



Driving Freedom

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A NEW ERA for the NMA

*Have Checkpoints
Gone Too Far?*



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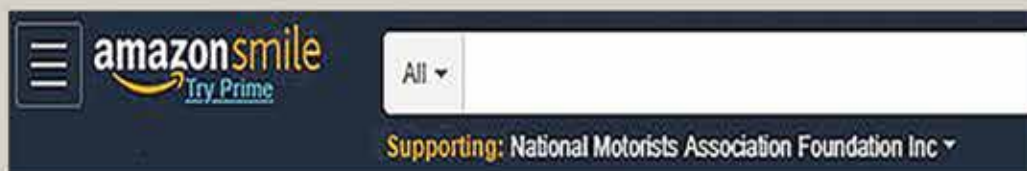
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Thank you

Driving Freedoms

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The National Motorists Association 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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It Just Makes Us Stronger

By Gary Biller, President, NMA

When the boards of directors of the NMA and NMA Foundation elected last year to meld the two entities into a single nonprofit advocacy organization more potent than the sum of the parts, it was an ambitious plan for 2020 and beyond. Little did we realize at the time that a confluence of other significant and unforeseen events early in the year would test and ultimately reinforce our resolve to build a more vital National Motorists Association.

The corporate wheels were in motion when relocating the NMA offices became necessary. Our long-time landlord chose to repurpose the building that we called home since the mid-1990s. Fortunately, he gave us six months to move and, just as fortunately, we found nearby office space that was modified to our requirements. Still, the preparation involved with reviewing a literal storehouse of twenty-some years of saved reports, research studies, correspondence, and corporate records, as well as making other necessary arrangements, was an exhausting undertaking.

The NMA staff was terrific in all aspects of the relocation. I must give a special thank you to Kelly Acker, membership department director, chief bookkeeper, and the glue that bonds our operation together. Kelly, husband Art, daughter Rylie, and son Tyler were invaluable in planning and executing the move. I would have aged several more years in the process without Kelly and company pitching in as they did.

The other event, of course, was (and is) the COVID crisis. Like many other businesses, the NMA staff teleworked for the better part of three months. When the state lockdown requirements eased, fortuitously before the scheduled office move, we were back at work while taking appropriate health and safety precautions.

One sacrifice—and I thank you

very much for your patience on this—was suspending the publication of the Spring and Summer issues of *Driving Freedoms*. Perhaps our expectations are too high, but the coordination necessary to produce a publication with the level of quality you are accustomed to was in question, and I made the difficult decision to halt the production of those two issues. Although they weren't a substitute, I sent two letters to members during the lockdown period providing the latest NMA status. Now, *Driving Freedoms* is back, and resuming its quarterly schedule.

You will receive, or perhaps already have, a third letter from me mailed in late September. It describes the establishment of a robust research component to the “new” nonprofit NMA. Building the framework for producing industry-influencing white papers on critical issues affecting motorists is a primary reason for consolidating the NMA and NMA Foundation.

The latest NMA letter outlines four research ideas under consideration, from driver behavior in the face of unnaturally low speed limits to the accuracy of traffic accident reports and conclusions drawn from those data. We welcome your ideas for data-driven projects to further the cause of drivers, driving rights, and personal mobility in general. The September letter provides a means for sharing your thoughts. Please feel free to write or email us with your suggested research ideas.

Tackling head on the challenges presented to us during the first half of 2020 has made the NMA indisputably stronger. Now the challenge is to take that added strength and create beneficial changes for motorists. I hope you will join us as supporters of the NMA in accepting that challenge.



2020 NMA Visionary Society

Many thanks to members of the newly rebranded Visionary Society who have demonstrated a commitment to furthering the rights of motorists through their gifts to the National Motorists Association over the years. We are very pleased to recognize their contributions. You too have an opportunity to become a Visionary Society member. Also consider building your legacy for motorists' rights with a gift through our Planned Giving Program. Please contact the 501(c)(3) nonprofit NMA for more information.



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NMA WASHINGTON REPORT

BY ROBERT TALLEY

As I write this column, 14 days are left before authorization runs out on our nation's infrastructure funding. Two weeks from the deadline, Congress has had no significant discussion to address this issue. Federal lawmakers will likely take action to extend the authorization—probably for a year—before it leaves town for one last campaign sprint before the November election.

How Did We Get Here?

Federal spending on highway programs must be reauthorized every five years. The idea is to evaluate federal programs and priorities and, with the passage of the reauthorization, essentially fine-tune the federal spending to align it with those priorities.

