



Driving Freedom

Vol. 32 • Issue 4 • Fall 2021

Don't be a Road Rager



or the Victim of One

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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.

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Driving Freedoms (permit # 0716556-KWP) is the official publication of the National Motorists Association. *Driving Freedoms* is published quarterly by the National Motorists Association, 1001 Arboretum Dr., Suite 120, Waunakee, WI 53597. (608/849-6000) Email: nma@motorists.org Web site: www.motorists.org. Nonprofit bulk permit paid Madison, WI. Annual membership in the National Motorists Association includes a subscription to *Driving Freedoms*.



Is the Written Word Mightier Than the Sword?

By Gary Biller, President, NMA

The answer, proven countless times throughout history, is yes. The NMA emails sent to members of U.S. Congress, asking them to slash several anti-driver sections from the multi-trillion dollar federal infrastructure bills have provided further validation.

A few of the onerous provisions: Funding for Vision Zero programs in every state, overturning a federal ban against funding automated traffic enforcement systems, the continued attack on the engineering of speed limits, the establishment of pilot programs to investigate the best revenue-generating methods of collecting a vehicle-miles-traveled tax from road users, and a requirement for automakers to standardize in-cabin driver monitoring systems for all vehicles.

With the help of Rob Talley in Washington, the NMA fired off several targeted messages in August and September to House and Senate legislators who sit on their respective Transportation & Infrastructure Committees. While it isn't surprising that we have heard from few lawmakers, more important is that the process enabled us to identify potential motorists' champions in Congress.

The first two NMA congressional emails, documented in Infrastructure Urgency, Part 1: NMA E-Newsletter #659 (<https://www.motorists.org/infrastructure-p1/>), take on Vision Zero and Speed Limits. Among the acknowledgments we received from staffers, the most notable was from an aide for Represent-

ative Andre Carson (D-IN). She remarked that for as long as her boss has been involved with infrastructure issues, he had never heard an objection to Vision Zero. That is a telling indicator that we have much work to do.

Patrick Schilling, the legislative director for Rep. Scott Perry (R-PA), responded much more enthusiastically with, "Thank you so much for flagging this. My boss completely agrees with the sentiments you outlined below regarding Vision Zero." Subsequent strategy sessions with Mr. Schilling indicate that the NMA has found a well-positioned ally in Congressman Perry as an insider on the House Committee on Transportation & Infrastructure.

Another potential champion is Rep. Michelle Steel (R-CA). Her legislative aide reacted immediately to our condemnation of federal funding for states to conduct vehicle-miles-traveled (VMT) tax pilot programs—Infrastructure Urgency, Part 3: NMA E-Newsletter #662 (<https://www.motorists.org/infrastructure-p3/>)—to determine the most efficient way to extract revenue from drivers. If you think that last part is hyperbole, here's a stated goal of the VMT pilot programs taken directly from the House reconciliation bill: "... to consider, to the greatest extent practicable, the potential for revenue collection along a network of alternative funding stations."

Congresswoman Steel introduced an amendment that would

(Continued on Page 3)

2021 NMA Visionary Society

Many thanks to members of the 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.

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NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

President Biden's "Infrastructure" funding proposal has Congress discussing not only traditional infrastructure spending on investments like roads but also includes funding mechanisms for expanding healthcare, offering free access to college, addressing climate change, and raising taxes.

In addition to the \$1.9 trillion spent on COVID relief earlier this year, Congressional leaders have settled on a \$1.1 trillion bipartisan package of spending measures that include the five-year reauthorization of federal highway and transit funding. Finally, Democrats are negotiating the parameters of additional spending, a Budget Reconciliation bill currently proposed at \$3.5 trillion, which will also include spending on transportation. The motoring public could benefit from the authorized spending at levels never seen. Expanded funding could relieve congestion, rebuild bridges, and repave roads.

The process has not been smooth, though, and the NMA disagrees with some of the priorities established by the new spending. For example, Congress has supported reforms to current traffic policy that sets speed limits. These

reforms could result in states and localities establishing lower and more arbitrary speed limits. Some communities already use policing-for-profit through traffic stops and automated ticket enforcement, and lowering speed limits will be a boon to those speed trap efforts.

The trend of prioritizing non-traditional users of the highway and roads at the expense of the motoring public will continue. Congress reauthorized COMPLETE Streets funding strictures, requiring transportation officials to give substantial weight to alternative roads users when building or repairing them. Roads utilized at maximum capacity (think traffic jam) won't get upgraded as federal funds will be siphoned off for unused bike lanes or pointless pedestrian access.

