



Driving Freedom

NMA Foundation

Vol. 27 • Issue 1 • Winter 2016

A Vision Zero Utopia: Where the Streets Have no Cars



NON-PROFIT
ORGANIZATION
US POSTAGE PAID
MADISON, WI
PERMIT #2860

ADDRESS SERVICE REQUESTED

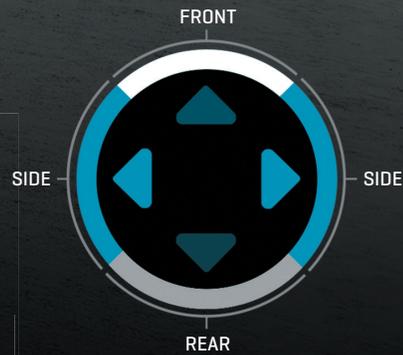
NMA Foundation
402 W. 2nd St.
Waukegan, WI 53597

POWER. PRECISION. 360° PROTECTION.

NEW

MAX 360[®]

Unmatched Precision with Directional Arrows



360° Directional Alert Arrows

Dual-antenna detection rapidly scans surrounding threats. Experience ultimate intelligence by instantly knowing the direction of the source.

[ESCORT MAX 360 shown with ESCORT LIVE]

1

AutoLearn Technology

GPS location-based technology identifies and locks out false alerts as you drive

2

Extreme Range

Extreme range and all out performance for the ultimate driving experience

3

Defender™ Database

Real-time resource to alert drivers to speed cameras, red-light cameras, speed traps and other risks

4

ESCORT Live

ESCORT Live App leverages crowd-sourced alerts and ticket protection

ESCORT[®]

▶ Receive 360° Coverage and our *Speeding Ticket Limited Guarantee** when purchased factory direct. Call 866.468.0317 or visit EscortRadar.com for details!

*Certain limitations and conditions may apply; see EscortRadar.com for details.

Driving Freemoms

Vol. 27 Issue 1

A Vision that is all too Clear	1
Remaking the Landscape.....	2
NMA Washington Report	3
Countering Vision Zero Part 1.....	4
Countering Vision Zero Part 2.....	6
The Carrot and the Stick.....	9
News From Around The Country.....	11
SCCs & Activists List	13

Editorial Staff

Managing Editor.....	John Bowman
Staff Writer	Gary Biller
Staff Writer.....	Robert Talley
Guest Writer.....	Jim Sikorski
Guest Writer.....	John Baxter
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.

Copyright © 2016 by NMA Foundation. All rights reserved.

Driving Freedoms (permit # 0716556-KWP) is the official publication of the NMA Foundation, Inc. *Driving Freedoms* is published quarterly by the NMA Foundation, Inc., 402 W. 2nd St., 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*.



A VISION THAT IS ALL TOO CLEAR

BY GARY BILLER, PRESIDENT, NMA

My column in the summer 2015 issue of *Driving Freedoms* could serve as an introduction to this edition. Programs like New York City's Vision Zero and Philadelphia's Complete Streets are "The Biggest Danger." They are designed to restrict or eliminate motorized traffic from urban centers under the guise of a risk-free existence for all who walk, bike or ride.

There is little I could say, however, that would do a finer job of exposing the aspirations of zero-vision proponents than the extraordinary correspondence featured on Pages 4 through 8. Two NMA Pennsylvania members—Jim Sikorski and John Baxter (no relation to NMA founder Jim Baxter)—engaged Philadelphia Complete Streets safety engineer Gustave Scheerbaum in a revealing discussion about the impact of squeezing motor vehicles out of large metropolitan areas.

Mr. Scheerbaum goes all in with regard to controlling the use of cars. In addition to his role with Complete Streets, he coordinates bicycle and pedestrian facility updates and previously chaired the *Future Directions for Transportation in Pennsylvania Task Force*, and the *Automated Red-Light Enforcement Task Force* on behalf of the Pennsylvania State Transportation Advisory Committee.

The Sikorski/Baxter/Scheerbaum dialog illustrates the mindset that drivers must endure stricter limits

to save countless lives. It is a "speed kills" mentality packaged for the city dweller.



Nothing caused me pause as much as reading Mr. Scheerbaum's statement that some European cities "made a public decision to accept their urban planner and transportation experts' research and guidance" on matters such as calming and slowing traffic.

It's as if the American public should also place unquestioning faith in officials who have our best interests at heart when reshaping personal transportation and the very structure of city life.

It will take the ongoing efforts of the NMA and active members like Messrs. Sikorski and Baxter to raise critical questions so that the public not only understands the underlying issues but also recognizes the overall effect that curtailing automotive traffic will have on society.

We launched a fully redesigned Motorists.org website in October and are very pleased with the early results. The number of site

(Continued on Page 3)

The Dangers of Remaking the Landscape

Why the NMA is so concerned about Vision Zero, Complete Streets and Smart Growth

Vision Zero and the related movements of Complete Streets and Smart Growth seek to fundamentally reengineer the landscape and change how we live, work and travel. In our opinion, there is no greater threat to our driving freedoms.

That's why we've devoted this special issue to a detailed analysis of these growing trends. Our means for doing so consists of a series of communications between two Pennsylvania NMA members and Gustave Scheerbaum, P.E. Mr. Scheerbaum is a transportation engineer with the City of Philadelphia Mayor's Office on Transportation and Utilities. His duties include administering the city's Complete Streets initiative.

