



# Driving Freedom

NMA Foundation

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## To Protect and To Serve

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NMA Foundation  
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# Driving Freedoms

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## Editorial Staff

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



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

**Renew your NMA membership now to avoid any lapse.**

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## VISION SEVEN

BY GARY BILLER, PRESIDENT, NMA

Without getting too Citizens United on you, it is true in one respect that organizations are like people: Success depends largely upon the skill with which challenges are navigated and opportunities are handled. This is particularly true for advocacy organizations like the NMA where achieving goals is next to impossible without strong support.

If that sounds a bit too philosophical forgive me. Today we are faced with a national challenge unlike any since the founding days of the NMA as the Citizens Coalition for Rational Traffic Laws. The question is whether we will seize the opportunity.

With Donald Trump's ascension to the White House, many traditional Washington mores are being swept aside. Some cabinet members are actually the harshest critics of the agencies they now run. As I noted in a letter to members in late March, there is a concerted effort to ease or revoke many regulations. The Trump team, for instance, is pushing for a rollback of CAFE (Corporate Average Fuel Economy) standards that currently would mandate that automakers meet a fleet average of 54.5 miles per gallon by 2025. At the same time, the Administration is promoting stricter enforcement of existing law. There

will be plenty for the NMA to support in the effort to roll back many regulations. There also is much to be wary of and potentially oppose in terms of law enforcement, particularly where constitutional rights may be subject to abuse. We have a unique and unprecedented opportunity to influence decisions and events that will affect the motoring public—indeed, the entire nation.

The NMA's Spring Legislative Campaign, running now through July, is dedicated to advancing an aggressive legislative agenda on behalf of motorists by employing an experienced, professional Washington lobbying effort. Raising the resources to do this will require an extraordinary effort by NMA staff and supporters this Spring.

We have outlined seven key issues to pursue through next year (and no doubt beyond) in the NMA's 2017-2018 National Legislative Agenda. My March letter contained the details of the Agenda. If you don't have it or would like another copy, let me know. A synopsis:

- ❖ *Add controls to federal transportation spending, particularly for public projects planned to be financed by private investors. Not much good has*

(Continued on Page 2)

(Continued from Page 1)

*come from long term public-private partnerships with contract terms that rarely favor the public.*

❖ *Eliminate federally funded ticket blitzes. Enough with using taxpayer money to incentivize the states to operate frequent ticketing campaigns, the success of which is measured in terms of quotas such as the number of citations issued or fines collected.*

❖ *Control the use of automated license plate readers (ALPR), particularly by private contractors who collect data on millions of plates per month. That information provides the means to track the identity and location of scores of car owners and the opportunity to sell that information wherever a profit can be made.*

❖ *Reform civil asset forfeiture laws so that motorists' property cannot be seized by federal and local law enforcement without due process,*

*including charges of a related crime first being filed.*

*Currently, mere suspicion is often sufficient for irrevocable property seizure.*

❖ *Don't use federal funds to enable Vision Zero programs that put severe restrictions on city driving at tremendous loss of mobility, limits on commerce, and cost to taxpayers. For example, New York City has committed expenditures of \$1.6 billion to Vision Zero over the next five years.*

❖ *Set protocols for connected car networks that protect the security and privacy of drivers before the networks become so widespread that consumer protections never catch up.*

❖ *Establish liability limits for drivers of autonomous vehicles, particularly with the technology headed toward a lengthy transition period of 'who's responsible for accidents, man or machine?'*

The support for this agenda will not materialize without strong advocacy by the NMA.

Funds raised during our current Legislative Campaign will go toward hiring and supporting a Washington lobbyist acting on our behalf. Provided, that is, that our resources are sufficient. Our fundraising target to meet this challenge is \$45,000. That is ambitious, nearly double the amount usually contributed to the NMA each spring.

We are only going to reach that goal if our membership participation broadens substantially. If you haven't donated to the NMA in the past few years, please consider giving at least as little as \$25 or \$35; if you normally give \$50 or \$75, please consider a contribution of \$100 or \$150. Every dollar will move us closer to realizing the goal of having effective representation in Washington. It will be nearly impossible to lobby effectively without widespread membership support.

Help us achieve our seven-part legislative agenda while Washington is open to significant change. Now is the time. 

## Logging In as a Member on the Motorists.org website

1. Go to <https://www.motorists.org>
2. Hover your cursor over "Log In" at the upper right corner of the home page and select "As Member"
3. Enter your username and password
  - a) If you joined the NMA before July 15, 2010, your default username is your six-digit NMA member number (which can be found on the cover of Driving Freedoms with your address information) and your default password is the capitalized two-letter abbreviation of your state of residence unless you subsequently personalized them.
  - b) If you became an NMA member after July 15, 2010, you were given an opportunity to choose a username and password when you joined.
  - c) If you know your username but can't recall your password, click on "Lost Password?" to reset.
4. If you need help logging in, contact Kelly by email at [MbrDept@motorists.org](mailto:MbrDept@motorists.org) or by phone at 608-849-6000.



# NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

In the first three months of 2017 the Congress and White House have begun consideration of and made changes to a number of transportation issues. These include revocation of an executive order requiring substantial increases in fleet fuel economy, a proposed trillion dollar infrastructure allocation, and consideration of legislation to curb cyber hacking of autonomous vehicles.