One victory for the NMA and its membership came when House leaders did not secure the inclusion of photo-enforcement provisions in the new bipartisan package. House leaders had, incredulously, hoped to overturn a current federal prohibition on funding of photo-enforcement and instead pay to assist in the installation of this technology. Given that photo-enforcement technology is generally a revenue raiser for states and localities, NMA vehemently opposed the Federal Government borrowing money to pay for states

to add more traffic ticket revenue systems.

Still unsettled is federal funding of transit. House Transportation & Infrastructure Committee Chairman Peter DeFazio (D-OR) continued to push a modern-day social engineering policy of urbanization and "smart growth," emphasizing mass transit instead of highways and bridges. Included in the nearly 10,000-page House Budget Reconciliation bill, the House allocated \$10 billion for high-speed rail, \$6 billion for surface transportation projects, and \$4 billion to address transportation-related greenhouse gas emissions. The National Motorists Association aggressively weighed in with legislators in opposition to the inclusion of any photo-enforcement provisions in this bill.

Combined with efforts to slow traffic in support of the ever-unattainable Vision-Zero, there are ways that Congress is taking a step back in addressing the needs of the motoring public. By "calming" traffic in the name of safety, placing impediments to driving, like eliminating parking spaces in urban areas, and bolstering mass transit as a mechanism to save the planet, federal funding to benefit motorists comes with policy strings that will potentially degrade motor transportation. 🇺🇸

Is the Written Word Mightier Than the Sword?

(Continued from Page 1)

remove the VMT funding passages from the bill. The House leadership deemed the proposed legislation a closed rule that could not be amended, effectively tabling the proposed revision.

While the road-user tax and Vision Zero are favorites of Peter DeFazio, the chair of the House Committee on Transportation & Infrastructure, our contact with representatives Perry and Steel, two members of his committee, provides an opportunity to fight back against continuing efforts to penalize and monetize drivers.

I jumped from Part 1 to Part 3 of the NMA Infrastructure Urgency email series, but Part 2 (<https://www.motorists.org/infrastructure-p2/>), which exposed the rampant corruption and fraud often surrounding for-profit automated traffic enforcement programs, also stirred supportive reactions from staffers. That didn't come as a surprise, considering that Washington is as polluted with red-light and speed cameras as any city in the nation. Our political representatives on Capitol Hill live with that reality every day they are in their Washington offices. While they should not need a reminder from us to uphold a law against using federal funding for local and state ticket camera programs, we will continue to use the written (and spoken) word as among the most powerful advocacy weapons at our disposal. 🇺🇸

Beating the Photo Ticket Runaround

Editor's Note: Many accounts have been written over time about battles between man and machine, with the former often not coming out on top. This may seem like another of those battles, but it really is about a man taking on a system constructed deliberately to confuse and confound challenges against it. The NMA was contacted a few months ago by the man who was incensed about receiving an automated traffic enforcement ticket from driving through a small Chicago-area suburb. He sought information from the NMA in his quest to understand the whys and wherefores of the red-light violation he was facing. In truth, his battle against a ticket camera bureaucracy that is rarely challenged is about a motorist wanting to be treated fairly and with respect. The following chronicle is mostly in his own words. It is a story of how one man's perseverance for justice won out in the end.

This is about the intersection at Route 59 and 135th Street in Plainfield, IL, about 35 miles southwest of Chicago. Route 59 is a major road, varying from four to six lanes. The speed limit at the intersection in question is 45 mph, but the prevailing speed is probably 50 to 55 mph.

I was driving south on Route 59 when the light turned yellow at 135th. I was going to try to stop and slowed down a bit before realizing there was no way to stop safely in time. The light turned red right as I reached the intersection. I thought to myself, "Wow, this is an uncomfortably short yellow light." But I thought no more of it until I got a camera ticket in the mail: two pictures and a video. The relevant pic-



ture was of my car when the light turned red. I was right at the white intersection line, but the angle of the photographic evidence was not straight down the line, making a precise determination of my vehicle's position impossible. Supposedly someone reviews the evidence before issuing a ticket. If they did in this case, they ignored the lack of clear proof of a violation.

When I called the Plainfield district attorney's (DA) office, I was told my driving dilemma of whether to slam on the brakes to try to stop and risk a rear-end collision didn't matter because I violated the red light. Well, it matters to me. I was told that Plainfield had no courtroom; the village rents a room for hearings.

I requested a hearing. They made that near impossible too. The scheduling can't be done over the phone, online, or even

in person. The ticket stub has to be mailed to either Washington State or Arizona. The Washington address for paying the ticket was provided. The Arizona address, on the reverse side of the ticket for a hearing request, wasn't. Unless defendants who want to fight the ticket take the extra steps to find out where to send their request, they probably send it in error to Washington. That confusion probably doesn't get straightened out by the two-week hearing request deadline, if ever, and a guilty verdict is virtually assured.

