



# *Driving Freedom*

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## Every Second Counts

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National Motorists Association  
402 W. 2nd St.  
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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



Empowering drivers since 1982, the National Motorists Association is a grassroots alliance of motorists joined together to protect our rights in the courts, on the streets, and in our vehicles. We fight for the driving freedoms of motorists. We lobby for traffic regulations and enforcement actions based on safety considerations, not a line item on the income side of a city, county, or state budget.

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## INFLUENCING CONGRESS

BY GARY BILLER, PRESIDENT, NMA

With 2019 now behind us, it is appropriate to review where the NMA stands in Washington with critical federal legislative activity:

**The DETER Act:** During the past year, we formalized the details of the **Driver Education Through Enforcement Response Act**. DETER is legislation designed to prohibit federal agencies—and the National Highway Traffic Safety Administration in particular—from using ticket quotas to justify the funding of high-visibility state traffic enforcement campaigns.

To secure a sponsor for DETER, NMA lobbyist Rob Talley conducted meetings with all members of the House Transportation & Infrastructure (T&I) Committee majority staff. He paid close attention to committee members whose home states already have ticket quota bans in place.

Although we initially secured a commitment from a Texas member to sponsor the bill, changes in her staff shifted priorities. Currently, a member of the New York delegation, who is also on the T&I Committee, is a leading candidate to become the primary sponsor of the anti-ticket-quota legislation.

**Civil Asset Forfeiture:** The NMA continues to work with Congress to overhaul property asset forfeiture practices that lack due process. In the Spring, we supported the introduction of the **Fifth Amendment Integrity Restoration (FAIR) Act** of 2019. In an open letter to Congress and the media, we argued that the government should be held to a higher constitutional standard before seizing private property.

The House of Representatives subsequently passed by voice vote an amendment to the Department of Justice 2020 fiscal funding measure barring the DOJ from seeking or accepting funds gained through asset forfeiture. Debate on the bill will continue as part of the appropriations process in early 2020.

**Complete Streets:** The Fall 2019 issue of *Driving Freedoms* contained “*An Appropriate Balance for Whom?*”, an article that explores the goal of Complete Streets programs to disrupt and minimize personal automobile use. U.S. House Bill 3663, the **Complete Streets Act of 2019**, would require new road expansion and improvement projects to prioritize public transit and pedestrian and bicycle mobility over vehicular use during the design phase. If you don’t have the last issue of *Driving Freedoms* handy, you can read the NMA editorial at <https://www.motorists.org/blog/an-appropriate-balance-for-whom-nma-e-newsletter-552/>.

With the introduction of HB 3663 last July, Complete Streets was added to our list of legislative priorities. The growing movement to restrict automobile travel also spurred the NMA’s sponsorship of the inaugural **Vision Zero, Road Diets, and the Future of Transportation** conference in Los Angeles. The October forum attracted several experts on mobility and transportation planning and has helped us forge a national alliance to combat anti-driving, road-restriction programs.

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# NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

In my hometown of Alexandria, Virginia, politicians, corporations, and special interest groups have conspired to implement disastrous road changes based on Vision Zero and Complete Street blueprints. These changes have increased congestion and made life miserable for residents—and it is coming soon to your hometown, thanks to the federal government.

Like many communities, Alexandria residents have supported the Vision Zero and Complete Streets programs because it looks good on paper. After all, who can be against safety and inclusivity? In practice, though, it is complicated and riddled with unintended consequences.

The city's transportation staff recently undertook a traffic analysis of a portion of Seminary Road, a four-lane residential street that averages 17,000 vehicles a day. The city council then placed on its agenda a proposal to change Seminary Road from four-lanes to two-lanes with bike lanes on each side and a center left-turn lane. (This is a typical road diet configuration.)

The bike lanes neither begin nor end at other bike lanes, a bike path, or any transit terminal.

Eleven city civic associations wrote in opposition to the plan. City staff recommended against the move. The fire department and the hospital, both located on the street, expressed their concerns and opposition. Petitions on the

proposal ran nearly 3-2 against the move. Yet the city council acted anyway in a 4-3 split vote, and soon after, the transportation department began the conversion on this significant transportation artery.

Why would Alexandria do this? Various coalitions lobbied local officials. These special interests included rideshare companies (Uber and Lyft, for example) that are doing everything they can to get people out of their personal cars. Other out-of-town business interests, such as TransUrban, a multinational toll road company which had just completed new highway toll lanes directly adjacent to Seminary Road, also weighed in. And why not? Encouraging drivers to use toll roads rather than congested surface streets increases income. The Washington Area Bicycle Association also sponsored a petition that specifically instructed signatories not to identify their city and state of residence.

Ostensibly, the road improvements were about safety. Yet the segment of Seminary that was 'improved' had zero deaths and no injuries or serious accidents in recent times, according to city data.

Now the local community is outraged. Traffic is regularly backed up during all hours of the day—especially during drop off and pick up times at various schools along the route. Bike lanes to nowhere remain unused while motorists sit and stare at brake lights. Accidents occur more regularly now.