The president’s rescission of fuel economy regulation tasks the DOT and EPA with reviewing economy targets using cost and benefit analysis without the constraint of politically fractious risks of global warming. Under the prior mandate, manufacturers were required to achieve a fleet fuel economy average of 54.5 mpg by 2025. The EPA itself estimated that complying with the new requirements would add \$1,378 to the manufacturers’ cost of producing a new vehicle.

The trillion dollar infrastructure proposal is intended to promote economic development and address our nation’s failure to adequately

maintain our roads and bridges. Unclear at the moment is how Congress will pay for the proposal. In an era of falling gas tax revenues, the Administration has proposed a series of tax incentives, public-private partnerships and tolling as funding sources. These are not especially popular among many in Congress, and the outlook for an infrastructure bill is difficult to assess.

Of growing interest to congress is the increased presence of technology in vehicles and the possible threat this poses to both driving safety and driver privacy. Many cars today include technologies that can regulate speeds on the highway. Some vehicles are capable of self-driving. Congressional committees with transportation and technology oversight have the responsibility for oversight of the technology associated with automated vehicles and are eager to integrate transportation and technology. However, they are aware of the privacy concerns of their constituents. Vehicles are increasingly connected to the internet without national standards to control

or guide the collection and transfer of information from or among vehicles. Interconnection of vehicles is not a trivial matter; it warrants the congressional scrutiny and federal control.

One positive note, a late March, 2017, Florida 4th District Court of Appeal decision held in a 2-1 ruling that police may not pull data from the “black box” of a vehicle without a warrant. The court declared that a black box is entitled to the same privacy as a cell phone. The panel appears to be the highest court in the country to require a warrant for such vehicle data and therefore has potential national significance.

Other issues warranting congressional consideration are the sufficiency of current legislation regarding impaired and distracted driving, enhancement of enforcement technology, and development of federal standards for setting speed limits. Whether and how these issues will find their way into federal law present opportunities for the NMA’s effective representation in Washington. 



## Help us raise \$45,000 to pursue the NMA’s 2017-2018 Legislative Agenda in Washington

- Eliminate Federally Funded Ticket Blitzes
- Restrict Government Seizure of Civil Assets
- Strict Oversight of Infrastructure Contracts
- Stop For-Profit Use of License Plate Readers
- Set Driver Liability Limits for Autonomous Vehicles
- Stop Federal Funding of Vision Zero
- Establish Robust Privacy/Security Protocols for Connected Cars

**Here is how you can contribute**

PayPal:	Send via <a href="mailto:GiftTheNMA@motorists.org">GiftTheNMA@motorists.org</a>
Credit Card:	Online at <a href="http://www.motorists.org/donate/">http://www.motorists.org/donate/</a> or call the NMA at 1-800-882-2785
Check:	Make payable to NMA and mail to 402 W. 2nd St., Waunakee, WI 53597

## Gas Tax Under the Microscope

Since 2013, nineteen states have raised gas taxes to pay for roads; currently as many as eighteen states are also considering increases. Much debate and difficult discussions are ahead for many state lawmakers.

Colorado, like many states, is wrestling with a growing population, putting pressure on not only maintaining but expanding transportation infrastructure. While nearly everyone agrees that funding infrastructure is a priority, the options to do so are in dispute. If increasing the tax at the gas pump is going to be one of those options, Coloradans will need to visit the ballot box, a requirement since passage of TABOR, Colorado's Taxpayer Bill of Rights, in 1992.

During his state of the state speech in January, Colorado Governor John Hickenlooper called for lawmakers to put a measure on the November 2017 ballot that asks voters for a tax hike to improve roads and transit. In early March, House Speaker Crisanta Duran and Senate President Kevin Grantham sponsored House Bill 1242 which asks voters to increase the state sales tax to help fund infrastructure.

If passed in its current form, HB 1242 would ask for a statewide sales tax increase to 3.52 percent from the current 2.9 percent. The increase in sales tax combined with the diversion of other funds, would generate a projected \$677 million per year. To help offset this sales tax increase, lawmakers would decrease vehicle registration fees by \$75 million per year. The registration on small cars would decrease from \$23 to \$9, larger passenger vehicles would decrease from \$28 to \$11, and motorcycles would decrease from \$16 to \$6.

HB 1242 sponsors have said that the majority of the revenue generated from this bipartisan bill would cover payments for a \$3.5 billion bond package, allowing for an additional



\$350 million in annual spending. Senate President Grantham added that the bill is probably not what the voters will see in November because it is still in debate.

What about the Colorado gas tax?

Many supporters of raising the gas tax instead of the sales tax believe they would not get the votes needed for passage. Executive Director of the Colorado Contractors Association Tony Milo said, "We've done quite a bit of polling over the last two years and found that the prospect of voters increasing their own gas tax is quite slim." He added, "They're actually much more open to some other type of taxes than they are to gas taxes."

Rising fuel efficiency combined with inflation over the past two-and-a-half decades has steadily eroded the current value of Colorado's 22-cent gas tax. According to an Inside Energy analysis, Colorado receives 30 percent less money from the gas tax when adjusted for inflation than it did in 2000. Colorado last raised its gas tax in 1991, a time when the state spent \$125.70 per person on transportation. In 2015, with 2.1 million more people who are driving an additional 21.6 million miles, per capita spending levels have declined to \$68.94, according to the Colorado Department of Transportation (CDOT).