The automated helpline was garbled. After much effort, I found someone at the police station who gave me the Arizona information. I then confirmed that the hearing would be held in the rented room in Plainfield. No way was given to verify or track any of this.

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I'm not really confident this will work out. However, I refuse to pay a \$100 penalty for a violation I am not guilty of committing. I will be heard if they set up the hearing. If not, another government scam succeeds, a carefully planned one in all respects.

Fast forward a few weeks when our intrepid motorist received his hearing.

Well, I had my hearing. I was the first person to show up. A woman had to unlock a door for me. She checked me in, mentioned she knew a lot about the procedure and offered to answer some questions. She noted that the "judge" got hung up and was running late, so I started showing her some pictures of my alleged violation. She said, "everyone blames us for that [the yellow light timing], but we don't set it." So Plainfield wants red-light cameras and presumably profits from them but are hands-off when it comes to responsibility for operational standards.

My case was last on the schedule. Three other cases were heard, none of them straight camera violations. That was it, the three other defendants and me. Nothing was formal about the proceedings.

The judge wasn't announced to the room, she had no name plaque to tell us who she was, and there was no swearing in.


After the other cases were dealt with, the judge watched the video from the red-light camera and proclaimed, "It's close." I showed her the other pictures that were inconclusive in showing whether my car entered the intersection after the light turned red. She said she liked the effort I put into the case, and if one-quarter of a second were added to the yellow period, I definitely would have made it. With that, she dismissed my case. When I asked for proof of her decision, she said it would come in the mail. I immediately wondered if that meant Plainfield, Washington, or Arizona, but I decided not to push it.

Apparently, Plainfield has these hearings only once a month. Two people for the prosecution, the person who may or may not be a judge, and the woman who unlocked the door to let me in. No names, no titles. A lot of strange things going on with this so-called system of justice. So many barriers are constructed to discourage people from defending their rights. I'm happy about the dismissal and

can only hope that I'm done with all of this.

When I first got the ticket in the mail, I knew nothing about these camera scams. I thought it was a real ticket. I knew nothing about yellow light formulas and minimum-suggested durations to allow time for a safe stop, nothing about third-party camera companies, nothing about "rent a room" hearings, and pretend judges.

I learned a lot and am disgusted. The bottom line, these kinds of tactics encourage unsafe driving. Normally based on the situation, I'll brake or take my foot off gas when I see a yellow and judge the safest course of action. So what do I do next time since I don't know where these short yellow light cameras are located? The dilemma pretty much forces people to drive unsafely—speed up or slam on the brakes—to avoid getting a photo ticket. Isn't that the opposite of what traffic laws are supposed to do? My standard of slow down and evaluate when approaching a traffic signal turning yellow has definitely been altered.

Share with the NMA your ticket fighting story. When you do, others learn about how best they can defend themselves against predatory ticket machines. 

10 NMA Objections to Red-Light Cameras—a Reminder

The NMA opposes the use of photographic devices to issue tickets. There is no need for ticket cameras with properly posted speed limits and properly installed traffic-control devices, and they can actually make our roads less safe.

1. Ticket cameras do not improve safety.
2. There is no certifiable witness to the alleged violation.
3. Ticket recipients are not adequately notified.
4. The driver of the vehicle is not positively identified.
5. Ticket recipients are not notified quickly.
6. These devices discourage the synchronization of traffic lights.
7. Cameras do not prevent most intersection accidents.
8. There are better alternatives to cameras.
9. Ticket camera systems are designed to inconvenience motorists.
10. Taking dangerous drivers' pictures doesn't stop them.



To learn more about red-light cameras, check out the *Motorists* website issue page: motorists.org/issues/red-light-cameras/

Don't Be a Road Rager or the Victim of One

Driving is an activity requiring responsibility, courtesy, and trust. On the road, we have faith that other drivers and road users will follow the rules of the road and make decisions that keep everyone safe. Unfortunately, when drivers violate that trust and do something discourteous or irresponsible, other drivers can become frustrated, frightened, or angry. Occasionally, a driver's response is to drive more aggressively, intending to get "even" or teach the other driver a "lesson." Unfortunately, aggressive driving can lead quickly to road rage, which puts everyone in the vicinity at risk.

No reasonable driver wants to become so enraged that another driver is willfully placed in harm's way. But that irrationality happens every day in America. Here are the headlines found on one recent day:

- Man punches driver in the face, runs over leg following road rage incident on Saltillo Road in Lincoln, Nebraska
- Pennsylvania woman charged in road rage incident where shots were fired
- 22-year-old Hayden, Colorado man arrested on nine charges related to a road rage incident, shooting
- 'You Know How Testosterone Is': Edmond Road Rage Suspect Arrested, Oklahoma Highway Patrol Looks Into Crash Investigation

In the last headline, the man charged said he did not know what came over him. Driving can sometimes be frustrating, but weren't we taught in kindergarten that we shouldn't take out our frustrations on others?