Historically, federal highway infrastructure bills have been bipartisan. With five years to plan and develop legislation, you'd think getting a deal done would be feasible, but partisan issues have complicated passage. When we have a divided Congress, pork-barrel projects take on a particular allure and take time to negotiate and compromise. Special

interests, often more societal than transportation-worthy, are also responsible for delay, confusion, and conflict.

Current Situation

Earlier this year, as part of a larger infrastructure bill, the House passed a \$494 billion package on a partisan basis that emphasized spending on trains, transit, electric vehicle charging stations, climate mitigation, and deemphasized spending on roads and bridges.

The Senate Committee, with primary jurisdiction over infrastructure, passed a \$287 billion bipartisan package with unanimous support. The large disparity in priorities and spending totals between the bipartisan Senate package and the House version made negotiations over a final package difficult. Also, standing in the way of a deal has been money.

Transportation reauthorization bills are traditionally paid for when passed—meaning there is an expected revenue stream roughly equal to the authorized spending.

This balance has become increasingly difficult to maintain as Highway Trust Fund revenues have failed to

grow to match spending. Current sources provide less than \$200 billion in funding.

The gas tax, which is a primary contributor to the Highway Trust Fund, is not indexed to inflation and has not been increased since the 1990s. While the Senate would need to find roughly \$100 billion in revenues, the House proposal is \$300 billion short. Taxes and fees must make up the shortfall, and raising taxes in the best of times is not an easy task. In today's politically charged environment, such an action seems unlikely.

With a decision to extend the existing authorization into next year pending, the NMA has another chance to seek inclusion of the DETER Act in the base bill. Our work to date has laid the foundation for consideration of the proposal to eliminate the use of performance-based ticket quotas in federal highway safety grants by the committees of jurisdiction. Our proposal continues to receive favorable reception, and we will continue our focused efforts for inclusion in the transportation bill.



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Looking Through the Windshield

The Deal all Chicagoans Love to Hate

Chicago made a terrible deal by privatizing its parking meters, as outlined in the Spring 2018 edition of *Driving Freedoms*. Since the 2005 lease deal, investors have recouped their \$1.6 billion payment and earned a \$500 million profit. There are still 60 years to go on the 75-year lease. Chicago Parking Meters LLC has doubled parking rates and refinanced the deal three times. In 2019, the meters raked in \$138.7 million, with none of that money going to the city.

The biggest rub is that the city has to reimburse the company for every space that becomes temporarily unavailable for whatever reason. Current Mayor Lori Lightfoot inherited the parking meter contract from two administrations ago. She has vowed to find a way to break the lease, shorten it, or sweeten the sour terms for Chicago taxpayers. She called the deal recently, “A burr under your saddle that keeps rubbing and rubbing.” Indeed! ❤️



Worldwide Auto Recalls are out of Control

As of July 15, 2020, over 13 million vehicles globally have already been recalled this year, mainly due to safety concerns. Most of these recalls have occurred during the pandemic when the auto industry scaled-down operations. The public health crisis will likely affect the time it takes for vehicles to be repaired and returned to owners.

In the meantime, the National Highway Traffic Safety Administration (NHTSA) has developed an app that will help keep track of recalls. Check it out at nhtsa.gov/safecar-app.

Also, two US senators have introduced a bill called *Promoting Auto Recalls Toward Safety Act* (PARTS) that would authorize grants to states to help notify registered drivers about recalls. It would also require the NHTSA to monitor how effectively automakers are completing product recalls. The number of recalls does not bode well for driverless and connected vehicles of the future. ❤️

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Update on Ohio's Automated Camera Rut

Between the legislature trying to get rid of camera programs for good and motorists suing cities over tickets, it's a wonder automated cameras programs are still in Ohio.

Toledo has suspended its red-light and handheld speed camera program until further notice. The state Supreme Court struck down a vital part of the city's program in June. Until that decision, administrative hearings with a city-appointed officer ruled on appeals of automated violations. The state's highest court ruled that Toledo had no authority to conduct its quasi-judicial proceedings: a revised 2019 law requires that all noncriminal traffic-law adjudications must be conducted in a municipal court. The decision will affect other cities' automated camera programs if they use Toledo's method of adjudication.

In another case, Ohio's Supreme Court declined to review an appeal from Blue Line Solutions, the company that processes speed camera tickets for the city of Girard. The company had asked the court to reverse a lower court's decision allowing class-action status for automated camera cases. The plaintiffs allege that Girard and Blue Line Solutions wrongfully ticketed vehicles in a completed I-80 construction zone between December 7, 2017, and January 7, 2018. When the construction was complete, the legal speed limit reverted to the normal 65 miles per hour. However, a speed camera continued flagging drivers at the previous construction zone speed of 55 mph. The class action alleges that the city and the company split \$2 million in fines during that one month period. ❤️

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Reason.com Gas Tax Diversion Study

Infrastructure funding is in trouble, and one reason is that gas tax funds are diverted from road projects. The most common repurposing found in 20 states is for transit and pedestrian/bicycle projects. New Jersey and New York allocate one-third of gas tax revenue to transit, for example.