If you haven't heard of Complete Streets, you've certainly seen its impact: narrower travel lanes, more bike lanes, road diets, curb extensions, traffic calming ... the list goes on. According to the National Complete Streets Coalition (part of Smart Growth America), the goal of the Complete Streets movement is to design and operate streets that "enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities."

That sounds like a worthy goal until you realize it's not completely true. Purveyors of Complete Streets are careful to pay lip service to the needs of motorists, but in reality, their interventions are designed to make driving expensive, inconvenient and ultimately socially unacceptable. This leads to distinctly driver-unfriendly policies like congestion pricing and Vehicle-Miles-Traveled taxes, which we discuss on Page 9.

Not surprising, since Complete Streets grew out of Smart Growth, a movement that tosses around terms like "livable communities" and "multimodal transportation networks" as euphemisms for car-free roads. For more on Smart Growth and how it could ultimately limit

our transportation choices, check out the winter 2015 issue of *Driving Freedoms*.

The tools, tactics and desired outcomes of Complete Streets parallel those of Vision Zero, which took hold in the United States two years ago with the election of New York Mayor Bill de Blasio. De Blasio pledged to eliminate all traffic fatalities in the city within 10 years. His plan for doing so, known as Vision Zero, relies on a familiar arsenal of traffic "safety" tools designed to make driving as onerous as possible. These include arbitrarily reduced speed limits, heavy reliance on ticket cameras, narrower traffic lanes, more bike lanes and stepped-up traffic enforcement.



The results have been mixed. According to one study, traffic fatalities in New York have dropped by 11 percent over the last 12 months, but no mention is made of statistical significance. However, on Staten Island traffic fatalities have actually increased. This, despite the fact that police have issued twice as many tickets as they did before Vision Zero, and the island is now peppered with speed cameras.

Dozens of cities across the country, including Chicago, Los Angeles, Boston, San Antonio and Seattle, are implementing Vision Zero, all in the name of safety. In San Francisco officials have embraced Vision Zero in a big way and are pushing for the installation of speed cameras, even though they are illegal under California law. We've seen no mention of this inconvenient truth in the press but predict a feeding frenzy of lobbying in Sacramento to get that changed.

A key tenet of Vision Zero is that road users shouldn't be held responsible for their own safety. Vision Zero supporters wrongly believe that tickets cameras, low speed limits, traffic calming, etc., will keep everyone safe. This kind of thinking gives rise to the notion that pedestrians and cyclists can never be at fault in an accident with a motor vehicle—a theory that advocates for those groups actively promote. Nothing could be further from the truth, as we point out in the e-newsletter (*NMA E-Newsletter #341: If it Walks Like a Duck*) reprinted on Page 7.

Another key tenet of Vision Zero is that no road user should die or suffer serious injury in an accident. We agree, but encouraging road users to give up responsibility for their own safety makes them less safe, not more. Supporters of programs like Vision Zero and Complete Streets need to realize this. They also need to realize that the vast majority of motorists drive responsibly and don't go out of their way to endanger anyone.

Traffic accidents will always occur, and the NMA is prepared to work "across the aisle" to develop solutions that balance the needs of all road users while preserving our cherished driving freedoms. We can only hope that other road-user groups are motivated to do so as well. Read on to see if you think this is possible. 🚗



NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

In early December President Obama signed into law a surface transportation bill funding the nation's roads, highways, bridges and tunnels for another five years. At almost \$305 billion, the "Fixing America's Surface Transportation Act" or the "FAST Act" funds our infrastructure under a long-term program for the first time since 2009. The debate over the bill was contentious for multiple reasons, and first among them was the revenue concern. The federal highway program is roughly \$70 billion short over the five-year period, and finding the money to pay for the roads without developing a long-term structural correction created tension among legislators.

The law addresses photo enforcement on several fronts. It bans federal funding for automated traffic enforcement systems, defined as any camera that captures an image of a vehicle for the purposes of traffic law enforcement, with one key exception: Federal funding for automated enforcement could be used if the photo enforcement is in a school zone.

States using automated enforcement systems will now have to routinely file information with the Department of Transportation (DOT). In addition to divulging the locations of all such

systems, statistical measures of safety and accountability must be provided. The performance of each red-light and speed enforcement system will be compared against DOT benchmarks.

While we might applaud the victory of a federal ban on funding of red-light cameras, there is a cold reality that must be considered for those with concerns about the use of photo enforcement as a revenue stream for localities. The federal government has just authorized a grant program that will fund the installation of revenue-generating speed cameras in school zones. Setting aside for the moment the universal agreement that safe driving in school zones is an absolute must, this program is likely to be hugely popular not only among law enforcement but also among other community leaders looking for additional revenue streams. It will be hard for anyone to turn down a free goose that lays golden eggs.

Impaired driving remains a focus of the bill's safety provisions, with a heavy emphasis on countermeasures such as high visibility enforcement and ignition interlock programs. States that pass laws to restrict license privileges and impose ignition interlock requirements on individuals convicted of impaired driving will get access to separate grant funds, setting in place a

financial incentive for states to undertake these actions. DOT will also conduct a study to evaluate methods to detect marijuana-impaired driving including "devices capable of measuring marijuana levels in motor vehicle operators." DOT will also recommend an impairment standard for driving under the influence of marijuana.