Here are the most recent US road rage statistics from DriversEd.com:

- About one-third of all traffic accidents involve road rage.
- Sixty-six percent of traffic fatalities are caused by aggressive driving.
- Fifty percent of drivers get aggressive with those inflicting the road rage.
- Two percent of drivers actively seek revenge on the road.
- Thirty-seven percent of road rage incidents involve guns.
- Thirty murders per year are due to road rage. Over a recent seven-year period, 12,610 injuries resulted from road rage.

In a recent study, nearly eighty percent of respondents expressed significant anger or aggression behind the wheel at least once in the past year.

Aggressive driving is not road rage, though, which needs to be pointed out here. The biggest difference is that aggressive driving, not to be confused with assertive driving, is a traffic offense, whereas road rage is criminal.

According to the National Highway Traffic Safety Administration:

"Aggressive driving is when an individual commits a combination of moving traffic offenses that endangers other persons or property. A distinction is made between the traffic offense of aggressive driving and the criminal offense of road rage, defined as 'an assault with a motor vehicle or other dangerous weapon by the operator or passenger(s) of one motor vehicle or precipitated by an incident that occurred on a roadway.'"

Aggressive driving can quickly escalate into road rage, a crime that can follow you home or wherever you are going. Aggressive driving actions include

- Speeding in moderate-to-heavy slower traffic
- Running a red light
- Weaving in and out of traffic
- Changing lanes without signaling
- Tailgating
- Brake checking
- Flashing high beams at other drivers
- Intentionally cutting another driver off
- Blocking another motorist's lane change
- Making obscene gestures



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Making a gesture that you would likely not make in front of your grandmother is probably one of the biggest factors that creates a road-rage chain reaction. The other driver might respond by cutting off your vehicle or even forcing you off the road. The worst-case scenario is that the rager follows you and physically assaults you when you stop.

Aggressive driving also increases the risk of accidents by reducing a driver's ability to avoid a collision. To steer clear of this kind of trouble, practice driver courtesy—drive as you would want others to drive:

- Maintain distance with the vehicle in front of you.
- Always use your turn signal.
- Check your blind spots before changing lanes.
- Adjust your speed to accommodate traffic.
- Allow other drivers to merge.
- Utilize your horn to avert an accident, not out of frustration or anger.
- Turn the high beams off when behind another vehicle or facing oncoming traffic.

If motorists become overly aggressive, stay calm and courteous. Let them pass, turn right at the next street, or take the next exit. If they continue to pursue you, pull over in a public place such as a police station, firehouse, or hospital. Lock your doors and call 911.

Here are some common rage factors and some suggestions on how you can stop your own rage:

Traffic Delays

Anyone can become frustrated in stop-and-go traffic, sitting at a stoplight for too long, not finding a parking space, or waiting for a late passenger. Before this happens, find a way that works for you to calm yourself and lower your adrenalin level. Take a deep breath (or several) and count to 10.

Running Late

This one's easy—leave earlier than you need to so that you can avoid the X factor on the road and still arrive on time for work, that appointment, or picking up the kids.

Habitual or Learned Behavior

This one's probably a tougher nut to crack. Your role models might have raged while driving, and you always thought that being an aggressive driver was okay, but it's not. Learning healthier habits won't be easy. It's well worth the time and effort, though, to keep yourself calm while on the road.

Anonymity

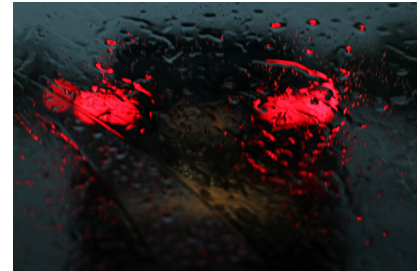
Don't be that driver who thinks the road is yours because no one knows you. That can't be an excuse for aggressive behavior. Driving courteously is the safest way to drive, and it's a mindset that everyone needs to apply before sitting behind the wheel.

Disregard for the Law and Other Road Users—the Rules Don't Apply

Sorry to burst your bubble, but the rules apply to everyone—if they didn't, society would break down, and chaos would reign. So keep up with road rules in your area and learn to soothe yourself in and out of the car.

Road rage has somehow become ensconced into our driving society. We nervously laugh at YouTube videos of two drivers jumping out of their vehicles and going at it, and we're probably glad deep down that's not us. Controlling yourself behind the wheel needs to be something that you practice every time you drive. Also, working out beforehand ways to handle an aggressive driver or even a road rage situation will help protect you and your loved ones.