Currently, the gas tax provides only one-third of CDOT funding. With a \$9 billion backlog in transportation projects, the state spends only \$150 million a year on roads despite the \$1 billion needed for just road maintenance.

Passing any kind of tax increase will be an uphill battle even if most citizens agree that something needs to be done about infrastructure. Since TABOR was adopted in 1992, voters authorized just one tax increase—a measure to tax recreational marijuana. Four citizen-led initiatives to increase taxes have failed in recent years.

Governor Hickenlooper has said in press reports that he looks to his Utah neighbor as a role model. In 2015, Utah lawmakers voted to increase the gas tax by five cents to 29.4 cents per gallon, which is 33 percent higher than Colorado's.

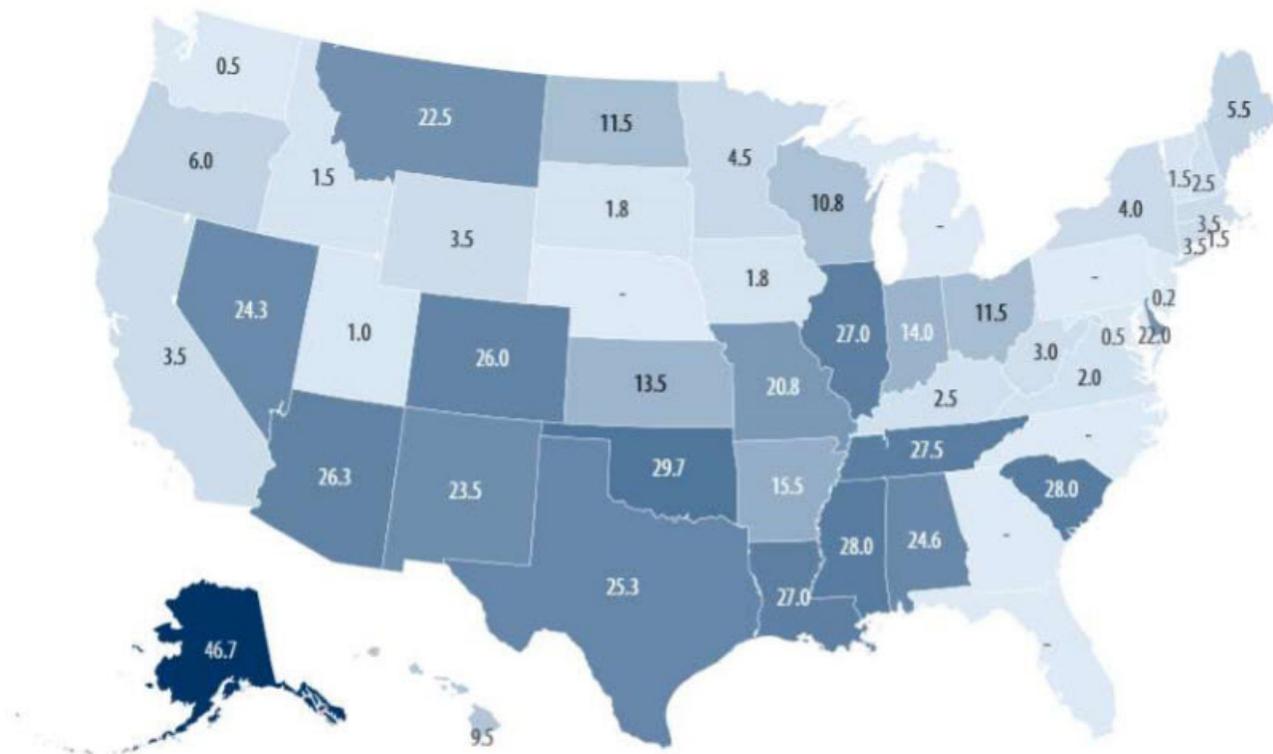
But should the state of Utah really be considered a role model? For one, lawmakers could make the tough decisions without requiring voter approval. Utah lawmakers also perpetuated a classic bait and switch on their residents.

The Beehive State legislators made alarming claims to citizens about dire transportation needs and received the general support of constituents. In

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# Years Since Last Gasoline Tax Increase

As of January 1, 2017



Source: Institute on Taxation and Economic Policy (ITEP)

2016, the very next legislative session, legislators approved an eleven-year, nearly half-a-billion-dollar transfer from transportation to non-road projects (split evenly between water infrastructure and education).

In the 2017 legislative session, the Utah senate has already approved a proposal to borrow \$1 billion through bonds to accelerate some needed highway projects. SB 277 now goes to the House for approval. Furthermore, one of the bill’s sponsors, Sen. Wayne Harper, is helping prepare the “Our Schools Now Ballot Initiative,” which if passed would increase the Utah income tax to provide an additional \$750 million annually for education. The Utah Senate and Assembly are also currently working on a comprehensive tax reform package that again might increase the gas tax.

The federal gas tax is 18.4 cents per gallon and has not changed since

1993. According to the Federation of Tax Administrators, state rates range from 8 cents in Alaska to 58.2 cents in Pennsylvania. A January 2017 Moody’s report stated that combined state and federal transportation spending increased by about \$44 billion from 2006 to 2016. States accounted for \$31.1 billion, about 71 percent of that amount.