Emergency vehicles face new

obstacles getting to their destinations. And this is just a taste of what is to come if Congress and Washington regulators decide this is the model for us all.

The Senate Environment and Public Works Committee passed a five-year transportation authorization bill, **America's Transportation Infrastructure Act of 2019** (S. 2302). This act establishes funding priorities for our roads, bridges, and highways for the next five years.

Buried deep in the bill is a requirement that federal funds be set aside for the implementation of Complete Streets standards or policies at the state and municipal level without establishing any priorities. It reads: *"To ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles."*

We all agree that safety and road-sharing are important goals. However, misguided proposals and mandates that undervalue the basic needs of drivers won't achieve either. We need enlightened understanding of safety, efficiency, and the consequences of change. We should consider that the primary purpose of roads, the reason they exist at all, is to move people and products in motorized vehicles. Far less costly surfaces can meet the needs of the few that prefer non-motorized transportation or recreation. 

## Could Illinois follow the Lone Star State in Banning Red-Light Cameras?

After Texas banned red-light cameras (RLCs) in 2019, speculation was ripe on which of the 23 remaining states with red-light cameras would enact similar prohibitions. Illinois may be the likely contender after being struck again by more camera related corruption (see Crimeline Page 5, 2014--*Redflex Bribery Scandal in Chicago and Ohio*). In 2019, state legislators introduced three bipartisan bills to ban RLCs.

In October, the Illinois Policy Institute found that Chicago and other local municipalities raked in over \$1 billion on RLC tickets between 2008 and 2018. During the 11 years, the presence of cameras outside of Chicago tripled.

### ***The Newest Corruption Scandal***

In September 2019, the FBI and the IRS conducted raids that revealed state and local office-holders had connections to camera vendor SafeSpeed LLC. After the raids, Chicago State Senator Martin Sandoval resigned his chairmanship of the Senate Transportation Committee.

### **Influencing Congress**

*(continued from Page 1)*

**Looking forward:** The NMA's policymaking profile has risen through multiple meetings on Capitol Hill with legislators and select committee staff throughout 2019. This activity has led to joint messaging opportunities with like-minded organizations, in particular the Institute for Justice and the ACLU. Rob Talley reports that congressional staffs are now reaching out directly to the NMA, seeking legislative support and information on related transportation and civil liberties issues.

We will continue to strengthen these relationships while aggressively pursuing legislation to deter ticket-quota-based enforcement, unconstitutional property seizures, and programs designed to force drivers to submit to vastly less-used modes of transportation. How do we define "vastly less"? U.S. Census data show that over 85 percent of commuters drive or carpool while less than 4 percent walk or ride bicycles.

Undoubtedly, other important issues affecting the motoring public will surface in 2020, and the NMA is poised to take them on in Washington and across the country. ❤️

*You may have noticed something different with this issue of Driving Freedoms: the logo on the front cover. Publishing responsibility has been transferred from the NMA Foundation to the NMA, a natural progression for production of the NMA member quarterly magazine. Same great content for you, just a change in publisher.*



In 2017, the Chicago Tribune revealed that SafeSpeed was a long-time Sandoval political donor. The senator pressured the Illinois Department of Transportation (IDOT) into approving the installation of a SafeSpeed camera at an Oakbrook Terrace intersection that had already been deemed sufficiently safe by IDOT.

Also included in the newspaper's investigation: More than half of the intersections approved for RLC permits were rated among the safest. By late November 2019, Martin Sandoval resigned his seat in the Illinois Senate.

Several city and county employees are also persons of interest in the federal probe. While working for the government, several individuals also served as sales representatives for

SafeSpeed but failed to notify their employers. For example, Bill Helm was Chicago's deputy aviation commissioner and also a SafeSpeed sales rep. He received commissions from ticket camera revenue collected in Matteson and Glendale Heights, Illinois. All Chicago employees are required to disclose dual employment to city hall and the Chicago Board of Ethics.

According to its website, SafeSpeed currently maintains contracts with over 30 Illinois municipalities.

Even though none of the three bills to eliminate RLCs passed in 2019, many legislators and media editorials are strongly opposed to both the cameras and the attendant corruption. We can hope Illinois will follow in Texas' footsteps. ❤️

# Red-Light Camera and Speed Camera CrimeLine

by Richard Diamond, publisher of TheNewspaper.com

*Editor's Note: This post first appeared on TheNewspaper.com website October 2, 2019. If you would like to learn more, check out the full crimeline at <http://thenewspaper.com/news/26/2649.asp>.*

Red-light cameras and speed cameras are usually presented as tools of law enforcement, but these devices, at times, are operated with a disregard for the law. Below are highlights of the automated ticketing industry employees and public officials who have been caught or accused of wrongdoing. This is an abridged version of the timeline.