Be safe out there! 🍷



Traffic Stops and Police Reform

A look at One State and Two Cities

Nevada

Nevada lawmakers recently decriminalized minor traffic offenses and jaywalking. The new law from bill AB116 allows traffic offenses to be charged as civil infractions rather than crimes and will take full effect in 2023. People can no longer be arrested for low-level traffic infractions, missing payment for a fine, or failing to appear in court for such a citation. Unfortunately, the expectations of civil offenses are not the same as traffic court adjudication. In a civil court, a 'preponderance of evidence' is used rather than 'reasonable doubt' with no recourse to face your accuser. Fighting a traffic ticket will be nearly impossible, and paying those fines and fees will be the expected outcome.

Nevada criminal justice reform advocates are now asking for more. They want the legislature to downgrade other low-level crimes to civil infractions. Examples include carrying materials that would make graffiti, domestic violence battery, local drug possession, prostitution, and even drunk driving.

Changing these acts to civil infractions means officers would give tickets rather than arresting the offender. In an interview, University of Las Vegas School of Law Professor Eve Hanan suggested that if George Floyd had been given a citation instead of being arrested, he might still be alive today.

Minneapolis

In late August, Minneapolis Mayor Jacob Frey announced that police officers would no longer conduct 'pretextual' traffic stops for low-level offenses, such as expired tags, items dangling from mirrors, or an expired license. In a memo, Police Chief Medaria Arrandondo previously told officers that the policy change was made to recognize "the continued impor-

tance of how the department can better utilize time, resources, and operational effectiveness." Arrandondo's memo also stated that the district attorney's office would no longer issue tickets for driving after suspension if the driver could not pay the fines or fees, if no accident or erratic driving had impacted public safety.

One of the likely factors of this new approach is that about a quarter of the department's uniformed officers have retired or quit since May 2020.

According to a Reuter's Investigation released in September 2021, Minneapolis police made 85 percent fewer traffic stops, drug, and gun checks after the death of George Floyd and the subsequent protests. Officers adopted a hands-off approach to everyday lawbreaking in a city where killings have now surged to a level not seen in decades.

Retired police commander Scott Gerlicher stated, "There isn't a huge appetite for aggressive police work out there, and the risk/reward, certainly—we're there, and we're sworn to protect and serve, but you also have to protect yourself and your family."

Minneapolis is also constantly in court concerning the defunding of the police. This Summer, a Hennepin County judge ordered Minneapolis to hire at least 730 additional officers. The city then asked the State Supreme Court to hold an emergency appeal on the county judge's court ruling. Minneapolis lawyers argued that the county judge overstepped her bounds in ordering the department to hire additional officers. The city also declared that residents need clarity on the court

case before they head to the polls in November to decide the fate of the Minneapolis police department.

The city's charter requires Minneapolis to fund a police force based on population. One question before voters in November is whether the city should keep or change that requirement. The State Supreme Court denied the request because it did not want the case to bypass the Court of Appeals.

Portland, Oregon

Also, this summer, Portland Police Chief Chuck Lovell announced to officers that their traffic enforcement focus would be spent on speeding and impaired driving instead of lower-level infractions. Lovell stated in a press conference, "We have limited resources, and we're trying to direct those resources most appropriately."

At the beginning of the year, officers in the Portland Traffic Division were reassigned to fill vacant patrol shifts due to fewer patrolmen on the job. This summer, the department reported that it had 104 office vacancies out of 916 positions.

Also, the department recently issued a directive requiring officers to give motorists a card informing them of their right to decline a vehicle search if one is requested. Officers will now be required to audiotape their requests and drivers' responses, and the recording must be submitted with the report of the traffic stop.

How police handle traffic stops should be every motorist's concern. Departments large and small face ongoing challenges that cannot be decided easily by legislation, courts, ballot initiatives, and official proclamations. ❤️



Civil Asset Forfeiture—as Heinous as Ever

Maine has now joined an illustrious club of states that have abolished civil asset forfeiture (CAF). Unfortunately, that group includes only Nebraska, New Mexico, and North Carolina.

Even though North Carolina purports to have abolished CAF, it really hasn't. By partnering with federal law enforcement, state and local police utilize a loophole called 'equitable sharing.'

Institute of Justice Senior Attorney Dan Alban said in a radio interview recently, "This literally allows the police not to follow the law of their own state, and instead, follow federal forfeiture law, which is quite permissive." The feds share 80 percent of its seized property with its local police partner. Alban adds, "That creates a pervasive incentive to police for profit."

North Carolina law enforcement agencies have not seized a single dollar using the state program, perhaps because funds go to schools instead of law enforcement. Working with the feds, police have seized, however, \$300 million since they began collecting assets. Nearly a hundred NC law enforcement agencies have participated yearly in the federal program.