How transportation infrastructure spending should be funded will be one of the toughest decisions for state and national legislators. The NMA has always made a two-fold argument in support of raising the gas tax to support highway funding:

- 1) It is the most equitable way to do so, especially when indexed to inflation, and
- 2) This will only work if gas tax revenue is dedicated to highway projects, i.e., not raided by politicians for other spending purposes.

**Variable Gas Tax States (adjusted for inflation, etc.):** California, Connecticut, D.C., Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Maryland, Michigan, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, and West Virginia.

**States that have adjusted the gas tax since 2013:** D.C., Georgia, Idaho, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, North Carolina, Rhode Island, Pennsylvania, South Dakota, Vermont, Virginia, Washington, and Wyoming.

**States considering higher gas taxes this year:** Alaska, Arkansas, California, Colorado, Hawaii, Indiana, Illinois, Kansas, Louisiana, Minnesota, Missouri, New Mexico, Oklahoma, Oregon, South Carolina, Tennessee, Texas (diesel only), and West Virginia. 🇺🇸

## To Protect and To Serve: Community Policing at a Crossroads

A police officer's job has never been easy. The public attitude towards law enforcement is often cynical and sometimes hostile, affecting officers' options and increasing the risks of faulty judgment. Recruitment is increasingly difficult, potentially resulting in lower hiring standards.

The public's lack of respect for law enforcement may be a consequence of traffic stops, which are the most frequent form of police-public interaction. Discussions with enforcement agencies tend to confirm their perception that traffic stops are a primary function. At the same time, the motoring public may regard police as merely an onerous and sometimes predatory impediment to driving, having little to do with safety, protection, or service.

The president of the Richmond, Virginia Coalition of Police, Detective Brad Nixon, recently said, "We have lower numbers of police on the streets, so that affords officers less ability to do proactive police work, which includes traffic stops." Nixon added that with the shortage of officers combined with the national attitude towards law enforcement can impact an officer's decision to pull someone over.

A local Richmond television station reported that from 2015 to 2016, officer-initiated stops dropped 17 percent in the city and 16 percent in Chesterfield County. Even though traffic stops have declined, the need for police services has not, commented Chesterfield County Deputy Chief Dan Kelly. Elaborating, he reported that his department has received an 11 percent increase in calls for service. With more calls and fewer officers to respond, a single officer

might have no backup or support when making a traffic stop.

According to the National Law Enforcement Officers Memorial Fund, 64 police officers were shot and killed in the line of duty in 2016. Twenty one of those officers were ambushed. Police want to do their job protecting and serving, Kelly adds, but officers have in the back of their minds the possibility of being a target.



### Efforts for Police Reform

On the flip side, citizens who are not breaking laws and minding their own business don't want to be a target either. That thin line of tension between citizens and police is ever present; it does not help when a rogue policeman crosses the line. Usually, police departments can police themselves. In Florida, Miami police recently arrested one of its own when he was observed during a sting operation extorting money from motorists after traffic stops. In Texas, the Arlington police department ended the careers of 16 officers after finding that they had falsely reported traffic stops.

Class-actions against police departments is another way to push reform onto law enforcement.

In February, the American Civil Liberties Union (ACLU), filed a class action against the Milwaukee police department's pervasive stop-and-frisk program. The suit alleges that for the past decade, officers routinely targeted tens of thousands of people without reasonable suspicion of criminal activity, a legal requirement for police stops.

From 2008—the beginning of stop-and-frisk—and 2015, Milwaukee police nearly tripled its traffic and pedestrian stops. Wisconsin ACLU senior staff attorney Karyn Rotker alleges that, "By routinely stopping thousands of people who have done nothing wrong, the department has undermined its relationship with Milwaukee residents and created a profound lack of trust in those communities—which compromises the department's ability to investigate crimes." According to the ACLU's preliminary analysis of Milwaukee police records from 2010 to 2013, black motorists, who constitute 34 percent of Milwaukee's population, accounted for 72 percent of stops.

The suit seeks reforms of the Milwaukee Police Department by safeguarding constitutional rights:

- √Promoting bias-free and evidence-based policing—ending the practice of conducting stops and frisks without reasonable suspicion.
- √Establish policies to eliminate racial profiling.
- √Improve training, supervision, and monitoring of officers who conduct stops.
- √Increase transparency by collecting and publishing stop-and-frisk data semi-annually.

The U.S. Department of Justice (DOJ) has pursued reform through investigations of police departments such as Baltimore and Cleveland,

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which have been accused of a range of misdeeds and abusive practices. The DOJ's website discloses that at least 29 law enforcement agencies in the US have been subject to federal investigation in recent years. For example, in 2015, the DOJ found routine constitutional violations by the Ferguson, Missouri police department. The violations resulted in a "community where deep distrust and hostility often characterized interactions between area residents and police."

All this might be changing, however. Attorney General Jeff Sessions has said that he would like to see the Justice Department allocate more money to help police fight crime rather than spend scarce resources on lawsuits against police departments.