## 2019

- Illinois red-light camera scandal expands. Senate Transportation Chair resigns. (see page 3 for details)
- Redflex Traffic Systems ordered to stop practicing engineering without a license in Colorado.
- Montgomery County, Maryland's inspector general issues report questioning the propriety of the deal county officials struck with convicted felons to turn school buses into automated ticketing platform.
- Florida Auditor General issues report documenting misuse of red-light camera ticket profit in Opa-Locka.
- American Traffic Solutions engineer Robert F. Rennebaum was fined \$5000 by the NC engineering board for "gross negligence, incompetence or misconduct" in attaching his seal to red-light camera work that he did not directly supervise.
- Whistleblower exposes corruption in the Philadelphia red-light camera program, including rigged audits and contract bidding irregularities.
- Washington, DC police Sergeant Mark Robinson is vindicated with a court decision that concluded the city retaliated against him after he blew the whistle on corruption in the city's speed camera program.
- Maryland Office of Legislative Audits issues report documenting contract irregularities in the statewide freeway speed camera program.

## 2018

- The Federal Bureau of Investigation exposed a massive corruption scandal involving school bus stop arm cameras in Dallas. Six people were convicted on at least one of the following charges: bribery, taking kickbacks, embezzlement, and money laundering. Also, the Dallas Independent School District became insolvent due to the scandal.
- North Carolina engineering board accuses American Traffic Solutions of misconduct for practicing engineering without a license.

## 2017

- Pennsylvania Auditor General issues report exposing corruption in the Philadelphia red-light camera program, including self-dealing by the officials in charge of the cameras.
- Texas cops caught taking overtime payments and free meals for lobbying the legislature in favor of photo enforcement.
- Virginia Department of Transportation admonishes the Insurance Institute for Highway Safety (IIHS) for setting up photo radar on Virginia highways in violation of state law.

## 2016

- Smith County, TX Judge Joel Patrick Baker was arrested and later convicted for arranging a deal with American Traffic Solutions (ATS) to install speed cameras during a meeting held in violation of the Texas Open Meetings Act. Outcome: Texas Court of Appeals in 2017 said Smith County cannot conceal the speed camera meeting recordings and documents. Xerox sues Cleveland, OH for failing to pay \$9 million in speed camera fees after 78 percent of voters passed a measure outlawing the devices in 2014.
- Arizona attorney general issues ruling that photo enforcement companies have been violating a state law that requires them to acquire private investigator licenses. Outcome: After shutting down operations for two months, the companies acquire licenses.
- Redflex forced to pay \$3.5 million after being busted using illegal robocalls to collect on unpaid speed camera tickets in New Mexico.

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## 2014

- Redflex bribery scandal in Chicago and Ohio--A Federal Bureau of Investigation into the practices of Redflex Traffic Systems revealed that the firm delivered bribes to politicians in Chicago, Illinois, and Columbus and Cincinnati, Ohio. The company admitted its US operation lied to public officials, and the firm's executive vice president admitted that bribes were also issued in other states, including Arizona, California, Colorado, Florida, Georgia, Massachusetts, New Jersey, New Mexico, Tennessee, Virginia and Washington. Former head of US operations, Karen Finley, was convicted on mail and wire fraud, bribery, and conspiracy. Three other Redflex employees were also convicted on bribery charges along with a Chicago transportation official.
- Inspector general for the city of Baltimore, Maryland charges mayor's chief of staff with "inappropriate activity" to favor speed camera vendor Xerox.
- Former Redflex Executive Vice President Aaron M. Rosenberg admits he bribed officials in more than ten states in a process that was institutionalized at the company.

## 2013

- American Traffic Solutions found using false threats in the citations the company issued to Texas residents.
- Richard Retting, author of the Insurance Institute studies claiming red-light cameras have a safety benefit, is paid by a camera company to lobby California lawmakers.
- Maryland's Open Meetings Compliance Board found the city of Baltimore guilty of violating state law when it held secret meetings of a speed camera advisory task force.
- Redflex chairman admits to bribery in two more cities besides Chicago, Illinois. Top Redflex executives are fired.
- Hamilton County, OH sheriff confiscates illegally operating speed cameras following ruling by Judge Robert P. Ruehlman. Outcome: Optotrafic drops lawsuit against sheriff.
- Redflex files a lawsuit against its own former executive vice president accusing him of "dishonest and unethical acts."
- US Postal Service declares itself immune to speed camera tickets.
- ATS settles with New Jersey motorists over illegal operation of red-light cameras.

## 2012

- Secret audit in Baltimore, Maryland reveals 5.2 percent of speed camera ticket recipients were innocent.
- Redflex charges photo ticket recipients \$670 in "travel expenses" if they asked to confront the witnesses against them in court under the Sixth Amendment.
- Washington, DC Metropolitan Police Department officer David Cephas pleaded guilty to falsifying speed camera calibration logs in 2008 and 2009, affecting 200 photo radar tickets.
- Atlanta, Georgia stops collecting on red-light camera tickets after being caught ignoring a state law requiring the use of certified mail for second ticket notices.
- Greg Williams, assistant district attorney in Lafayette, Louisiana who served as an adjudicator for red-light camera cases, pleaded guilty to bribery charges.