Massachusetts lawmakers recently called for reform after a WBUR Public Radio and ProPublica investigation into Worcester County CAF practices. District Attorney Joseph Early Jr.'s office regularly waited years before notifying



individuals that they had a legal right to contest the seizure of their cash and property. Between 2016 and 2019, more than 500 instances of CAF occurred in the county in which the DA failed to file court motions for confiscation for a least ten years. After the investigation was released, Early told reporters that moving forward, his office planned to make CAF filings within two years after a corresponding criminal case had been closed.

Surprisingly enough, the state had never imposed a deadline for DA's, allowing them to stockpile forfeiture gains even if the person had not been charged with a drug offense or the case was dismissed. In recent years, lawmakers started looking into reforming this cash cow system. In an interview, committee co-chair Jamie Eldridge stated, however, he had no idea some district attorneys delayed filings for so long.

After an eight-year legal odyssey, Indianan Tyson Timbs will finally regain his vehicle. Timbs

was arrested in 2013 after selling \$358 worth of drugs to an undercover officer. He pleaded guilty and was sentenced to house arrest with five years of probation, receiving no jail time. However, his vehicle (worth \$42,000 at the time of arrest) was seized by police. The Indiana Supreme Court rendered its verdict this summer, two years after the US Supreme Court unanimously ruled that the seizure of his Land Rover violated the Eighth Amendment's ban on excessive fines. Institute of Justice attorney Sam Gedge, who defended Timbs, hailed the ruling, "As the Indiana Supreme Court correctly recognized, Indiana's campaign to take Timbs' car is just the sort of abusive forfeiture that the Excessive Fines Clause is designed to curtail."

CAF continues to be one of the National Motorist Association's national issues. We are committed to reforming this system by working with national partners, Congress, and state legislators. 🇺🇸



MEMBERS WRITE

The views expressed below do not necessarily represent those of the NMA. Letters are welcomed and should not exceed 300 words. They may be edited for length or clarity. Full-length articles will also be considered and should not exceed 600 words. Send to nma@motorists.org or mail to NMA, 1001 Arboretum Dr. Ste120, Waunakee, WI 53597

Your “Twenty-Eight Years Later” and “Pandemic Traffic Used to Endorse Vision Zero” articles in the Spring 2021 issue of *Driving Freedoms* were excellent and so intertwined as to be difficult to separate, I’m sure.

I’ve always considered myself an example of your “Professional Speeder” based on above-average eye/hand coordination from my days as a college athlete in track at the University of Georgia, over a million miles driven in my nearly 60 years as a “traveling salesman,” and shared seat time with one of my sons (SCCA racing) on road courses at Sebring, Road Atlanta and many other venues where speeds ranged from 40 to 100 mph, rain or shine.

It has always bothered me that there is so much legislative and law enforcement paranoia over “speeding” when “driver error” is almost always the actual cause of the overwhelming majority of accidents that injure and kill. “Speed Kills” is hogwash, just an excuse for lazy law enforcement to operate a radar gun and shoot fish in a barrel. They should be patrolling the highways and apprehend those driving erratically, unpredictably, and faster than their capabilities allow. Those are the ones causing the accidents. “Speed Kills” is . . . a cop-out.

If anything, driving regulations should be improved to be more practical, applicable (no cruising in the left/passing lane, required signaling of driver intention, etc.), and train officers to better identify those more likely to cause accidents. I observe them every single day; why shouldn’t our police and highway patrol?

Why are there fewer deaths per 1,000 miles traveled on the German Autobahn when speeds are so much higher? It is because they don’t issue a driver’s license to anyone who can fog a mirror! Piloting a two-ton missile at 70 and 80 mph is a privilege earned, not a right of passage. Or at least it should be.

It would also be helpful to reinstate mandatory Driver Education in every high school, written around common sense “rules of the road” and driving techniques that allow traffic to move more efficiently and safely. And, of course, legal speeds should be increased to the 85th percentile limit.

Recently on Interstate 40, posted at 70 mph, between Raleigh and Wilmington, I set my BMW X-5 50i at a cruising speed of 79 mph. The overwhelming majority of motorists were safely passing me. Obviously, an 80 mph limit on most interstates is more appropriate based on conditions and the 85th percentile speed. It isn’t that difficult.

I would really enjoy a legislator, a traffic judge, and the commander of our North Carolina Highway Patrol riding with me for an hour on an interstate highway. They would learn more about how things really are and SHOULD be than in several days or weeks at their regular jobs.

I feel better now.

Seriously, great articles. Please continue the good work you do for American motorists.

Clyde L. Hunt, Jr.
North Carolina Member

As always when my *Driving Freedoms* shows up, all other mail is put aside until I read it cover to cover.

You hit the nail right on the head, when on page one, you talked about voting drivers. People complain about whatever in government, and then vote for the same people over and over again!