Other strategies to bring about police reform have been tried with limited success. Legislating police reform, for example, has been a minefield for lawmakers with good intentions. Last year, former California state senator Mark Leno introduced legislation that would have allowed disclosure of police records in cases where departments had determined that officers committed serious misconduct. Leno said that an ACLU poll indicated that nearly 80 percent of Californians believe that the public should have access to this information. The bill failed in a flurry of opposition from police unions and other law enforcement groups.

California has some of the toughest laws in the country prohibiting release of the details of police misconduct. In March for example, the Los Angeles County Sheriff's Department was not allowed to send a list of deputies with histories of misconduct to prosecutors.

Law enforcement groups have argued that these protections are necessary to preserve officer safety and privacy. Civil rights groups contend the rules erode the public's trust of police agencies.



Police unions are powerful in other ways. In January, Reuters examined 82 police union contracts across the country and found a pattern of protections afforded officers that obstruct residents who are pursuing complaints.

An example cited in the report comes from the San Antonio Police Department. In late 2013, police officer Jackie Neal, with multiple prior sexual misconduct complaints, stood accused of handcuffing a woman and raping her in the back of his police cruiser. He pled no contest, was fined \$5,000, and sentenced to 14 months in prison. He also agreed to surrender his officer certification. He was released from prison after only five months. In April 2015, the city approved a \$500,000 settlement for the victim.

In early 2014, City Manager Sheryl Sculley, with the support of the San Antonio city council, proposed changes to the police union contract. Her proposal included eliminating a clause that erased prior misconduct complaints from an officer's record, increased public participation in the complaint process and ended an officer's ability to forfeit vacation time rather than serve a suspension.

Immediately, the San Antonio Police Officer's Association targeted Sculley with a \$1 million intimidation campaign that included full page newspaper and radio ads as well as billboards discrediting the unelected city manager.

The officers' association president Mike Helle said that Sculley pitched the changes simply to ride the wave of anti-police sentiment, adding that the manager was overly aggressive in her tactics. After two years of bitter negotiation, the sides agreed to a contract capping pay and benefits but making no changes to officer misconduct procedures.

Sculley said that the police union wouldn't budge on her demand that it cede control over discipline, and city council leaders urged her to settle the new contract. Sculley added, "I lost the political support of the council to continue to press on that issue."

Using political muscle to cement police union contracts provides a shield of protection for officers accused of misconduct and even criminal activity. Former chief of the Civil Rights Division of the U.S. DOJ Jonathan Smith has said, "The balance has dramatically shifted . . . to the creation of barriers to actual accountability that don't serve the public good."

Often in closed negotiation meetings with local police unions, cities have bargained away their power to discipline police officers. Traditionally, contracts covered salary, pensions and healthcare, but over the past forty years, cash-strapped cities have given more management control to unions rather than pay increases.

In this climate and under these contract conditions, police reform may be no more than a dream. Maybe the best police reform has to come from within police departments themselves. The Richmond and Chesterfield police departments mentioned above contend that arrests are down 10 percent and 13 percent respectively. Police officials attribute the drop to more community outreach connecting residents to services and not handcuffs.

There are many ways to protect and to serve. There are more ways not to. 

## Facial Recognition Goes Mainstream



In December 2016, New York State quietly asked contractors to bid on a vast camera surveillance system. This was part of a little-noticed detail in Governor Andrew Cuomo's major infrastructure package introduced in October 2016. The proposed system would scan drivers with facial recognition software paired with automatic license plate readers to know who is coming in or leaving New York City. All seven of the Metropolitan Transit Authority's (MTA) bridges and both tunnels are named in the proposal.

The MTA plans to implement a facial recognition system from a gantry-based or road-side monitoring location. The technology allows investigators to match images to databases of mug shots and drivers licenses with accompanying identifying information.

Claire Garvie from Georgetown University's Center for Privacy and Technology warns, "The biggest risk that comes for a system like this is its ability to track people, by location, by their faces." She adds, "What needs to be put in place is a prohibition on the use of these cameras and technology as a location tracking tool."

In October 2016, the Center for Privacy and Technology released a study, *The Perpetual Lineup*, on the status of facial recognition in the United States. The report surveyed 100 police departments, analyzing how each uses the technology and what controls each

department has in place to prevent abuse.

The report gave some startling insight:

*vAbout half of American adults (117 million) are already located in areas having a "law enforcement facial recognition network.*

*vThe use of facial recognition cameras and software is neither new nor rare.*

*vThe FBI runs searches of facial recognition databases more often than wiretaps.*

*vAbout 25 percent of U.S. police departments have access to facial recognition networks which are often cross-referenced with databases of ID photos such as driver's licenses.*

*vLaw enforcement currently has carte blanche to do almost anything they want—including scanning photos of people who have never committed a crime or been suspected of committing a crime.*

*vNo state legislature has passed a law comprehensively regulating the use of facial recognition by police.*

*vIdentifying suspects by facial features has a dismal success rate. Of the FBI's 36,420 searches of state license photo and mug shot databases, only 210 (0.06 percent) yielded likely candidates for further investigations.*

The nearly invisible ubiquity of facial recognition technology is on a par with the similarly invisible proliferation of other surveillance tools such as intercepting wireless phone signals (Stingrays) and monitoring social media activity.

Facial recognition technology ups the ante for tracking individuals by registering who we are, where we've been, and the company we keep.