## 2011

- Missouri Families for Safer Roads exposed as a front group for American Traffic Solutions.
- Whatcom County, Washington Superior Court judge fines American Traffic Solutions for using the courts to interfere with the elections process. Outcome: reversed on appeal.
- Author of the first and most prominent studies claiming a benefit to red-light cameras is listed as a "partner" with the photo ticketing firm Brekford.
- Traffic Safety Coalition revealed to be a front group for Redflex run by the highly connected Chicago, Illinois public relations firm Resolute Consulting. Company officials have ties to current Mayor Rahm Emanuel and former Governor Rod Blagojevich, who was imprisoned on corruption charges.
- National Coalition for Safer Roads exposed as a front group for American Traffic Solutions run by lobbyist David Kelly.

## Every Second Counts

*Editor's Note: Independent traffic calming researcher Kathleen Calongne's presentation "Impact of Delay caused by Traffic Calming Projects on Emergency Response" at the October 5th Keep LA Moving Conference, inspired this article. Find more about Kathleen on page 9 and to find out more on the dangers of road diets on arterial streets, check out the Keep the US Moving website <http://www.keeptheusmoving.com>*

Imagine you are going about your everyday business, and suddenly your spouse collapses in front of you. You call 9-1-1, follow the operator's instructions, and do your best to help your significant other. Finally, the ambulance arrives, and the EMTs do everything they can. Still, soon after their arrival, your partner of 30 years succumbs to complications from sudden cardiac arrest.

Sudden Cardiac Arrest (SCA) is an abrupt disruption of the heart function, causing a lack of blood flow to vital organs. It strikes without warning and can kill a person within a matter of minutes. SCA is a real life-or-death emergency that strikes more than 356,000 out-of-hospital victims annually in the United States. Nearly 90 percent of them are fatal, according to the American Heart Association. A reduction of one minute in emergency response time can improve the odds of surviving a cardiac incident by 24 percent according to one study.

Later, you learn the ambulance was delayed by several minutes because an en route arterial road narrowed from four to two lanes as part of a "road diet" program. Dedicated bike and bus lanes replaced the two closed lanes. With sirens blaring, the driver had to maneuver slowly through the traffic as drivers struggled to get out of the way. Precious time was lost.



Emergency medical personnel need to arrive quickly to help someone having an emergency health crisis; they also must return with all due haste to a hospital. Road diets and traffic calming are the antitheses of making every second count in an emergency.

Of the three major emergency response services, fire and medical services experience the longest delays from speed humps, oversized pedestrian islands, and lane restrictions and closures. (See sidebar on page 7 for specific issues affecting emergency response vehicles.)

One of the co-founders of Keep the US Moving, independent journalist and lawyer Christopher LeGras, wrote recently in his *All Aspect Report* that in the past year, road diets are having a devastating impact on emergency response times.

Case-in-point: In September 2019, the New York City firefighters union announced that they had enough. After four years of dealing with new traffic calming restrictions, union spokesman Bobby Eustace said the department response times had risen dramatically and that Mayor Bill de Blasio's Vision Zero initiative was a significant cause. He added, "Vision

*Zero is fully intended to save lives from traffic accidents, but by adding in concrete barriers and flower pots and everything else like that, you're basically eliminating the ability for emergency services to get around. Intersections are now gridlocked, and our guys just can't get around."*

Emergency responders working in Vision Zero cities such as Los Angeles, Santa Monica, Seattle, Oakland, and Boston concur that their response times have increased dramatically. Ironically, traffic fatalities and injuries of vulnerable road users (bicyclists and pedestrians) have also increased in these same communities.

As stated on any city's Vision Zero website, the goal is to eliminate all traffic deaths, especially those of vulnerable road users. Vision Zero proponents seem to forget or don't care, though, about the even greater risk to citizen survivability and safety when it comes to the delaying of emergency response. This issue is one of the most powerful supporting arguments against the claims of programs like Vision Zero.

On Los Angeles' famed Venice

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Boulevard (which now has a road diet from four lanes to two with a protected bike lane on both sides of the street), Fire Station 62 response times have increased by 26 seconds. In 2016, the station's pre-diet average response time was 6 minutes 38 seconds. It has now ramped up to 7 minutes 4 seconds. Those 26 seconds are not trivial; they cost lives.

Writing for the *Wall Street Journal* in January 2019, LeGras told the story of the Khourys, who live five blocks from Station 62. One day, Renee Khoury was in the house and heard her elderly mother, Rebecca, scream in pain from outside. She had fallen with a visible compound fracture in her left leg. After calling 9-1-1, both women could hear the siren almost immediately, but due to the lane restrictions on Venice Boulevard, it took EMTs ten minutes to travel those five blocks.