Ten states spend some of their gas tax revenue on law enforcement. Less frequent uses are substantial gas tax-funded education programs (25.9 percent in Michigan and 24.7 percent in Texas).


Other state programs that benefit from the appropriations include tourism, environmental programs, and administrative costs. Here are the ten states that divert the most:

State	Percent
New York	38
Rhode Island	37
New Jersey/Michigan	34
Maryland	33
Connecticut	27
Texas	24
Massachusetts	23
Florida	14
Vermont	13

The most extreme remedy: Two states, Connecticut and Michigan, have such a difficult time funding infrastructure that state lawmakers have opened discussions on implementing tolls on existing roadways. 

The Average US Car Age is Now Almost 12 Years


Even before the pandemic slowdown, owners have been holding onto their cars for more years than ever. According to researchers, longer vehicle loans, more reliable cars, and fewer current-year models sold in 2019 and 2020 will further increase the average holding period. In 2019, about 280 million vehicles were on the road in the US, and new vehicles represented only 6.1 percent. For 2020, an industry group estimates that the number will fall to 5 percent.

The study also indicates that 25 percent of all cars and trucks on US roads are at least 16 years old. Perhaps one reason for the declining percentage of new cars and trucks is that consumers realize that too much tech can be costly, confusing, frustrating, and distracting while increasing the cost of insurance, maintenance, and repair. 



Flawed Roadside Drug Tests Challenged in Court


During traffic stops, police officers sometimes use cheap and convenient tests to analyze suspicious-looking materials that could be illegal drugs. Roadside, police officers drop the suspicious substance into a pouch of chemicals. If the concoction turns specific colors, the motorists are often arrested on the spot even though courts across the country have routinely barred these tests as evidence during trials. Numerous studies have concluded these \$2 tests are legitimate tools to establish probable cause for arrest, but do not provide proof. For a variety of reasons—usually under threat of more serious charges—defendants will routinely plead guilty before a trial based on the findings from these chemical kits, which are rarely subjected to laboratory analysis.

ProPublica reported in July that courts in Nevada overturned five drug convictions that involved issues with drug field tests. Clark County (Las Vegas area) is at least the third jurisdiction to overturn drug convictions tied to problematic field tests. Multnomah County, Oregon, overturned five drug convictions, and Houston, Texas has overturned 250 cases due to flawed field tests. 



Toll Road Revenue Takes a Hit Due to the Pandemic

Estimates put current toll road revenue losses at over \$9 billion nationwide as of July. Public and private toll operators are now tapping reserves, delaying projects, and cutting jobs.

According to the International Bridge, Tunnel, and Turnpike Association, toll road revenue remains well below average—40 percent in some markets. Maryland recently announced a gloomy forecast through 2026, citing a \$422 million reduction. Virginia's I-66 Express Lanes toll revenue was down 90 percent in May compared to last year. Pennsylvania's fiscal year ends in May, and the state reported a \$100 million loss. The PA Turnpike Commission responded by fast-tracking cashless tolling. It delayed its July payment of \$112.5 million (of \$450 million annually) to the state DOT, funding that supports statewide transportation needs, including mass transit. In Georgia, tolls declined as much as 90 percent in the Atlanta area. 

Have Checkpoints Gone Too Far?

As Americans, we have always cherished a free and open society, built on individual liberty and personal responsibility. With the increased use of enforcement checkpoints and roadblocks, however, our country is in potential danger of tilting toward totalitarianism.

The US Supreme Court has ruled that roadblocks set up by law enforcement must have a specific purpose outside of the normal intent of preventing crimes. To that end:

- The state must have a strong interest in that purpose.*
- The roadblock must be an effective way to achieve that purpose.*
- The roadblock cannot excessively intrude on the privacy of innocent individuals stopped in the roadblock.*

Warning drivers of potential danger ahead and seeking information about a specific crime to protect the public fits this definition. In 1990, the high court ruled that sobriety checkpoints are constitutional, but that ruling is tenuous. Several states have banned such enforcement actions after determining the opposite.

That brings us to current times when a public health crisis is raising new questions.

The Pandemic

Due to the COVID-19 emergency, the once unthinkable has happened. Since March, many states have set up checkpoints to discourage travelers from other states crossing their borders.