It’s unfortunate, but we know it happens, sometimes a proposed bill is hidden in other proposed legislation. Voters don’t even know it’s there until it’s too late.

It’s nearly impossible to get a law revoked, or even amended once it’s enacted. This is why we have to try to stay informed because they know most people are too busy to pay attention.

I’m 76 and a car guy and gear-head from way back, when the only electric items on a car were the headlights and taillights. (Anybody remember vacuum windshield wipers?)

I watch a lot of car shows on the *MotorTrend* network. When someone has an old car restored or a newer car modified, they tell the shop owner, “I’m going to pass this car down to my kids and grandkids. That way they can enjoy it too.”

And I always think to myself, “Pal, if you and a lot of other people don’t wake up soon, your kids and grandkids aren’t going to enjoy a darn thing, car wise.”

Thomas J. Schneider
Florida Member

Have you checked out the NMA’s three websites recently?

Always something new and pertinent for the North American motorist!
www.motorists.org, www.roadblock.org, www.speedtrap.org



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

A state ethics panel censured a municipal judge who cursed and threatened a traffic court defendant because he thought she might sue his adult son. Defendant Kimberly Farranto asked for a new judge because she believed that Leeds Municipal Judge Clifton Price’s son was a passenger in a vehicle that hit her car and left the scene in a 2018 accident. The Alabama Court of the Judiciary also ordered Judge Price to apologize to Farranto.

Arkansas

Motorist Nicole Harper wants a policy change after a state police trooper used a PIT (Precision Immobilization Technique) maneuver that caused her car to overturn on the interstate. Harper, who was pregnant at the time, was driving home in July 2020 outside of Jacksonville when the trooper clocked her speeding. Trooper Rodney Dunn claims that Harper fled, but his dashcam indicated otherwise. Harper pulled into the right lane, slowed down, and turned on her hazards, obviously trying to find a safe place on the interstate to pull over due to a short shoulder. Less than two minutes after turning his lights on, Dunn performed the maneuver, causing Harper’s car to crash into a concrete median and flip. Her lawsuit claims that the PIT maneuver was negligent and an excessive use of force. Miraculously, the fetus survived, and Harper delivered a healthy baby months later. Arkansas state police attempted or used PITs on at least 144 drivers last year.

California

San Francisco’s Land Use and Transportation Committee got into hot water this summer. Members asked for a

two-week extension to further examine ADA (Americans with Disabilities) accessibility issues and get more input from stakeholders over making temporary pandemic parklets permanent. Mayor London Breed, who had written the measure, threatened to override the committee with a ballot measure. She said at a press conference, “The board has messed with the wrong mayor.” The Shared Spaces program was scheduled to sunset at the end of 2021. The parklets were originally a lifeline to keep businesses open during the pandemic. Small businesses sprouted 2,300 of these street impediments in the last year.

Connecticut

In June, Governor Ned Lamont signed HB 5429, an omnibus traffic safety bill that established a statewide Vision Zero Council and more flexibility in setting speed limits. Notably absent from the new law was a provision that would test speed cameras in New Haven. The CT NAACP and the ACLU opposed the cams with testimony that read, “Connecticut’s roads must become safer for all users, but the solutions proposed by this bill are too punitive to be the best solution.” This is the third time that automated traffic enforcement has failed to pass the state legislature. Speed cameras will likely be back in future sessions.

The governor also signed a bill (HB 6688) that would impose mileage-based fees on tractor-trailers. The fee would be calculated based on a truck’s weight and the number of miles driven in the state. Motor Transport Association of CT President Joseph Sculley testified that the average five-axle tractor-trailer already pays \$17,000 a year in state and federal highway

fees. Of course, trucks will continue to pay fuel taxes every time they fill up in the state.

District of Columbia

A stop-sign camera at Kansas Avenue and Buchanan Street in the Petworth neighborhood has generated \$3.5 million in ticket revenue since an upgrade in summer 2020. The camera gives out roughly 115 tickets per day at \$100/ticket. A TV station documented that the camera flashes even when drivers come to a complete stop while other cars roll through the intersection without a flash.

Florida

A Nassau County jury has set a new record for traffic accident nuclear verdicts (jury awards greater than \$10 million) at \$1 billion. The case concerns a September 2017 crash in Yulee on Interstate 95. Connor Dzion was killed after one truck crashed and caused a traffic backup, after which a second truck hit the college student’s car. Both truckers were driving distracted at the time of the crashes. Both drivers’ trucking companies are defunct and will likely not pay out anything to Dzion’s parents. Alix Miller, President of the Florida Trucking Association, indicated that it is becoming more difficult for trucking companies to do business in the state—major insurance companies are no longer writing policies in Florida. Trucking companies are either going out of business or moving out of state.