Sometimes fire crews can't even deploy their equipment properly on a road-dieted street. In the summer of 2018, a Baltimore crew sent video to the city council showing the problems they were having with a hook and ladder truck. The video depicted a street that was too narrow to anchor the truck and too tight to reach the upper floors of the tall apartment buildings on either side with their ladders. The protected bike lanes and reconfigured parking thwarted their efforts. The response: The council decided to change the city's fire code after holding a second hearing on why the fire department wasted time making such a video.

Baltimore previously adopted the International Fire Code (IFC). Appendix D of the Code requires 20 feet of clearance for fire engines, and 26 feet of clearance for ladders and other equipment. Under the guise of Complete Streets, which prioritizes walking and bicycling over vehicular traffic, the council replaced Appendix

## Emergency Responders— Between a Rock and Hard Place

Based on data from the National Fire Protection Association Survey, US fire departments responded to over a million fires in 2018. Here are some sobering statistics:

Of the 1,318,500 fires that year:

--499,000 were structure fires, and 78 percent of those were residential.

--Number of civilian fire deaths: 3,655

--Number of civilian fire injuries: 15,200

--Property loss: \$25.6 billion

Compared to automobiles, fire trucks have a longer wheelbase, stiffer suspensions, and carry a great deal more equipment and weight. Pumper trucks can also hold between 500 to 2,000 gallons of water. With that load and heavy steel ladders that can telescope to 75 to 135 feet, these trucks are top-heavy and have considerable difficulty maneuvering at any speed, particularly when streets are purposely narrowed and congested because of road diet programs.

All large fire trucks have trouble quickly accelerating or decelerating while driving on a streets with speed humps. There are several documented cases of firefighters injured because of manufactured road obstructions.

In 2018, US Emergency Medical Responses (ambulance, EMTs, and rescue) totaled 23,551,500 with 2,880,000 false alarms.

Even though ambulances are not as heavy as fire trucks, drivers have unique problems when encountering traffic calming. Due to their boxy shape, stiff suspensions, and high centers of gravity, ambulances can shift their delicate loads dramatically when navigating tight lanes at high speed. While transporting patients to the hospital, this is especially problematic if EMTs continue emergency procedures en route.

D with more flexible language to suit their purposes. The fire department said that limiting street clearance below code levels with bike lanes poses a public safety threat.

Cities are not required to adopt international fire code standards. Seattle and Philadelphia have created city-specific street design manuals without using IFC standards. Recently, Denver announced it will be rewriting its street design manual to align more closely with the ideals of Complete Streets while asking for citizen input. How many Denver residents understand fire code standards, let alone appreciate the ramifications of ignoring them?

Ironically, Vision Zero and Complete Streets proponents say they want safer streets. Still, when

you disregard standards written by safety professionals to push a political agenda, more people will die because of compromised emergency response times and collateral events.

Cities large and small continue promoting and implementing traffic restriction schemes despite knowing and understanding the effects on emergency vehicles. In one bit of good news, city dwellers are starting to realize that this is a problem of its own making.

In February 2019, the northeastern Oklahoma town of Tahlequah (population 17,000) had nearly 3,000 residents sign a petition within ten days to get rid of a road diet on Downing Street, a primary corridor that connects

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the city to the hospital. At that month's city council meeting, retired doctor Pamela Stern testified, "Mistakes happen, accidents happen, death happens, and it's real and we can't undo that. I have seen people and they need a matter of seconds to be able to get an airway established, for example. My big concern is the medical complications."

After an extremely tense two-hour meeting, Mayor Jason Nichols asked for a roll-call vote to reverse the road diet measures that had been implemented. The vote was unanimous; everyone in the room cheered.

When this happens, taxpayers foot the bill for the reversal, as they did when the road diet was implemented.

Another financial question to ponder: When cities impose road restrictions and add traffic calming obstacles, they become exposed to negligent death lawsuits. Guess who ultimately is on the hook for those damages too?

Every second matters, and so does

every dollar.

Matthew Schneider, co-founder of Keep the US Moving, became involved in the problems of road diets because of their effect on his hometown of Waverly, Iowa (population 10,100). Even a small Midwestern town, with a 70-member volunteer fire department, is impacted. When a call comes, not only do the volunteers drive their own vehicles to the fire station, they then take department rigs to the emergency.

In 2018, the town's main street, Bremer Avenue, was trimmed from four lanes to two with bike lanes on either side. Bremer Avenue crosses the Cedar River Bridge, which connects the two parts of town. A resident wrote on Facebook about an emergency, "The city can deny it all they want, but I personally witnessed the effect the road diet is having. Some emergency was going on, and two volunteer firefighters were stuck in traffic and could not get to where they were going in short order."

Schneider ended a February 2019

editorial in the *Des Moines Register* with this statement: "We all want safer streets. We all want better mobility and a healthier lifestyle, but this is not the way. Using federal or state funds to force "diets" on roads that are already at capacity is not smart or safe. Not recognizing and correcting these mistakes is immoral. We hope that Iowa lawmakers and the Iowa Department of Transportation take note of this situation here in Waverly and what is happening nationally and do the right thing."