Constitutionally, state officials cannot prohibit interstate entry, but they can require a 14-day quarantine or a statement of purpose. Law enforcement experts say that using police and, in some cases, the National Guard to set up COVID-19 checkpoints is extraordinary.

According to legal experts, impeding a citizens' travel based on a license plate, even if they are eventually allowed to cross the state line,

Difference between a Roadblock and a Checkpoint

A roadblock is a barricade set up by law enforcement to selectively stop and question motorists. A checkpoint is typically located at a border barrier or staffed entrance, where travelers are subject to security checks; similar but different functions. Many times, though, the two terms are used interchangeably.

As designed, these police actions result in fear, intimidation, and inconvenience for the purpose of implementing a government mandate--local, state, or federal--agenda. For drivers uncertain of their constitutional rights, enforcement stops can be used to circumvent probable cause to stop, interrogate, and search occupants or motor vehicles.

is unconstitutional. Former Connecticut police chief and now University of New Haven Criminal Justice Master's Program Director John DeCarlo told the Washington Post in an interview, "To stand at the border and refuse entry to another American citizen is something that I would say was unprecedented. Certainly, legal scholars will be looking at this and asking a lot of questions."

State and local governments and police have broad power in a public health emergency—including the authority to order a quarantine. But the current public health emergency runs into a citizen's right to free travel. Georgetown Law Professor Meryl Chetoff explained, "The problem here is that you don't know who is infected. If we get to the point where there's rapid testing, then they could set up roadblocks and run a spot-test and turn people around who are sick. But in the absence of

that, these roadblocks are way overbroad and are interfering with the right to travel."

Here are a few examples of the types of interference motorists have experienced in the last six months.

At the beginning of the pandemic crisis, police set up checkpoints for people entering the Florida Keys and North Carolina's Outer Banks. Motorists had to produce ID, and if they did not have a local address or proof of residency, they were not allowed to go any farther. These restrictions drew many complaints and at least one lawsuit in the Tarheel State. Vacation homeowners claim they had the right to visit their properties since they pay property taxes even if they do not live in the area full time.

In May, out-of-state travelers driving into Newport County, Rhode Island, were asked to stop at an informational checkpoint in Jamestown before crossing the Newport Pell Bridge. Both the RI State Police and



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National Guard manned the checkpoint from 8:00 AM to 8:00 PM every day to advise motorists of the self-quarantine order. State police stopped drivers who bypassed the requirement. ACLU Rhode Island Executive Director Steven Brown said, “A two-week quarantine solely for the ‘offense’ of coming from out-of-state, and with no opportunity to contest this demand, is deeply troubling. In addition, targeting out-of-staters like this can only promote a divisive ‘us vs. them’ mentality that encourages the vilification of others.”

The Taos County Sheriff’s Office operated checkpoints July 9th and 10th at the New Mexico-Colorado border. New state pandemic restrictions had been imposed just before the crackdown. Deputies checked drivers first for intoxication and then informed them of the state’s new health mandates. Sixteen-hundred vehicles were stopped, only half of which had out-of-state license plates.

In August, the New York City Sheriff’s Office established random checkpoints at major bridge and tunnel entrances. Deputies did not pull over every vehicle with an out-of-state license but instead pulled cars over at random. At that time, the state required travelers coming from 28 states and three US territories considered COVID-19 hotspots to fill out contact forms and quarantine for two weeks. Out of the 3,000 vehicles stopped on August 5, only two travelers received a summons for failure to fill out a contact form. The deputies also handed out 12,000 masks

to drivers and passengers. Sheriff Joseph Fucito said in a *New York Post* article, “Compliance with the quarantine is our objective.” NYC Mayor Bill de Blasio said that the travel crackdown will continue indefinitely and could become even stricter if necessary.

Constitutional scholars have differing opinions on whether the federal government has the legal authority to issue health and safety orders that supersede state directives involving travel. The principle of individual privacy has repeatedly been diluted and undermined under the auspices of safety, national security, and crime prevention. Stopping travelers due to the coronavirus pandemic is a recent action, but it is not the only type of checkpoint that can impact a driver’s rights on the road.

Customs and Border Patrol Interior Checkpoints

On August 11, 2020, the American Civil Liberties Union affiliates in Maine, New Hampshire, and Vermont filed a joint lawsuit that accuses federal border patrol agents of routinely conducting illegal checkpoints many miles from the US border. The complaint states that patrol agents are using interior checkpoints for general crime control and not immigration enforcement. Thousands of motorists traveling in northern New England have been detained without probable cause. Vermont ACLU Senior Staff Attorney Lia

Ernst said, “In addition to being unconstitutional, these checkpoints offend basic notions of what it means to live in a free society. People in this country should not have to answer to armed and unaccountable federal agents while going about their daily business.”