Finally, we report on the inclusion of restrictions on the use of data from vehicle event data recorders. Ownership and use of this information has been the subject of controversy with significant variation among states as to what law enforcement can and cannot do with it. The new federal standard establishes that information from a black box belongs to the owner of the vehicle and cannot be accessed except in limited circumstances.

Looking forward, Congress recognizes it will not be able to avoid fixing the shortfall in the highway trust fund and is considering a revenue stream other than the gas tax. States are offered matching grant money to test alternative revenue mechanisms such as a Vehicle-Miles Traveled tax. Reports on the programs should be rolling in just about the next time Congress needs an influx of cash to pay for our infrastructure. 🚧

A Clear Vision

(Continued from Page 1)

visitors and page views averaged a solid 48,315 and 75,800 per month respectively before the redesign. In the two months since, those statistics are both up more than 40 percent to 71,200 and 108,460.

Much of the greater interest in the NMA's flagship site is due to the rejuvenation of the state pages.

If you haven't checked them out, please do by going to <https://www.motorists.org/chapters/>. Each state page has a daily feed of regional news and featured posts on topics of interest to drivers. In addition, there are resources for locating reported road blocks and speed traps, for exploring current legislative activity,

for reviewing laws/regulations specific to motorists in the state, and for finding traffic attorneys. The state pages also have unique discussion forums that promote the online exchange of thoughts from a motorist's perspective. Check out the new Motorists.org and encourage your friends to do the same! 🚧

Countering Vision Zero and Complete Streets in Philadelphia—Part 1

Editor's Note: What follows is a candid look at the mindset of our modern-day urban/traffic planners. It started when Pennsylvania NMA member Jim Sikorski sent an email to Gustave Scheerbaum, a traffic engineer for the City of Philadelphia who works on the city's "Complete Streets" traffic safety initiative.

Jim asked about the specifics of an upcoming conference to discuss the city's plan to implement Vision Zero. (Note that the conference wasn't exactly an open forum. It was co-sponsored by the Bicycle Coalition of Greater Philadelphia and required a \$30 registration fee to attend.)

Jim's tone was respectful but skeptical, and he made several pertinent points regarding traffic safety and meeting the needs of various road users. "Roads must accommodate a lot of different users, but vehicles should be the focus," he wrote. "Simply having speed limits set to the 85th percentile free-flowing traffic speed and yellow intervals at traffic signals made longer, we can get maximum safety for ALL users." He continued:

Instead of doing this, supporters of Vision Zero insist upon red-light cameras, speed cameras, low speed limits, short yellows, traffic calming, etc. This relies upon poor traffic engineering and predatory enforcement. Many of these things are being vehemently opposed and rejected nationwide. Why should Philly or any part of Pennsylvania want to go in the wrong direction?

We begin with Mr. Scheerbaum's response to Jim's initial query. We've also included Jim's final reply on the matter.

But this was only the beginning.

Another Pennsylvania member, John Baxter, who had been copied on this initial correspondence, jumped into the fray and further engaged Mr. Scheerbaum. John's insightful probing of the issues elicits some equally insightful admissions for Mr. Scheerbaum. That thread picks up on Page 6.

We've reproduced all of the correspondence that follows with no editing. We believe the words of our members and the words of Mr. Scheerbaum speak for themselves.

**From: Gustave Scheerbaum, P.E.
To: Jim Sikorski**

In response to your email:

Philadelphia is a "bicycle city." We have the highest proportion of bicycle commuters out of every other American city with a population over 1M inhabitants, and trends indicated this will continue to increase substantially.

The agenda for the "Vision Zero meeting" is to discuss ways to eliminate traffic fatalities.

Further, 35,000 to 40,000 Americans are killed annually on our roads. There

are a number of countries with worse stats than ours (annual fatalities per 100K population), but they all 2nd and 3rd world countries. (Possible exceptions to being 2nd/3rd world countries ranking worse than the US are Mexico, Brazil, and China). On

top of that there are many times more those grim figures in pedestrians who are injured by motor vehicles annually. (84,000 pedestrian injuries in US in 1995 alone [NHTSA, 1996]).

About speed, as a traffic engineer, I understand what you are saying; however, this would essentially mean we would need to ban pedestrians (and bicycles) from the majority of our roads, since the 85th percentile speed is currently greater than 20 mph on the majority of our road system in Pennsylvania and even in Philadelphia. Why 20 mph? Because worldwide studies show that pedestrians hit by a vehicle at a speed of greater than 20 mph has an exponentially increasing probability of death as the speed increases above this point.

As people realize the convenience and importance of our cities, they are also realizing the importance of active and safer streets for all users. This is a national trend. Part of this realization is that the public right-of-way is not just for motor vehicles, people with cars, and parked cars. And this means, that we obviously cannot ban pedestrians (and bicycles) from our roadways in order to allow free flowing 85th percentile speeds, as you

Instead, we need to reduce speeds by differently designing our roads so the 85th percentile speeds (wherever there are peds/bikes) is something like 20 or 25 mph.

Gustave Scheerbaum, P.E.

suggest. Instead, we need to reduce speeds by differently designing our roads so the 85th percentile speeds (wherever there are peds/bikes) is something like 20 or 25 mph.

Obviously, redesigning our road network is a difficult solution since

it would take a lot of reengineering and reconstruction. This is why other solutions like red-light cameras among others are useful while we also work to actually redesign our roads (within reason). Also, about “automated” enforcement cameras—I would encourage you to research this more carefully. Pennsylvania made significant efforts to assure that automated red-light cameras were installed only where most needed. The state legislation also prohibits the PennDOT or a municipality from reducing yellow times in order to increase fines, and it also prohibits the camera vendor(s) from making additional revenue based on how many violations are given. All of the other jurisdictions where red-light camera programs have ended had none of these assurances or mandates in place, rendering their programs as unfair and problematic.