Neither the city nor the state DOT took action, however, so Schneider decided to run for public office and won a seat on the Waverly town council in November 2019. Matthew is not only addressing the Waverly problem from his elected position, he is also networking with and advising other Complete Streets opponents who are fighting their own road diet battles for safer streets. 🇺🇸



## Kathleen Calongne: In Her Own Words

Like most things in people's lives, my involvement in motorist's rights was part effort and part luck.

I just happened to live in one of the more progressive college towns in the US, Boulder, Colorado, so it was no surprise that when traffic calming made its way to the US from Europe, our city council was one of the first to sign on.

A plethora of calming devices were planned for my neighborhood at taxpayers' expense. This clumsy attempt to drive away traffic unwittingly created dangerous delays for emergency responders. Our fire department began to speak out about their concerns. Their comments were downplayed if not ignored.

My 20-year, on-the-job training as a Pan Am flight attendant, heightened my awareness of the importance of rapid response to emergency situations. I also had majored in English Lit in college and enjoyed writing. Therefore, my first op-ed appeared in Boulder's independent weekly *The Camera* on the subject of traffic calming and its impact on emergency response.

There was almost no research about the impact of traffic calming on emergency rapid response at the time, so I began voraciously collecting related articles from across the country. Soon I was getting so many calls for information from Fire Departments and individuals, that in 2000 I compiled my research into a self-published

report called *Problems Associated with Traffic Calming Devices*. I came to be considered a recognized expert on the subject.

The temperature continued to rise on both sides of the discussion in Boulder. An organization opposing traffic calming formed under the name of "Citizens Concerned about the NTMP" (Neighborhood Traffic Mitigation Projects). A member, engineer and scientist Ronald Bowman, accepted the challenge to answer a question raised by a city council member — "Which risk is greater, the risk from speeding vehicles or the risk to citizen survivability from delay to emergency response?" Bowman's analysis included a shocking conclusion: 85 people were likely to die from a one-minute delay citywide before one life might be saved by traffic calming devices. (*Deaths Expected from Delayed Emergency Response Due to Neighborhood Traffic Mitigation*, 1997) This was followed by a master's thesis by former Fire Chief and Emergency Services Training Director, Les Bunte, at Texas A&M, who based his study on Bowman's analysis and my report.

When transportation expert Randal O'Toole called fire departments to find someone to address the first American Dream Coalition conference on the subject of traffic calming, he said the only name anyone knew to offer was mine. So, I spoke at the first yearly ADC conference in Washington DC, and years



after became the organization's assistant director.

When Mr. O'Toole was asked by the Independence Institute to come to Denver to work on transportation issues in Colorado, he needed an assistant. As I was living in Colorado (luck), I had the good fortune to conduct research for that great organization under Randal for more than a year.

Since that time, I'd faded into peaceful obscurity until road diets, or the narrowing of streets, became the new flavor of traffic calming in places like Los Angeles. Keep the US Moving found me and requested a presentation at their first conference in Los Angeles this past October. I was happy to update my research.

It's my hope that my story of activism inspires others to feel that pursuing an issue as an activist can achieve real results, and can open up opportunities they might otherwise not have had. 🇺🇸

## NMA's Bill Tracker for 2020

One year ago, the National Office launched the **NMA Bill/Regulation Tracker**. We have learned a great deal in the past year working with the **Bill Tracker**.

We encourage you to check it out at <https://www.motorists.org/bill-regulation-tracker/>, particularly with many states starting new 2020 legislative sessions and introducing bills of importance for motorists. The **Bill Tracker** table can be sorted by any column and filtered by state or by particular motorist issues. If you click on a row in the table, an information page will appear for that particular bill. We also have a link marked in red on each individual page that goes straight to the content of the bill along with all the details such as bill sponsors and the legislative timeline.

If you hear of a motorist-related bill in your own state, please send us details at [nma@motorists.org](mailto:nma@motorists.org) so that we can evaluate it for the **NMA Bill Tracker**. Thank you for your support of motorists' rights in your state! 🇺🇸