There is much to be concerned about as more cities institute this surveillance technology on a widespread basis. We should remember that it is our money, our road taxes, being diverted to fund the implementation of these invasive surveillance projects. 🍷

## Spotlight:



The Perpetual Lineup report ranked the Albuquerque police department (APD) as the top police department for instituting safeguards to prevent the misuse of technology. APD's facial recognition protocol requires probable cause for a detective or officer to obtain the use of facial recognition.

APD has a Real Time Crime Center which provides location and background information to officers en route to certain 911 calls and provides crime data analysis. Director T.J. Wilham says, "There are strict audit trails in place to ensure our resources are used appropriately. Conducting surveillance is not a part of our mission."

In the past three years, the RTCC conducted 50 cases that required facial recognition analysis with only 12 possible matches. Director Wilham added, "Nothing is admissible in court. It's all a possible match." Possible matches are given to detectives for developing leads.

Director Wilham revealed that when conducting a facial recognition search, his team does not access the New Mexico's driver's license database or jail mug shots—only the National Crime Information Center (NCIC) and APD's internal mug shot databases. The APD data includes about 200,000 photos of people arrested by the department.

The RTCC unit cost New Mexico taxpayers \$1 million last year and includes 14 employees most of whom provide real-time information to officers on their way to a crime scenes.

Director Wilham says Albuquerque may also consider someday running real-time facial recognition comparisons with live-streaming video by using the video surveillance cameras already in place. New York City, Los Angeles, Chicago and Dallas, are either already using real-time facial recognition or are in the process of implementing such systems. 🍷

## Law Enforcement Drones Closer to Reality

According to a recent article on PoliceOne.com, Unmanned Aerial Vehicles (UAVs) or drones could help law enforcement in six ways: 1) bird's eye view for an active shooter, 2) stakeout surveillance, 3) crime and traffic accident scene analysis, 4) crowd monitoring, 5) bomb inspection, and 6) traffic enforcement.

Here are three companies that are developing UAVs for traffic enforcement.

❖ Texas company **Chaotic Moon Studios** has in the testing stages a drone called Blue Eyes, a camera-carrying UAV that fastens on top of a police cruiser and launches on command. The device hovers 30 feet over a scene recording and sending live images to headquarters. The device could also include infrared capabilities. This device is not for use by the officer on



the ground but more of a device that explains the scene objectively from above.

❖ **Amazon** has patented a police drone that would be used directly by an officer on the ground. This shoulder-mounted drone would be deployed before a police officer approaches a car during a traffic stop. The drone would fly around the vehicle and send the officer pertinent information such as how many people are in the car and whether they have their hands in sight.

❖ Canadian company **Imaginactive** has been developing a police interceptor drone. This driverless superbike can scan license plates while zipping around on its own patrolling city streets and highways and doling out tickets via email. One officer at a desk could monitor up to five interceptors in real time. 🍷

## ALPRs Now Used at Police Checkpoints



In a February 2017 press release, Vigilant Solutions announced that an unnamed Midwest police department had recently deployed a Vigilant automatic license plate reader at a sobriety checkpoint.

The sergeant in charge of the checkpoint said that his team allowed six cars at a time into the check point for a total of 488 vehicles in a four hour nighttime roadblock. More than a thousand additional vehicles were allowed to bypass the actual check point rather than wait. Officers scanned the passing vehicle's license plates with the department's ALPR. Subsequently, any passing vehicles flagged by the ALPR were stopped farther down the road by another contingent of law enforcement officers. 🍷

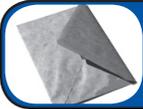
## Giving Out E-Tickets Means More Tickets Per Hour

Law enforcement agencies around the country have quietly been building online e-ticket programs. For example, the Oklahoma Highway Patrol and Tulsa area law enforcement have been using e-tickets for years.

Mobile data terminals or MDT's are first installed into police cars. The MDT computer system allows officers to run plates, check for warrants and do reports directly at the scene. Another component of the system, called the digi-ticket system, permits officers to write electronic traffic tickets on the computer. Officers use a hand scanner to read the information code on a driver's license to acquire the personal data information normally asked of the driver.

What does this mean for stopped motorists? Less time on the side of the road getting a citation, a "convenience" that makes the ticketing process less painful and probably leads to more compliant drivers. According to Coweta Oklahoma Police Chief Mike Bell, the handwritten ticket generally takes eight to ten minutes. Electronically, it can be done in two to three minutes. After the officer inputs all the information, the ticket can be printed inside the police cruiser and handed to the motorist.

E-tickets create more efficiency for law enforcement agencies and the court system. Electronic ticket copies can be sent directly to the court clerk for processing. But which is better served by the efficient issuance of e-tickets, traffic justice or ticket revenue collection? We think the answer is apparent. 🍷



## 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](mailto:nma@motorists.org) or mail to NMA, 402 W 2<sup>nd</sup> St., Waunakee, WI 53597

The Winter 2017 issue of Driving Freedoms is the scariest ever. My 78-years have taught me the uglier the jargon, the more likely that innocent people will get hurt. Promoting humdrum objects like streetlights to “smart street furniture” must have even Big Brother working overtime.

The advent of the “Array of Things” and “Internet of Things” and “SpotShotters” to go along with ALPRs and VIIs, heralds the fruition of President Trump’s dearest wish, a nation of sheep to shear, and the shears to do it.