From: Jim Sikorski

To: Gustave Scheerbaum, P.E.

Red-light cameras (RLCs) are a cash cow. I have done MUCH research into it. I am well aware of this issue. They can ONLY make money when they are incorrectly setup to ticket safe drivers. You are in the revenue stream so you show a bias. It was reported multiple times that crash rates went up in Philly at RLC intersections. I encourage you to look at the recent Watchdog story Rick Short was in, about how the numbers could be “fudged.” That is not my word. You know very well that when yellows are set below the actual approach speed, it will cause problems. That is common sense.

Can you defend the split-second tickets, the ones for a non-complete stop for a right-on-red turn, or stopping beyond the stop line? Where does an intersection start for a ticket anyway? The curb line, the stop line? Which lane’s stop line? What if



you turn left or right? The stop lines are in different spots and you must slow, stop, or yield first. Can you just touch the line, do you need to clear it 100 percent? Nobody knows. Clear the whole intersection?

Any intersection can be made safer with proper speed limits, longer yellows, proper all-red intervals, and sensors to hold an all-red for late cars. You can use sensors to change lights and also synchronize them to avoid red-green-red. Sooner or later the RLC program in PA will end.

Why stop at 20-25 mph? Why not post speed limits of 5 mph? Why not make yellow times 1 second?

Jim Sikorski, NMA Member

The public has caught on to what is happening, it just took a few years.

What about all the traffic that diverts to side roads in Philly? How is that accounted for?

Pull up how the old Redflex CEO pleaded guilty to multiple charges and how officials may have been bribed in up to 12 states. Is this an honest industry?

Why stop at 20-25 mph? Why not post speed limits of 5 mph? Why

not make yellow times 1 second?

Pedestrians and bicyclists cause a large proportion of crashes, which is not widely reported. The bicycle club in Philly has no interest in talking to anyone. I offered to work with them on issues and was basically given the middle finger. They will not even listen to anyone. That is dangerous. If they want a huge stake, then it is time for them to stop being leeches and start paying to use the roads. I would thank drivers daily for paying for all the roads and bike lanes they

now enjoy, not demonize them.

As far as road deaths, we cause most of this with our substandard engineering in the United States. Why can the Autobahn be safe, but here we under post almost all speed limits? \$\$\$.

I did not intend for any of this to be mean, just a frank discussion without all the flowery language.

If we are going to keep disagreeing, then another reply is not needed.

Thanks. 🇺🇸

Countering Vision Zero and Complete Streets in Philadelphia—Part 2

From: John M. Baxter

To: Gustave Scheerbaum, P.E.

I've read through some of the correspondence between you and Jim of the National Motorists Association. I am also somewhat active with NMA, but I ride a bike on local roads in Chester County, so I am sympathetic to bike riders' needs too. However, I feel the future plans for the city will be most effective if they take a somewhat different, and far less aggressive, tack from the one you are suggesting—wholesale adoption of Vision Zero concepts.

I certainly agree with you, in principle, that a vast improvement in pedestrian and bike rider safety is possible. But, what is all too clear to me is that the Vision Zero tack you are supporting, apparently without reservation, is not a practical, reasonable, or fully acceptable alternative. I believe Vision Zero is an overly utopian approach that not only will prove unacceptable to a majority of the population, but one that could well end up causing more problems than it will ever solve by causing driver frustration.

The problem is that Philadelphia is not a "bicycle city" as you state, but rather should become a "bicycle friendly" city. There is a very large difference. You apparently are superimposing ideas born in Europe where in many small villages with narrow streets, a very high population of bike riders and pedestrians need to come along with a small population of autos. American cities are not like that.

To prove what I am saying, I recommend that you read through the Long Beach, California, study, which evaluates the alteration of two major roads, one of which leads into the city and one out. (I will send you a copy, if you wish.) The roads, at three lanes each, were designed to carry cars for commuting purposes. Bicycle elements



convinced the city to convert one lane of each to bike riders only, with parked cars in between to protect them.

The report, which was prepared by "engineers" who obviously abandoned their engineering ethics to prepare it, writes glowingly of the change. If you study the numbers, it reveals that some 6,800 auto drivers were substantially inconvenienced, with their travel speed reduced considerably, and with a good number (1,000) abandoning the roadway altogether, so that 44 bike riders could be added to the bike traffic volume, with the bike riding total being less than 300. (These measurements occurred during a 6-hour period on one of the two roads.)

Obviously, this represents an absurdly undemocratic alteration of two vitally important auto routes. Clearly different routes should have

ously wheeled vehicles, are very different animals and not ideally suited to cohabitation. The automobile was invented because it can tap energy much more rapidly than human muscle, and therefore attains much higher speeds. You are essentially asking the smartest kid in the class to slow down and learn at the pace of a kid who is somewhat mentally impaired.

Thus, if Vision Zero concepts are adopted at all, they need to be adopted very selectively by looking at the numbers of each segment of travelers involved in a given situation, and considering what speed is appropriate for cars. They may be appropriate on relatively minor streets, but not everywhere.