# NMA Survey on U.S. Fuel Economy Standards

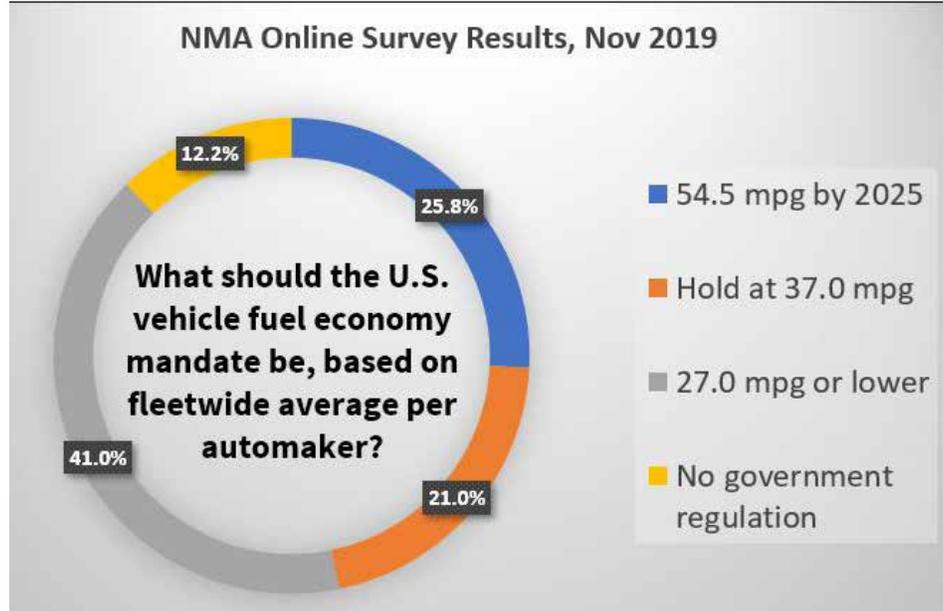
We posted an online survey in November 2019 designed to better understand member sentiment toward government-imposed fuel economy standards. In late 2018, federal agencies suggested freezing the fleet average for automakers at 37.0 miles per gallon, the 2021 target, for the foreseeable future rather than extending it to the previous target of 54.5 mpg by the vehicle model year 2025.

A bit surprisingly, as the graph of overall results illustrates, there wasn't a strong consensus on what the fuel economy standard should be going forward. We have included a few representative comments from survey takers here. For a more detailed look at the survey responses, please visit <https://www.motorists.org/fuel-economy-stds-nov-2019-survey/>.

The Obama-era fuel-economy standards were a political gesture, and are obviously unattainable. Rather than preserve this fantasy-based aspirational standard, fleet fuel economy should be allowed to find its own level as dictated by fuel price, consumer choice, and the price of technology.

CAFE standards are a "slippery slope" argument. Either allow the free market to regulate vehicular fuel consumption, or if government mandates are to be implemented, simply raise the federal gasoline tax. Improved fuel economy will occur as a natural consequence.

Automakers should still be pressured to find creative ways to produce higher mileage vehicles, especially since US auto buyers are moving more and more towards larger, less-efficient vehicles (trucks and SUV's). This is NOT a safety issue as you allude to, it is a realistic concern - we need higher MPG, not by forcing automakers within a timeframe,



but by incenting innovation and increasing it at a realistic rate.

The auto industry and market are in a period of transition to electrified vehicles. But that will take time for the technology to develop, costs to come down, and the re-charging infrastructure to catch up. Current requirements don't take that into account and are so draconian that expensive electric vehicles would be forced onto the market. This will cause people to hold their older, more polluting cars longer, hurt the domestic auto industry, and greatly inconvenience many people. Let the market decide the rate of introduction of these technologies, not the heavy hand of government.

I believe that the 37 mpg is more realistic, but more importantly, I believe that Americans should have a better range of choice for their cars. Once again, the government is trying to force us into cars that many of us do not want. I also remember how bad cars were when the first big CAFE jump was implemented. Also, CAFE is a national issue. States, such as California, should not be allowed to set different standards. That would make cars even more expensive and less user-friendly. Consumers in rogue states would suffer a greater injustice.

I used to work for an OEM automaker. The lead times to develop a vehicle are incredibly long. The automakers have already done the product planning and pre-production work for the 54.5 mpg standard. Plus, Europe and China require similar efficiency standards on a similar timeline, so the automakers will need to produce similar vehicles for other markets anyway; they'd prefer to sell the same products and same powertrains in all markets as much as possible. And, as I'm sure you're aware, the fuel economy that we're all familiar with (on the "sticker") is not the same as the 54.5/37.0/27.0 mpg fleet fuel economy that we're talking about here; the adjusted average MPG of the fleet will be much lower than any of these numbers.

I see no reason for a CAFE (fuel economy) standard to exist at all. Modern electronics and fuel controls have more than accomplished the purpose of balancing fuel economy and emissions. As a consumer, I am amazed at the power and economy achieved in a commercially available automobile. CAFE accomplished its goal. Retire the CAFE standard completely. 🇺🇸



## 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 [www.motorists.org/news/](http://www.motorists.org/news/). 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/).

### Arizona

In a surprise move, the Phoenix City Council voted not to renew the current red-light camera contract, set to expire at the end of 2019. The city operated red-light cameras at 12 of 1,100 signalized intersections. The program generated more than \$7 million in fines from September 2009 to September 2018.

### California

Governor Gavin Newsom uncharacteristically vetoed a Complete Streets Bill in October. He had stated before that he supports building more walking and biking infrastructure, but claimed this bill created an approach that would be too prescriptive and costly. Several weeks later, though, Newsom signed an executive order that gutted road funding set by SB1—a highly controversial 2017 law that increased the state’s gas tax to 47.3 cents per gallon, the highest in the country. He directed the Department of Transportation to leverage the more than \$5 billion collected annually from the tax to help reverse the trend of fuel consumption, and reduce greenhouse gas emissions. Many local governments and voters expressed outrage by the bait and switch on SB1.

