMA lodged a complaint with the Florida Office of the Attorney General in September 2014 about excessive administrative fees related to toll services charged to rental car customers in the state. In late 2017, the AG’s Consumer Protection Division (CPD) reached a settlement with Avis, Budget, and Payless to provide compensation and to provide more specific information about tolling service costs to its customers before rental contracts are signed.

The CPD advised the NMA that it just reached a similar agreement with the Dollar Thrifty Automotive Group. Some Florida clients of Dollar or Thrifty between January 1, 2011 and January 7, 2019 may be eligible for refunds. For more information see NMA E-Newsletter #531 in the Trending News section of the Motorists.org site or contact us by phone (608-849-6000) or email (NMA@motorists.org). Refund claims must be submitted by July 7, 2019.

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Illinois

By April, the Chicago Police Department will receive 200 additional vehicles with automated license plate readers (ALPRs). This 83 percent increase in ALPR use will mean that each of the city's 25 police districts will have six ALPR-fitted cars on continuous patrol with a purported focus on reducing carjackings.

Minnesota

Based on a five-year study, the Department of Transportation announced in January that speed limits would be increasing from 55 mph to 60 mph on 5,245 miles of the rural, two-lane highways. The speed limits will go into effect as soon as new signs are posted.

North Dakota

The same day the US Supreme Court decided *Timbs vs. Indiana*, (fines and property forfeiture must be reasonable given the offense), the state's House passed Bill 1286 to eliminate the "perverse incentive" of "policing for profit." The bill would require a conviction, and raises the standard of proof to clear and convincing evidence for a conviction. It also would require police departments to send annual reports of seized and forfeited property. House members have expressed concerns over a quick death in the Senate due to law enforcement opposition over the conviction requirement, but in a Senate Committee hearing in late March, common ground was found. Still a wait and see at press time.

If HB1442 had passed the Senate, it would have prohibited law enforcement from holding checkpoints to catch drunk drivers. Bill sponsors said the legislation would force police to actually have "reasonable suspicion" before stopping a driver. The bill passed the House 79-14.

Pennsylvania

Hampton Township council members voted to not participate in an aggressive driving campaign passed by PennDOT,

which would have provided grant money to pay for officer overtime. Hampton police Chief Tom Vulakovich told the council that he was contacted several times by a state liaison, which is the reason he pitched the idea to the council. Vulakovich admitted that the state wants to see citations issued, not warnings, with perhaps as many as two tickets per hour in the campaign time frame.

South Carolina

A team of reporters from the USA Today Network spent two years investigating the state's civil asset forfeiture system. They checked more than 3,200 cases from 2014 to 2016 and uncovered that \$17 million in cash and property had been seized. Also, in 800 instances of police seizures, no related criminal charges could be found. In another 800 seizures, charges didn't result in convictions, but property was still forfeited. Even though they only comprise 13 percent of the state's population, black men were involved in 65 percent of forfeitures. The reporters also found that if a person petitioned to have money or property returned, it took 17 months on average for the civil case to be resolved. The series of articles appeared over a three-week period, which quickly prompted a bipartisan group of 71 lawmakers to sponsor a reform bill. If passed, the new law would provide South Carolina with one of the strongest civil asset forfeiture reformations in the country.

Texas

Beginning in April 2018, the city of Denton started an experiment to lengthen traffic signal yellow lights by one second at one of the city's red-light camera intersections. A February report to the city council showed a 60 percent drop in RLC violations and a significant drop in the intersection crash rate. The city has now proposed longer yellows at two other intersections. Denton hasn't decided yet whether to renew its contract with Redflex Traffic Systems, which expires July 20.

As of the end of February, more than 100 lawmakers, from both parties, backed two

bills to outright ban red-light cameras in the state. Representative Jonathan Strickland who wrote the House bill recently told the *Dallas Morning News*, "I suggest all the cities begin planning their budgets without red-light camera revenue... They're going to come down. It's just a question of how long." Unfortunately, in late March, the bill was not voted out of committee after a number of police testified against the bill.

Virginia

In late March, Governor Ralph Northam effectively vetoed the speed camera in work zone bill SB1521 that was rammed through the legislature without any public feedback. Northam returned the bill to the state Senate with an amendment that would require reconsideration of the program in the 2020 legislative session. The sticking point—the unorthodox funding provision. Currently, the state constitution requires proceeds from all fines collected to go to the Literary Fund, which is used primarily for public education. SB1521 would have sent the fees collected to help fund the state police.

The Governor had also recently submitted a budget amendment that would give lawmakers another chance to pass SB1013 that would end the practice of suspending driver's licenses of motorists who fail to pay court fines and fees. The bill had earlier passed the Senate but was defeated in a House subcommittee by one vote. Currently, one-sixth of all Virginia motorists have a suspended license due to non-payment.

Washington State

In early February, Seattle opened the Highway 99 tunnel, the longest road tunnel in the contiguous US. The two-mile tunnel, took a decade of planning and work which included a two-year construction delay due to issues with the drilling machine called Bertha. Total cost was \$3.3 billion and later this year, tolls will begin, ranging from \$1 to \$2.25, depending on the time of day.