Your concept of reducing vehicle speeds to levels where collisions are somehow acceptable is absurd, and it takes the focus away from eliminating those collisions altogether. Using the same logic, we should reduce Interstate highway speeds to 25 mph so we can eliminate all fatalities on our national highway system. Let's eliminate all air travel because planes travel far too fast for us to be sure we can survive a

Your concept of reducing vehicle speeds to levels where collisions are somehow acceptable is absurd, and it takes the focus away from eliminating those collisions altogether.

John M. Baxter, NMA Member

been found for the bike lanes.

This is the problem with your idea that Philadelphia is a "bicycle city." Autos still vastly outnumber bikes on a majority of busy, through streets. This fact needs to be borne in mind before vast majorities of people are inconvenienced to help a tiny percentage of citizens.

What you are forgetting is that the auto and the bicycle, while both obvi-

ously wheeled vehicles, are very different animals and not ideally suited to cohabitation. The automobile was invented because it can tap energy much more rapidly than human muscle, and therefore attains much higher speeds. You are essentially asking the smartest kid in the class to slow down and learn at the pace of a kid who is somewhat mentally impaired.

(Continued on Page 8)

NMA E-Newsletter #341: If it Walks Like a Duck

Originally published July 26th, 2015

Summer is the time when communities across the country conduct their annual crosswalk stinging operations in which undercover police officers walk out into busy intersections hoping they won't get run over. The purpose is to ticket passing drivers who fail to yield to, or stop for, the "pedestrian" in the crosswalk.

Locally, the unlucky undercover officers are nicknamed ducks, and we have to wonder about the mindset of those who willingly put themselves in harm's way for the sake of a \$145 ticket. Do they believe the crosswalk markings have some magical power to keep them from getting hit? Incidentally, one officer was struck and injured while he was crossing a downtown street, although he was off-duty at the time. Even so, he continued on duck duty after the accident. Must be some pretty powerful mojo.

And this isn't the only example of pedestrians attributing protective powers to the constructs of traffic safety. Take the orange flag phenomenon. Some busy intersections around here come equipped with a supply of bright orange construction flags that pedestrians wave to signal their intent to cross. Many simply grab the flag and charge into the street, expecting traffic to respond appropriately. We've seen many near misses, and the flag wavers invariably seem puzzled that they nearly got killed walking into the middle of a busy street.

We don't mean to minimize the importance of pedestrian safety and the role driver awareness plays in it. According to the National Highway Traffic Safety

Administration (NHTSA), pedestrians account for about 14 percent of all traffic fatalities nationwide, totaling 4,735 in 2013. NHTSA's vast fatality database can reveal who is most likely to be hit, where they're most likely to be hit, and even what hour of the day and what day of the week they're most likely to be hit. The one thing it can't tell us is why.

The Vision Zero types would have us believe that careless drivers cause most car/pedestrian accidents, but there's a lot of research to suggest that pedestrian behavior is a primary factor in many traffic accidents. Here are a few examples.

A 2010 North Carolina study found that pedestrians were at fault in 59 percent of crashes, drivers in 32 percent and both in nine percent. The study concluded that pedestrians

... must apply greater caution when crossing streets, waiting to cross, and when walking along roads, as these are correlated with pedestrians being found at fault. The results suggest a need for campaigns focused on positively affecting pedestrian street-crossing behavior in combination with added jaywalking enforcement. ... Intoxication is a concern and the results show that it is not only driver intoxication that is affecting safety, but also pedestrian intoxication.

A 2005 study analyzing car/pedestrian crashes in Baltimore noted that

... a large number of all crashes may be attributed to improper pedestrian behavior. Preusser et al (2002) found that in the Washington, D.C. and Baltimore area 50% of pedestrians

involved in pedestrian vehicular crashes are judged culpable in the crash. Some pedestrian crashes can be associated with risk-taking behavior such as alcohol consumption, mid-block crossing, and crossing under unsafe conditions such as low visibility or high vehicular volume.

And this from a 2000 Florida study that analyzed the causes of pedestrian accidents:

Some form of pedestrian behavior was the primary contributing factor in over three-fourths of the pedestrian crashes reviewed. Alcohol use, by either the pedestrian or driver, was determined as the primary factor in 45% of cases. Where alcohol use was determinable, 69% of pedestrians crossing not in crosswalks were under the influence.

We're sensing a pattern here.

Undoubtedly motorists are responsible for many pedestrian accidents. But pedestrians must also assume responsibility for their own safety. Of course, the Vision Zero folks go nuts when they hear this. Streetsblog NYC erupted in anger after the New York City police commissioner stated that 66 percent of pedestrian injuries "are directly related to the actions of pedestrians," and that police would begin targeting jaywalkers. They whined about punishing pedestrians, stating that the best way to promote pedestrian safety was to not hold pedestrians at fault at all. Seriously.

With this kind of attitude, it's no wonder so many pedestrians are sitting, or walking, ducks.

(Continued from Page 6)

trian or auto/bike crashes in cities.

You should also review the *National Pedestrian Crash Report* (NHTSA), which states clearly that a maximum of 10 percent of auto/pedestrian fatalities actually occur because the driver was speeding. The speed most of us drive at most of the time is not the problem. As a traffic engineer, you should have a much greater appreciation for that fact than you apparently do. We need to deal aggressively with the extremes, not slow everybody down to the lowest common denominator.