The ACLU lawsuit was filed on behalf of Jesse Drewniak, a US citizen. In August 2017, he drove home from a fly fishing trip and was stopped at a border patrol checkpoint on Interstate 93 in Woodstock, NH—approximately 90 miles from the Canadian border. In a statement, Drewniak said, “I found the checkpoint to be terrifying and dehumanizing.”

CBP officers charged Drewniak and 15 others for possessing a small quantity of drugs (mostly marijuana). In the earlier criminal trial, the ACLU argued that the primary purpose of such checkpoints was to detect and seize drugs, a role beyond the patrol’s authority. A federal judge agreed that the searches were unconstitutional and moved to suppress all evidence. The charges against all 16 defendants were later dismissed.

The current ACLU lawsuit challenges the notion that the Border Patrol can legally stop and search travelers without a warrant or reasonable suspicion within 100 miles of an international boundary or coastal body of water. This 100-mile area covers 90 percent of Vermont and nationally, a population base of nearly 200 million people.

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Joe Cadillic of the MassPrivatel blog and cowriter of the NMA's Street Surveillance blog has, for years, been tracking the various types of government roadblocks and checkpoints. His list falls into eight broad categories:

Agricultural

Officers check for pests on produce or firewood, and any hunting/fishing violations.

Criminal or Fugitive Hunt

Police set up checkpoints to look for dangerous criminals who have recently committed a crime and pose a threat to public safety.

Enforcement Campaigns

'Click It or Ticket' seatbelt checkpoints are prime examples of local, county, or state law enforcement stopping motorists in search of violations.

Events

Checkpoints are set up before and after events such as concerts, sporting contests, fairs, festivals, movie premieres, parades, and similar large public gatherings. Police officials advertise dragnets as a safety check but more likely are put in place as a sweep for illegal drugs, weapons, or impaired drivers.

General Traffic Crimes and Auto Safety Checks

Officers stop drivers to check for license/registration/insurance compliance, make

smog checks, look for general equipment violations, and improperly installed child seats.


Illegal Private Checkpoints

Citizens, many times armed, set up checkpoints in a rural area or neighborhood to protect property during disasters.

Interior Border Checks

The Immigration and Customs Enforcement (ICE) carry out checkpoints within one hundred miles of US national boundaries. They also stop and board buses to check for illegal immigrants.

Research Roadblocks

Police stop vehicles to ask whether volunteers would provide bodily fluid samples to gather data on drivers as a group. 



How to Handle Yourself at a Checkpoint or Roadblock

Similar to a traffic stop, a police officer will likely ask you to show your driver's license, vehicle registration, and proof of insurance. Be polite and courteous while providing these documents. Ask your passengers to remain quiet and not step out of the vehicle.

Don't talk needlessly nor answer any other questions, especially if they are self-incriminating.

Officers cannot compel you to explain travel plans nor divulge the contents of your vehicle. Passengers are also not required to identify themselves to officers.

There are only three ways law enforcement can search your car:

- You voluntarily allow a search.
- Police have a warrant to search your car.

•Police have "reasonable suspicion" and must explain what they think they will find in your vehicle.

Remember, if police use their authority or force to search your vehicle against your will, and they do not have a warrant or reasonable suspicion, they can and should be held criminally and civilly liable for conducting an illegal search regardless of the outcome.


After you show your paperwork, you may then ask (and keep asking if necessary) the all-important six-word question, "Am I free to go now?" Asking this question is essential. Otherwise, officers can say that you voluntarily remained under their control.

If an officer says, "No, you are not free to go," you are within your rights to ask for a legitimate explanation for the delay. If no reason is given, you

must persist in asking, "Am I free to go now?" to let there be no confusion regarding your intentions and that you do not wish to remain under the control of the officer.

If law enforcement runs a research checkpoint and asks you to volunteer bodily fluids for a cheek swab (DNA test) or blood sample, you have every right to decline gracefully and drive on unless you want to help with the research.

Checkpoints and roadblocks are never fun, and just like a traffic stop, there are actions you can take to minimize your interaction with police and leave as soon as possible.

We encourage all motorists who encounter such a police action to register the experience at www.roadblock.org. 

Interstate Driver License Compact Update

Tennessee joined 46 other states and the District of Columbia this summer in the Interstate Driver License Compact. States use the Compact to exchange information about a driver's record, including license suspensions and traffic violations. The four holdout states include Georgia, Massachusetts, Michigan, and Wisconsin. Actually, in 2007, Nevada repealed the legislation authorizing its inclusion in the DLC. So it is not a member, but since then, it still generally conforms to the exchange of information. Nevada also has the distinction of being the first state to join the Compact. The DLC is, indeed, a tangled web.