Illinois

Effective January 1st, 2022, the state will now be required to pay 100 percent of walking and biking infrastructure on state roads in municipalities with 1,000 or more residents. Previously, the state covered 100 percent of the costs for general road repair such as travel lanes and road markings. If, however, the analysis determined that a sidewalk, bike path, or bike lane should be added, the local municipality would have absorbed 20 percent of the costs.

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Michigan

Saginaw motorist Alison Taylor, who had garnered 14 parking tickets before 2019, won a major decision in a dispute on whether the city violated her constitutional rights by chalking her tires without a search warrant. City parking enforcers would take notes and sometimes chalk tires in areas with no meters but had time limits. For a second time, the Sixth Circuit US Court of Appeals ruled that Saginaw's policy of chalking tires to enforce parking rules is unconstitutional. In 2019, an Appeals panel ruled that the practice constituted an unreasonable search under the Fourth Amendment. Due to that ruling, the city stopped chalking tires. Taylor's attorney now wants to make the lawsuit a class-action to include other drivers ticketed.

Minnesota

In July, Minnesota police unions and other affiliated groups filed a lawsuit to overturn a state law that altered the standard for justified use of deadly force. Passed in 2020 after the death of George Floyd, the law was enacted in March. Police groups claim that the new law nullifies Fifth Amendment rights against self-incrimination since an officer needs to articulate his/her justification for deadly force with specificity. In mid-September, a Ramsey County judge issued a temporary stay in implementing the new law until the lawsuit has been settled.

Montana

The state legislature and Governor Greg Gianforte have nixed a local gas tax that Missoula County voters approved in 2020. The governor signed bill HB464, which repeals the 2-cent local gas tax. County officials accused the governor and legislature of an overreach.

New Hampshire

Motorists who have had multiple convictions of drunk driving and then cause a DUI-related fatality now face the possibility of life in prison under a new state

law. The law is named after Taylor Shaw, a 20-year-old killed in 2018 by a drunk driver with two prior convictions.

New Mexico

On July 1st, a new law produced from bill HB4 went into effect. It creates a process to sue state or local governmental agencies whose personnel use excessive force or take other actions that violate individual rights. Qualified immunity can no longer be used as a defense. The law does not allow state courts to hold individual agents directly accountable, however.

New York

Even though NYC congestion pricing below 60th Street in Manhattan won't likely come online until late 2023, city officials are complaining that they need motorists' cash now to fix the subway system. State legislators passed the measure in 2019, but the Trump administration held it up since some of the streets involved are federal highways. This summer, the Biden administration approved the start of the environmental review process, which will take at least 16 months. The transit authority will be forced to take on more debt in the meantime to fund the \$55 billion repair and modernization plan.

Manhattan's Fifth Avenue saddled with a road diet? NYC DOT plans to create bus and bike lanes by rerouting and restricting vehicular traffic in the heart of Midtown. The iconic avenue is the home to Rockefeller Center, St. Patrick's Cathedral, and Saks. Fifth Avenue Association President Jerome Barth said that the traffic constraints threaten Midtown's and NYC's economic recovery, adding, "Not one business supports the plan." Fifth Avenue will diet down from five to four lanes, with two existing lanes of busways, a protected bike lane on the east side of the street, and expanded sidewalks. The original proposal eliminated all auto traffic on the avenue between 57th and 34th Streets.

Pennsylvania

The Turnpike Commission announced this summer that it had made its final \$450 million payment to PennDot. Since Act 44 was enacted in 2007, the Commission has paid \$7.9 billion for PennDOT to use maintaining mass transit, roads, and bridges. Tolls have risen every year since then, and the Pennsylvania Turnpike has the distinction of being the most expensive toll road in the world. Right on cue, the Commission decided in July to raise the toll another five percent beginning in early 2022.

Virginia

The state's DOT has started removing Lindsay X-Lite guardrails on roads with 55 mph or higher speed limits. Crews have already been taking out these guardrails from any state road set at lower speeds. The X-Lites have been documented to pierce, puncture, and slice through vehicles during an accident. Families across the country have blamed the guardrails on the deaths of their loved ones.

Wisconsin

The State Supreme Court ruled in June that police may no longer draw blood from unconscious motorists. The justices declared unconstitutional a state law that allowed the blood draws, overturning the prior claim that motorists automatically consented to such action by the simple act of applying for a driver's license. This case stemmed from a 2014 DUI fatal-collision case.

Wyoming

The state DOT plans to reduce the speed limit over Teton Pass from 55 to 45 mph year-round. The Teton County Board of County Commissioners and the Teton Backcountry Alliance requested a traffic study in July 2020 because the pass is where recreationists (mainly skiers in the winter) and motorists intersect. After conducting a traffic study, engineers determined that most motorists were already traveling around 45 mph, the 85th percentile speed. 