There are much simpler, more benign changes to streets that will greatly improve the situation. Just one example would be better lighting, because many car-pedestrian crashes occur right at dusk. You need to remember, Mr. Scheerbaum, that the Volstead Act, which was intended to solve alcohol consumption problems in the United States, resulted in mass chaos. Harsh, utopian measures taken to solve social problems almost always make things worse.

The most likely effect of the excessive measures you propose will be to recruit good drivers over into the ranks of the aggressive. Jim has provided a case history of such problems in the New York area, so I know that my theory is sound.

From: Gustave Scheerbaum, P.E.

To: John M. Baxter

We typically do not reply to anonymous correspondence, but I thought I could perhaps get through to “Jim” with some facts that he seemed to not know; and one major fact which motivated me to reply to him is that tens of thousands of Americans are killed annually and surprisingly few people know this. Please do not take my email to “Jim” out of context. The absurd (as you say) idea of slowing everyone down to 20 or 25 mph was just an example I

gave to make a point. Regarding your air-travel analogy, I can only say, as you (should) I’m sure know, that the number of air-travel deaths is miniscule in comparison to roadway fatalities.

Your understanding about European countries is simply not accurate. There

are/were plenty of wider streets in cities around Europe—even bigger and broader than the City of Philadelphia, yet some of these places have made a conscientious decision to calm and slow traffic (on some streets) in order to better accommodate pedestrians and bicyclists. Also, bicycling was not always a typical means of transport in European cities as you seem to indicate and has really only boomed relatively recently in many places around Europe. This change is not a function of their narrow streets, but a public decision to accept their urban planner and transportation experts’ research and guidance. (Admittedly, efficient public transit and expensive fuel taxes also played a role).

Philadelphia is very different than Chester County and I’m certain from wherever “Jim” resides. There is simply no reason to drive faster than 25 mph on most of Philadelphia’s streets. That said, there are different ways to address traffic injuries and fatalities in rural areas and they do not necessarily involve slowing traffic to 25 mph. Take for example, a two-lane highway in Ireland, (let’s say with 45 or 50 mph speed limit and 85th percentile speed of maybe 55), connecting two towns or villages, not only uses ‘reduce speed’ signs (down to 20 or 25 mph) but they also use concrete curbs that very conspicuously and dramatically narrow the road just as one drives into a

town. (The curbs don’t even necessarily continue into the town/village, as they are only used to tighten the road width). A driver can’t help but to slow down. They do this because people are more likely to be playing, walking, and biking in or near the streets within their small towns.

Bicycling is used here for commuting purposes. That said, since the 1990s, bike lanes have been added to our streets, not because there were huge numbers of bicyclists, but to curb aggressive driving and slow driving speed.

Gustave Scheerbaum, P.E.

Like it or not, Mr. Baxter, Philadelphia is a city with the lowest car-ownership rate in the state, so we consider this when we are thinking not only about our citizens moving about safely, but also in terms of economic development. Bicycling is used here for commuting purposes. That said, since the 1990s, bike lanes have been added to our streets, not because there were huge numbers of bicyclists, but to curb aggressive driving and slow driving speed. This is one tool that has already worked in Philadelphia and works in other cities around the country. I am in agreement, that there are numerous ways to reduce all types of severe and fatal crashes, including things like improved street lighting, and this too is only one of the tools which the City of Philadelphia uses in our traffic safety improvement efforts.

Finally, Philadelphia is very different from California cities and the addition of bike lanes is not as simple as adding bike lanes to in order to accommodate another travel mode. In other words, there are places where roads are designed for cars and sometimes those places are even in cities. But in general, the worldwide and national trend is to design most “urban” streets for people first, then cars. There are plenty of studies that indicated that this approach for urban traffic design reduces severe and fatal injuries among ALL modes—including motor vehicles. 🚗

The Carrot and the Stick Approach to Vehicle Tracking

What's wrong with congestion pricing and Vehicle-Miles-Traveled tax schemes

Smart Growth supporters claim their transportation fixes will reduce congestion and lead to more accessible roads for all users. In practice, the opposite may be true. In the winter 2015 *Driving Freedoms*, a California NMA member described how congestion and travel times actually increased in Long Beach after implementation of Smart Growth measures.

And what about the impact of increased congestion: greater fuel use, more emissions/pollution, wasted productivity, more road rage incidents? Planners don't seem to care about those. In fact, congestion presents an opportunity to implement additional driver-unfriendly policies like congestion pricing and the related Vehicle-Miles-Traveled (VMT) tax.

Congestion pricing schemes charge motorists variable fees for driving in certain areas at certain times. A VMT tax charges motorists based on how far they travel and can be used to supplement, or replace, the fuel tax. The two go hand-in-hand, and both rely on vehicle tracking technology to operate efficiently.

One of the latest such vehicle tracking schemes comes from—you guessed it—New York City. In August the New York Department of Transportation (NYCDOT) launched a pilot program called *Drive Smart*. It's similar to Pay as You Drive insurance programs that monitor driving habits through an in-vehicle tracking device. Data collected include speed, hard braking and steering events, time of day, and GPS location. In exchange, volunteers receive various incentives for choosing less congested routes or for traveling during off hours. They can also receive a 30 percent discount on Allstate insurance for driving safely.

NYCDOT says the program will help it better understand how the streets network is used and how it can be improved. All



well and good. But there's something else going on. It's also a test of the driving public's willingness to be tracked, and by extension, what incentives facilitate that. So far, NYCDOT has used positive incentives to encourage participation—the carrot approach—but a citywide rollout may also require the stick.