So, how does this affect you? Quite simply, if you receive an out-of-state ticket and don't pay it, you could have legal problems if both states are in the Compact.

The home state treats any out-of-state offense as if it were committed at home. In fact, reaching a plea bargain for reduced penalties with the charging state is no guarantee that the driver won't still face additional and stiffer penalties at home.

Penalties include points assessed for traffic violations, suspension of a license, or for major violations such as reckless driving, even jail time. Typically, charges not reported to the state, including non-moving violations, parking tickets, and even some automated camera tickets, are not part of the Compact information exchange.

Even though New Jersey belongs to the Compact, state lawmakers have been working on preventing NJ drivers from being issued red-light and speed camera tickets from other states. Bill S486 presented to the Senate Transportation Committee would prohibit the Motor Vehicle Commissioner and other state officials from disclosing any NJ driver's personal information to states seeking to impose automated ticket fines. The Garden State, along with 18 other states and 36 cities, has banned photo traffic enforcement. South Dakota has had a similar law in effect since 2014.

State Senator Declan O'Scanlan said these kinds of out-of-state tickets victimize New Jerseyans. He added, "We're calling this bill

the Automated Enforcement Inoculation Act, so we defend residents against the corrupt automated enforcement camera, red-light camera, and speed camera industry that has been rife with corruption everywhere it's used."

A similar NJ bill was passed out of the Senate in 2016 but did not get through the Assembly. The bipartisan 2020 version was unanimously voted out of the Transportation Committee but has not yet been voted on by the full Senate.

The efforts to limit the extent of the Driver License Compact by state legislators like Mr. O'Scanlan are critical. Consider the motto of the DLC: "One Driver, One License, One Record." This moto, combined with the Compact's reason for being—the sharing of driver records among states—brings us that much closer to a national drivers' database with increased threats to personal privacy and greater vulnerability to identity theft and fraud. 🍷



Commuters Need Resiliency: NMA Newsletter #606

Most Americans drive to work because of the freedom that this mobility choice provides. Well, that and other suitable transportation options are limited in many locales. In recent years, there has been a concerted effort to limit car ownership while commuters are urged to take transit, rideshare, walk, and ride bikes/scooters. The COVID-19 crisis, though, seems to have stopped that idea in its tracks. In many places, transit ridership may never again approach past peak activity. If so, the long-term implications for transportation funding become even more complicated, and so does everyone's daily commute.

In a recent *NewGeography.Com* post, author Randal O'Toole illuminated the idea of transportation resiliency. He quoted a new study from accounting giant KPMG that predicts commuting to work will decrease up to 20 percent due to the after-effects of the pandemic, one of which is the greatly expanded use of telecommuting. Shopping trips by vehicle will likely decline up to 30 percent due to increased online shopping.

Another KPMG prediction: 43 percent of former transit riders do not plan to return to buses, subways, and trolleys, and most who don't work from home will likely turn to cars. If this happens, driving will increase by close to five billion vehicle miles per year in America alone, which will impact those of us who already commute by car every day.

O'Toole writes that transit is far less resilient than driving. At the height of the COVID-19 lockdown in April,

the Federal Highway Administration claims that driving fell 42 percent compared to last year. Transit ridership fell by 84 percent.

Boston-based reporter Spencer Buell always loved the fact that he and his wife could take transit everywhere. The city has some of the worst traffic congestion in the nation, an effect heightened by narrow, winding streets downtown. A third of Boston households do not own a car. Buell and his wife live in East Boston, which is separated by the rest of the city due to the harbor, so biking to work is not a viable alternative. Now because of public health concerns, Buell cannot bear the idea of riding transit. He and his wife have decided to purchase a car to take control of their transportation options.

According to a CarGuru Survey from June, 22 percent of respondents claim they plan to purchase or have already purchased a car even though that had not been their plan before the pandemic.


The San Francisco Chronicle wrote this headline recently: *The Pandemic Crushed vehicle Sales in the Bay Area. Then People Flocked to 'COVID Cars.'* Immunology researcher Jeanmarie Gonzalez used to commute from Oakland to San Francisco. She recently bought a used car for her commute and said, "I'd rather drive than be on public transit multiple hours a day." Gonzalez added that buying a car was a tough call, "I couldn't afford a hybrid, and I didn't have a place to plug in an electric car, so my options were limited. I prioritize human health in general over environmental issues, even though the

environment is very important to me."