You suggest fixes that would mean a “trade-off of privacy vs. less personalized support from the smart city itself.” A trade-off supposes voluntary choice. I do not choose to lose one iota more of my privacy than has already been stolen.

David Carroll  
Michigan Member

The winter edition of Driving Freedoms 2017 included the President’s Report which mentioned a rise in motor fuel taxes.

First, any increase in motor fuel taxes will affect individuals of low income in a disproportionate manner. This should be taken into serious consideration. As an elderly disabled veteran, living on a fixed income, any tax increase is a matter of serious concern for me.

Secondly, your article mentions, “...as long as spending is dedicated to highway projects.” Based on

uncounted broken promises from the past, I would like to see current tire excise taxes, motor fuel taxes and all sales taxes derived from automotive activities irrevocably dedicated to highway projects before any increase in motor fuel tax could be considered. Only such a demonstration of proven good faith by government would serve to calm my passions about the prospect of an increase in motor fuel taxes.

All too often tax increases promoted for a given purpose are diverted to other purposes such as programs which tend to placate given groups and “buy” their votes.

Steven Sevits  
New York Member

Your vote does matter!  
Accountability is the reason Pat McCrory – the former North Carolina Republican incumbent governor - lost the November 2016 election, despite statewide and nationwide Republican success.

McCrory’s loss is a victory for motorists; particularly motorists who live in the Lake Norman area... like me. (Lake Norman is comprised of six towns and three unincorporated areas, just north of Charlotte.)

Opposition to the I-77 managed lanes project was/is OVERWHELMING among Lake Norman-area residents. McCrory’s refusal to instruct NCDOT to cancel the project led to his demise. Had the 2016 Lake Norman vote

replicated 2012, McCrory would have been reelected. This flip-flop among Lake Norman-area voters is a strong indication how we feel about our major corridor (I-77) and how it affects our quality of life.

K.C. Green  
North Carolina Member

*The following two comments are in response to NMA E-Newsletter #427: The Politics of Roadblocks which can be found in the Alerts section of Driving News on the Motorists.org website.*

One of the best ways to reduce roadblocks is to take away the financial reasons for the local police to set them up. Many of these roadblocks are couched in safety terms like “Click it or Ticket” or other such lofty goals. In fact, they are a fishing expedition to issue the highest number of citations and extract the maximum amount of money from the driving public. Many jurisdictions plow the fine money right back into the law enforcement budgets. That is where the attack on roadblocks should start. NO FINE MONEY SHOULD go back to law enforcement. That will let this poisoned fruit die on the vine. Roadblocks that don’t generate revenue will cease to exist.

Paul J. Mallon  
Georgia Member

Roadblocks (they call them sobriety check points in my town) typically stop a couple thousand cars to catch one or two DUI’s. It’s an outrageous abuse of the 4th amendment.

Stuart Orton  
California Member



## DRIVING NEWS

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

### Arkansas

The city of Damascus in Faulkner County has been officially declared a speed trap city. A nearly one year investigation has concluded that the city violated state law by having police officers ticket motorists that produced revenues exceeding 30 percent of the previous year’s expenditures. Ticketed drivers, however, currently have no recourse to retroactively challenge their citations.

### Arizona

Lawmakers attempted to resurrect a law that required passengers to carry photo IDs while in a vehicle. If the bill had passed, passengers who failed to provide evidence of identity would be charged on a class 2 misdemeanor, which could have carried up to four months jail time under current state law. In a 2002 court case, a judge struck down a similar law that forced passengers to provide evidence of identity, calling the law too vague to enforce.

### California

Assembly Bill 63, which would increase the maximum age to receive a provisional driver’s license to 21 years, has been proposed for this year’s legislative session. Supporters say that upping the graduated driver’s license will keep that important age group of 18 to 21-year olds safer. Opponents of the bill say that civil liberties are violated when you restrict the travel for this group who are considered adults. The bill is currently stuck in the Transportation Committee.

### Florida

The Florida Department of Transportation released a report at the end of 2016 that surveyed 148 red-light camera intersections in 28 cities and counties. The DOT determined that total crashes increased 10.14 percent since the cameras were installed. Florida lawmakers are still considering a ban on automatic traffic enforcement because this is the second year in a row that crashes at camera-enforced intersections increased by more the ten percent.

### Iowa

The Iowa Appeals Court tossed a class action suit against the city of Cedar Rapids for its operation of speed cameras. At issue were the interstate speed cameras that garnered \$75 per ticket. Motorists who brought the case claimed that the automatic ticketing system is rigged in favor of the city and deprives drivers of their constitutional right of due process. In 2015, the Iowa Department of Transportation determined that speed cameras on I-380 were installed primarily to raise revenue and did not promote traffic safety. The DOT ordered the cameras removed from Cedar Rapids and two other Iowa cities. The court did not consider this point since the dispute between the DOT and the cities is still pending in a different case.

### Idaho

Lawmakers have proposed a law that would allow motorists to go up to 15 mph over the speed limit when passing another vehicle in certain cases. Bill 132 has already passed the House.

### Illinois

In February, the Illinois Appellate Court allowed a class action against Chicago’s automatic traffic enforcement program to proceed by refusing to hear the city’s appeal of a lower court’s ruling. The city is faced with refunding \$200 million in fines and late fees to motorists denied due process after receiving 1.5 million red-light camera and speed camera tickets. The city did not follow its own rules when officials neglected to send a second notice before imposing late fees for unpaid tickets. Last fall, the city council approved Mayor Rahm Emanuel’s plan to give the 1.5 million motorists a second chance to challenge their tickets.