No word yet on how well it's working, but we are aware of one vehicle tracking program that is suffering from low participation. Oregon's much vaunted VMT tax pilot program, *OReGO*, had hoped to have 5,000 enrollees by now, but so far only 900 have signed up, most from the Portland metro area.

The program also suffers from high costs. It was supposed to cost \$2.8 million but has since ballooned to \$8.1 million and will likely hit \$12.7 million by mid-2017, assuming enough people sign up. All of which illustrates the point that VMT taxing programs are expensive. Estimates to purchase and install a tracking device range from \$50 to \$100 per vehicle at scale. Multiply that by the number of registered vehicles in a given state, and the costs to the driving public become astronomical. And this doesn't include the costs of building the infrastructure to collect and report the data or the costs to administer the program.

Vehicle tracking also raises serious privacy concerns. VMT supporters

claim privacy protections are a top concern and that VMT taxing schemes can be implemented without relying on GPS. In Oregon, drivers can choose their own method of mileage reporting—from basic odometer tracking to advanced GPS technology.

The odometer metering approach is less intrusive but can't tell when a vehicle is traveling out-of-state or off-road. GPS tracking certainly can, plus a whole lot more. Sooner or later the tracking system will have to be standardized, and government and corporate interests won't be able to resist gobbling up all that valuable location data.

The gas tax is still the most equitable, least expensive and most efficient way to fund our highways. Critics counter that the increasing number of electric and hybrid vehicles simply don't consume enough fuel to generate their fair share in taxes. This argument rings hollow since there aren't enough of these vehicles on the road to have a measurable impact on fuel tax collection. By most estimates, we are at least 10 to 15 years away from that point.

So why the big push to implement these unpopular, expensive and unnecessary vehicle tracking schemes? It comes down to money and control. The third-party contractors who administer the programs seek profit from the vast amounts of data they can collect, and policymakers see an opportunity to further discourage an activity—driving—they view as undesirable.

A key question is whether or not Oregon lawmakers will consider any of this when deciding what to do with the failing VMT pilot program. State law allows the program to continue indefinitely, unless lawmakers decide to end it or make it mandatory. If it becomes mandatory, Oregon will likely forget the carrot and move right to the stick. 🍷

Eight Reasons Why Every Driver Should Join the National Motorists Association

1. The NMA helped free drivers from the shackles of 55 mph speed limits and continues to fight for speed limit reform to make our highways safer, more efficient, and more enjoyable to drive.
2. The NMA is the only civil liberties organization focused on representing and protecting the rights of 250 million drivers throughout the United States and Canada.
3. The NMA combats the neo-prohibitionist, zero-tolerance vision of organizations such as MADD by advocating DUI policies based on reasonable standards and constitutional protections.
4. The NMA offers members a comprehensive set of tools and guidance to fight unwarranted traffic tickets and encourages drivers to challenge the traffic justice system as the means to promote fairness and due process for all defendants.
5. The NMA continues to aggressively and successfully fight the spread of automated traffic enforcement. The operation of red-light and speed cameras creates false choices such as revenue over safety and presumed guilt over presumed innocence.
6. The NMA provides a powerful voice against surveillance technologies that track the specific locations and driving habits of motorists without their knowledge or permission.
7. The NMA maintains the websites SpeedTrap.org and RoadBlock.org to warn drivers about the locations of traffic enforcement actions designed to generate revenue and impede responsible motorists.
8. Through the NMA, you will join thousands of other drivers who cherish their driving freedoms enough to fight for the rights of the motoring public.

Join the National Motorists Association

Supporting Member Rates: 1 year @ \$35 2 years @ \$60 3 years @ \$85

Join online: <https://www.motorists.org/join/>

Call toll-free: 1-800-882-2785

Mail a check payable to "NMA" to: National Motorists Association
402 W. 2nd Street
Waunakee, WI 53597



*Join Us
and be Heard!*



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/.

National

Tesla’s recent rollout out of its Autopilot autonomous driving software has been marred by several road mishaps: two in which the vehicle veered out of its lane and another in which the Autopilot-controlled vehicle was cited for speeding. These glitches raise a host of safety and liability concerns over driverless car technology, many of which the NMA has discussed in various e-newsletters and *Driving Freedoms* articles.

Motorists carrying large, and not so large, amounts of cash have always been prime targets for civil forfeiture operations. And now motorists who aren’t even carrying cash are vulnerable to roadside shakedowns, thanks to a device known as the Electronic Recovery and Access to Data (ERAD) Prepaid Card Reader. This portable technology allows police to swipe prepaid debit cards, check the balance and drain the account. Ostensibly designed to go after drug traffickers who often use prepaid cards instead of cash, the technology will no doubt make it easier to prey on legitimate prepaid card users as well.

Alaska

In an effort to bring in more revenues to balance the budget, Anchorage Mayor Ethan Berkowitz wants to update the city’s fine

schedule. The fiscal move fits within a more contentious conversation about public safety staffing. In trying to raise city revenues, the mayor’s administration came up with a fairly simple solution: Increase how much people have to pay for things like speeding tickets or driving through a funeral procession.

Arizona

Tucson residents voted in November to ban the use of red-light cameras in the city. The vote was 65 percent against the cameras on 35 percent for. Grassroots organization Tucson Traffic Justice, which garnered more than 27,000 valid petition signatures to get the ban on the ballot, argued the traffic cameras are not effective in making the streets safer. The results mirror a national trend of nearly unanimous rejection of ticket cameras at the ballot box.