In New York City, the state's Department of Motor Vehicles reported that in July, residents registered nearly 40,000 cars—the highest amount recorded for any month in recent years. Many anti-car advocates have been claiming that NYC would see a coming "Carmageddon." Mayor Bill de Blasio urged residents in a recent news conference not to buy a car, "Cars are the past." Streetsblog and other anti-car advocates are urging city officials to use the crisis as an opportunity to push for more open streets, road diets, bus and bike lanes.

But these other mobility-as-a-service options are not fail-proof. In late July, Revel Scooters pulled the plug on its service in NYC after two user deaths, including that of local TV reporter Nina Kapur. Micromobility devices can sometimes be dangerous due to the inexperience of users, inadequate protective gear, and lack of attention by other road users. In the end, microtransit also costs too much per user.

Ironically, even one of the most ardent anti-car advocates, Brooklyn, New York resident Doug Gordon says he and his family are thinking of purchasing a car to escape the city. He is one of the hosts of the podcast called War on Cars. (Imagine that!)

Transit and micromobility do not seem to have long-term transportation resiliency or adequate safety records. On the other hand, will everyday commuters be able to come to grips with even more traffic congestion? 





DRIVING NEWS

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Arizona

Car dealers scored a major victory when the US District Court ruled in favor of a 2019 law that gives local dealerships a greater ability to protect consumer data. Two data management vendors sought an injunction to keep the law from going into effect. National Association of Automobile Dealers President and CEO Peter Welch said, “Data is the auto industry’s oxygen, and dealers need vendors that work with them, not against them, in service of consumers.”

California

The Santa Cruz City Council unanimously voted to ban the use of both facial recognition and predictive policing technology. Ironically, predictive policing software was initially developed in Santa Cruz in 2012.

In June, the Mr. Roadshow columnist for the San Jose’s Mercury News created a firestorm when writing about the ongoing challenges of the Vision Zero program in the Bay Area. Many motorists wrote in and voiced opposition to the program as well as traffic calming, road diets, and bike lanes. NMA Member and Airport Planner Chris DiPrima was featured in an entire column answering questions and made this statement: “Vision Zero must abandon its war on arterial streets. Those streets should be designed to increase vehicle throughput, thus reducing diversion onto other streets.”

Colorado

Roundabouts seem to incite great passion among NMA supporters. The National Office received over 50 reader comments from the March 29, 2020 E-Newsletter titled *Turn Signal on a*

Roundabout. The Colorado Court of Appeals recently ruled that motorists do not have to use their turn signals when entering a roundabout. Under state law, drivers must signal one to two hundred feet before turning either left or right. The law had been silent about whether this applies to roundabouts.

Former Morrison Police Chief George Mumma Jr. said he was forced out of office after the town’s manager complained that his officers did not write enough traffic tickets. Mumma joined the department in 2017 and quickly created a traffic division of three officers while the rest of the force worked on crime. He said that 100 percent of his budget came from traffic fines, which for him was an ethical issue. Morrison has been known for years as a notorious speed trap town. The last five reports on Morrison by drivers to the NMA’s National Speed Trap Exchange (www.speedtrap.org) alone include voting of 569 to 17 affirming that status.

Delaware

Red-light camera ticket holders can no longer fight their tickets beyond the local justice of the peace. The State Supreme Court rejected the appeal of Stanley Lowicki, who had received a \$172.50 bill by a private, for-profit vendor in civil court. State law only allows challenging civil traffic fines that are over \$100. Lowicki’s ticket included a \$75 fine—the rest were tacked on fees.

Illinois

Expressway shootings have surged in the Chicago area. By July, the number of shootings had already surpassed the comparable shooting numbers from all of 2019. Police investigators have recently

requested better surveillance cameras and automated license plate readers to catch the shooters. A law passed last year authorized the installation of both on the expressways, but a police spokesperson indicated that few had been placed. Some civil rights groups have raised concerns the data gathered from the cameras could be misused.

McHenry County started a virtual traffic court in July. The courtroom hosted by Zoom allows anyone with a petty traffic citation to attend court remotely. Those appearances take place on the same date designated on the citation, 30 minutes after the listed time. In-person cases are allowed to go first. Associate Judge Jennifer Johnson said, “Looking long-term, I am hopeful the option to appear remotely is an improvement that increases access to and participation in the justice system.”

Louisiana

Residents in New Orleans’ French Quarter are concerned their homes will soon turn into tourist stops. The city wants to turn Orleans Avenue (from North Rampart to Jackson Square) into a permanent pedestrian mall. Neighborhood resident Micha Loewenthal said in an interview, “If we’re blocked from our own driveway, we also lose value on our property as well as access to our home.” Many residents have already signed a petition opposing the plan.