### Kansas

The Kansas Supreme Court held that a passenger is not deemed to have waived his 4th Amendment right to unreasonable search and seizure even though the driver has consented to or remains on the scene after a traffic stop. Prosecutors told the court that a passenger’s presence becomes voluntary once the driver gives consent or voluntarily remains on the scene after a traffic stop. The court’s opinion asserted, “The driver’s waiver of his 4th Amendment rights by consenting to a voluntary encounter and consensual vehicle search cannot, as a matter of law, be deemed a waiver of the passenger’s 4th Amendment rights.”

### Maryland

The Maryland Drivers Alliance (MDA) investigated yellow light timings in Montgomery County; it found that officials had set the yellow times below the legal minimum required by state and federal law. The County has generated \$23,408,609 in annual revenue due to the illegal timing. The MDA, with the help of an NMA Foundation legal aid grant,

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is challenging the imposition of a fee exceeding \$19,000 by the County to provide yellow light timing data under the Maryland Public Information Act.

### Missouri

A Missouri appeals court upheld the validity of a 2014 vote amending the Charles County charter to ban automatic traffic enforcement. The amendment passed with an approval of 73 percent of the voters. At the urging of Redflex Traffic Systems, officials in three towns launched a suit to have the vote nullified. City officials insisted that the amendment was unlawful because cities have the full authority to regulate their own streets. Judge Lawrence E. Mooney wrote for the court, “Even were we to construe the cited statutes to grant cities exclusive authority over regulation of traffic on city streets, the referenced statutes do not grant exclusive control over all matters related to regulation of traffic enforcement mechanisms on city streets, which is a critical distinction.”

### North Dakota

Lawmakers put the brakes on raising the speed limit from 75 to 80 mph on Interstates 29 and 94. The bill’s sponsor State Senator Lonnie Laffin felt that bumping the speed limit would save time and money. He explained, “Our economy wastes a huge amount of non-productive time sitting in vehicles.”

### New Hampshire

The New Hampshire Supreme Court has upheld a lower court ruling that did not allow the city of Keene to place a ten foot buffer between city parking enforcers and ‘Robin Hood’ activists who fed parking meters. The city argued that saving motorists who parked downtown from a city parking ticket just before expiration also constituted harassment of city employees. This is the second suit brought by Keene against the six parking meter activists.

### New Mexico

Lawmakers are closing two loopholes in civil asset forfeiture (CAF) in the state. In July 2015, a law went into effect ending CAF by prohibiting state jurisdictions from taking property without a criminal conviction. New Mexico cities, such as Albuquerque, did not think that the new state law applied to them and continued with its CAF programs. Passage of SB202 has added specific language to the state asset forfeiture law that would expressly prohibit these municipal forfeiture programs, shutting them down for good. The proposed law also closes a second loophole that could have allowed law enforcement to bypass the state law by passing cases off to federal law enforcement under its Equitable Sharing Forfeiture program. New Mexico is the first state to institute such sweeping CAF reform.

### New York

A state appellate court ruled that New York City and other municipalities can be held liable for failing to redesign streets with a history of traffic accidents and reckless driving. The case stems from a 2004 crash of a speeding motorist who hit a 12-year-old boy on a bicycle. The court ruled that New York City was 40 percent at fault and, accordingly, is required to pay 40 percent of the \$20 million judgment under appeal. The child, now an adult, suffers from permanently diminished mental capacity and function.

### Ohio

A Butler County judge has ordered the village of New Miami to repay more than \$3 million collected from the city’s speed camera program. The speed camera program was deemed unconstitutional in 2014; the case has been in and out of court since that time. The village reinstated its program in early 2016, under new guidelines set by the state legislature.

In April, a new Ohio law takes effect that allows the 101 townships with police departments to set up speed traps on any highway as long as it is not an interstate highway.

### Texas

In 2015, 83 percent of the voters approved Proposition 7, which amended the state constitution to permit sales taxes paid on automobile purchases to be routed to the State Highway Fund. Now, as the first \$5 billion payment is due, some lawmakers are considering diverting up to 50 percent to fund other programs. The lawmakers’ proposal could pass with a two-thirds vote in both the House and Senate. The Texas Transportation Commission, which oversees the fund and the Department of Transportation (DOT), approved a long-range planning document that assumes it would receive Proposition 7 funds through 2026. Without Proposition 7 funds, the DOT’s primary source of revenue is the gas tax, which has not increased since 1991 and is unlikely to increase any time soon.

### Virginia

A Fairfax County Circuit Court judge rejected an American Civil Liberties Union (ACLU) suit contending that the county government’s use of automatic license plate readers (ALPR) to record movements of all vehicles for up to a year violates the Virginia’s Government Data Collection and Dissemination Practices Act. The ACLU cited a 2013 state attorney general ruling that found the “passive” use of license plate cameras violated the statute. The judge disagreed with the AG’s ruling and found no state or federal case law supporting the argument that a vehicle’s license plate is necessarily related to the identity of an individual person. The ACLU has appealed the decision to the Virginia Supreme Court. 