California

Gov. Jerry Brown and legislative Democrats scaled back an ambitious climate change proposal amid opposition from business interests. Brown and Senate President Pro Tem Kevin de Leon, a Los Angeles Democrat, had pushed a far-reaching proposal to cut petroleum use by half, boost renewable-electricity use to 50 percent and double energy efficiency in existing buildings. They were forced to drop the mandate to cut oil use from their proposal amid

fierce opposition from business groups and California motorists.

Connecticut

Police in New Haven came under fire after they were caught trying to teach drivers “a lesson” by entering unlocked vehicles and grabbing any visible valuables. The officers then left a note for the owners telling them where to pick up their things. Police claimed the tactic was intended to teach people to lock car doors, but the controversial program was criticized as illegal and a violation of the Fourth Amendment.

Florida

Despite more than a dozen cities pulling the plug on red-light cameras in the last year, the automated enforcement technology issued \$148 million in tickets in Florida last fiscal year, according to data recently collected by the state’s Department of Highway Safety & Motor Vehicles as part of its annual survey. Cities with red-light camera programs—74 at the start of the fiscal year, but only 60 at the end on June 30, 2015—are required to submit requested data to the state for analysis.

St. Petersburg Mayor Rick Kriseman says the city is working fast to improve school zone signage and pavement markings following an investigative news report into long-ignored safety lapses across the city. However, the mayor maintains the city did nothing wrong, despite nearly a decade’s worth of warnings that school crossings were not compliant with FDOT regulations. WTSP 10 Investigates revealed the city ignored the calls for improvements and left drivers

(Continued on Page 12)

(Continued from Page 11)

with little warning that they were entering some of the city's school crossings. Simultaneously, the St. Pete Police Department aggressively enforced reduced speeds in those zones, issuing tickets at rates unmatched by any other agency in the Tampa Bay area.

Illinois

In a bizarre turn of events the City of Chicago filed a \$300 million lawsuit against its former red-light camera contractor Redflex for bribing city officials to land the city's camera contract. The city claims Redflex promised it had not bribed city officials and that the city suffered financial damages from Redflex's false statements.

Maryland

Montgomery County police, desperate to make a buck, sent an officer dressed up like a homeless person to a street corner to catch distracted drivers. Dressed in jeans, a hoodie and sunglasses, the officer held up a cardboard sign that read "I am a Montgomery County police officer looking for cell phone texting violations." When the officer spotted a distracted driver, he would duck behind his sign and radio awaiting squad cars.

Missouri

The Columbia City Council decided against returning to the use of red-light cameras. Red-light cameras were installed in Columbia in September 2009 and were suspended in November 2013. While the cameras were active, the revenue from violations totaled \$447,379, of which \$210,056 went to Gatso U.S.A. for the operation and maintenance of the cameras.

New York

A woman is suing New York City after she spent eight days in a mental hospital because, she claims, police didn't believe she, a black woman, could own a BMW. Last year, Kamilah Brock was pulled over in Harlem for having her hands off the wheel. Police took her into custody and held her for several hours. When Brock was released without any formal charges, police told her she could pick up her car the next day. When she arrived at the impound lot, she claims officials didn't believe she owned a BMW and that she was subsequently handcuffed and taken to Harlem Hospital for psychiatric evaluation.

Pennsylvania

A small Pennsylvania town padded its coffers with tens of thousands of dollars that should have gone to the state by allowing drivers ticketed for speeding to plead guilty to a town parking violation instead, a state official said. Auditor-General Eugene DePasquale said Laceyville allowed more than 1,000 motorists stopped for speeding on U.S. Highway 6 between 2009 and 2013 to plead guilty to parking illegally in a space reserved for the handicapped. Instead of giving the state 65 to 70 percent of the revenue generated by typical \$166 speeding fines, Laceyville kept all of the money from the parking fines.

Tennessee

Travelers who poke around in the far left lane of certain multi-lane highways could soon be under scrutiny at the Tennessee statehouse. Rep. Dan Howell, R-Georgetown, has filed a bill for consideration during the upcoming regular session that would allow police to ticket drivers lingering in the far left lanes

on interstates and highways with at least three lanes of traffic in one direction. Dubbed the "slowpoke bill," HB 1416 would require any driver on affected roadways to stay to the right except when overtaking or passing another vehicle.

Texas

A civil lawsuit was filed against the City of Austin claiming the city unlawfully jails people who are unable to pay off tickets in municipal court. The lawsuit is on behalf of two Austin women, Valerie Gonzales and Maria Salazar. Both women are living near the federal poverty line and both are at risk of going to jail over unpaid traffic tickets. One of the attorneys for the plaintiffs said her poverty-stricken clients have no way to pay the exorbitant fines and that they are stuck in a cycle that leads to jail, more tickets and no solutions.

Virginia

For-profit companies may no longer put cameras on school buses for the purpose of mailing photo tickets in Virginia. That was the ruling of Virginia Attorney General Mark R. Herring in November in a formal opinion responding to an inquiry from the Albemarle County attorney. The formal opinion concluded that the school bus photo ticketing program has been violating state law.

Wisconsin

The number of speeding tickets issued by the Wisconsin State Patrol has fallen significantly on highways where the speed limit was recently increased from 65 to 70 mph, data show. Tickets dropped 10 percent in July 2015 compared with July 2014 and 29 percent in August 2015 compared with August 2014. 🚗