Massachusetts

The Boston City Council voted unanimously to ban the government’s use of facial recognition technology. Five other Massachusetts cities have decreed similar bans. Lawmakers will soon file a bill to impose a statewide moratorium.

Michigan

The Upper Peninsula of Michigan outside of Marquette and Oscoda will now be home to two different spaceports that will someday deliver cargo and satellites into space. The Michigan Economic Development Corporation also announced

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that a 40-mile self-driving roadway between Detroit and Ann Arbor would be implemented as a separate lane built on I-94. The state is keen on positioning itself to take advantage of integrated space and autonomous technology.

The road diet “experiment” on US 12 in the New Buffalo Township has been canceled. The town board voted to request that MIDOT revert the highway to its original highway pattern as soon as possible. New Buffalo sits near the state line with Indiana and is a high volume tourist area in the summer months.

Mississippi

The Jackson City Council voted preemptively to ban the police department from using facial recognition technology due to privacy concerns. Councilmember De’Keither Stamps said, “We want the government solving crimes. But do we want a government that far into tracking us, our whereabouts, where we go, how far we go, all day long and documenting it and keep on recording for our foreseeable future?”

Montana

Law enforcement installed its first automated license plate reader in Montana on Highway 191 south of Big Sky. The Missouri River Drug Task Force Commander and Gallatin County Sheriff’s Office Captain Ryan Stratman said the task force received a grant to buy the device to help investigate drug trafficking.

Kalispell City Council will likely pass an ordinance to change the process implemented in 1947 for setting city speed limits. The update would base speed limits on traffic studies, rather than recommendations from the police chief and city council.

New Hampshire

Even though the state has an estimated budget shortfall from gas tax and toll road receipts of over \$100 million due to the COVID-19 crisis, Governor Chris Sununu

recently signed the nation’s first state law regulating flying cars. The legislation formalizes the inspection and registration process for these so-called “roadable vehicles” and will allow them on public roads.

New Jersey

The State Supreme Court ruled in August that lawfully issued search warrants can require that defendants turn over their phone’s passcode. The ruling now sets a precedent that other states may try to emulate. Attorneys and advocates who argued against the passcode disclosure say they view the ruling as a blow to privacy and the Fifth Amendment right to not self-incriminate.

New York

The state legislature passed the Driver’s License Suspension Reform Act (A7463B) in July. The new law ends license suspensions due to traffic ticket debt and allows residents to work out an affordable payment plan with the court. Between January 2016 and August 2018, 1.7 million New Yorkers were issued a suspension due to ticket debt.

This summer, the NYC Council voted in favor of the Public Oversight of Surveillance Technology or POST Act. The bill requires the NYPD to disclose all uses of surveillance technologies and mandates how the department develops policies for surveillance devices and personal data. A broad coalition of civil society organizations and residents spent three years lobbying for passage of the act.

Ohio

A bill passed in 2019 has wreaked havoc on communities that have nothing to do with automated traffic cameras. The original bill was meant to penalize cities, villages, and townships with camera enforcement by taking state funding away equal to the amount of money the municipality collected from camera fines. The law reads that instead of local communities, it is the counties where camera cities are located that lose the funding. Oops.

The state Senate hopes to have a legislative fix soon.

Oklahoma

The Oklahoma Turnpike Authority raised speed limits from 75 mph to 80 on the mph rural segments of five existing turnpikes. It also established an 80 mph speed limit on the new Kickapoo Turnpike, scheduled to open later this year.

Tennessee

Effective July 1, a revision to the state’s lane courtesy law took effect. Drivers were already prohibited from hanging out in the far left lane on interstates and highways with three or more lanes in each direction. Now the law has been revised to include roadways with two or more lanes going either way.

Washington State

Shenanigans afoot! During the July 15th virtual State Transportation Commission meeting, WSDOT Secretary Roger Millar outlined how he wants to implement a statewide road user charge (RUC). His vision contradicted and undermined the Commission’s stated recommendation that an RUC would serve as a replacement for the gas tax, charging motorists per driven mile instead of per gallon of gas at the pump. Millar wants the RUC money to be diverted to subsidize transit, bike, and pedestrian projects. Millar and other advocates also want the RUC to be layered: a charge per mile, an additional charge for driving during peak times, and variable rates for different roads.

Wyoming

Transportation officials are also looking at an RUC to address the \$40 million shortfall to maintain Wyoming highways. Under the proposal, trucks would be required to pay more for road wear than personal vehicles. Last year, lawmakers voted against tolls to fund improvements for Interstate 80. 