Anti-car adversaries are already gearing up for the Zero Fatalities Task Force Report due to state lawmakers in January. Basing the speed limit on criteria other than the 85th percentile will likely be part of the report. Walk San Francisco has already urged supporters to ask lawmakers to support local governance of speed limits. In October, Jay Beeber and Gary Biller spent several days meeting with legislators about

the negative consequences to traffic and motorists of eliminating the 85th percentile rule.

### Delaware

Superior Court Judge Abigail LeGrow denied the appeal of motorist Stanley Lowicki’s May 2017 \$172 red-light camera ticket. The ticket fine was \$75, with nearly \$100 added in additional fees, but the surcharges were just under the minimum amount that could be appealed. The judge agreed with a lower court ruling that maintained the fees tacked onto the fine did not constitute a “civil penalty” under state law.

### District of Columbia

The city council denied Mayor Muriel Bowser’s request several times to move 20 city employees who oversee the automated traffic program from the police department to the DOT. By executive order, she did it anyway to support her Vision Zero strategy and to exert more control over the ATE program. Critics slammed the mayor’s actions, and said that she plans to increase the number of cameras because her real mission is to generate more money for the city. The city already runs 171 automated traffic cameras: 107 speed, 48 red-light cameras, and eight truck size and weight limit cameras. Last year, DC made \$324,531,271 from 2.7 million speed camera tickets.

### Florida

An automated license plate reader (ALPR) lawsuit against the City of Coral Gables will move forward. Working with the New Civil Liberties Alliance, motorist Raul Mas Canosa is suing because he does

not want to be tracked by city cameras everywhere he drives. Miami-Dade County Circuit Court Judge Abby Cynamon rejected the city’s attempt to have the lawsuit thrown out on the grounds that motorists should not expect privacy. The judge wrote in her finding, “This court finds that there is a bona fide, actual, present and practical need for a declaration as to whether the collection of such information violates the plaintiff’s privacy rights.” Considered the state’s leader in ALPR use, Coral Gables took over 30 million license plate photos in 2018.

### Georgia

Update: In *Mobley v. the State* (see the cover story of the Fall 2019 issue of *Driving Freedoms*) the Georgia Supreme Court upheld a motorist’s right to black box privacy. Police must now obtain a search warrant before downloading data from any vehicle’s black box (electronic data recorder or EDR).

### Kentucky

Jefferson District Court Judge Julie Kaelin ruled in September that three sections of state law that govern speeding are vague and unconstitutional. In October 2018, motorist Kevin Curry received a speeding ticket on Interstate 71 for going 26 miles per hour over the limit (93 in a 55 zone). He decided to fight his ticket. Curry hired an attorney who argued that the state’s speeding laws are convoluted and unclear. The most significant issue noted: State law does not reference speed limit signs in any way. Judge Kaelin noted, “Again, this is a challenge to the face of the statute, and it simply does not matter that speed limit signs could be or should be enough because the statute does not refer a motorist to such signs.” Police across the state continue to enforce speeding as before. Jefferson County Attorney Mike O’Connell plans to appeal the case, and the challenge will likely head to the state’s Supreme Court.

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## Massachusetts

When the House passed a law that would ban flavored e-cigarettes, lawmakers authorized the civil asset forfeiture of cars driven by vapers caught with “untaxed and illegal products.” State law already allows CAF of anyone who has untaxed cigarettes and tobacco products inside their vehicle. The Senate quickly stripped vehicle forfeiture from the vaping bill. Senate Minority Leader Bruce Tarr then questioned why lawmakers would create a double standard between cigarettes and vaping products. A special commission is currently examining the state’s civil asset forfeiture laws.

## Michigan

State lawmakers have been grappling with how to pay for roads. Earlier this year, a controversial plan by Governor Gretchen Whitmer to enact a 45-cents-per-gallon fuel tax hike was defeated. Now, legislators have posted Senate bill 517 to study the possibility of assessing road tolls. Earlier this year, MDOT said it needs at least \$1.5 billion more to improve the condition of state highways. Senate Majority Leader Mike Shirkey posted his own proposal of getting rid of some roads, saying, “We’ve got too many roads. . . we have way more roads per capita than most states do.” He added that roads would not necessarily have to close, but maybe “some roads should go back to gravel.”

## Minnesota

The state DOT has been raising speed limits on many highways after conducting traffic studies over the past year. Now, Minneapolis, St. Paul, and Rochester want to lower inner-city speed limits from a default of 30 to either 20 or 25 mph. The legislature recently gave cities the power to change speed limits for residential streets that primarily serve neighborhoods. Avenues that are throughways or connect directly to busier streets would not be allowed to change.

## Missouri

St. Louis Mayor Lyda Krewson recently hatched up a scheme to bring back automated traffic enforcement cameras. She said St. Louis needs them to help improve compliance by motorists because the city has a chronic shortage of police officers. Red-light cameras (RLCs) are still in place at various intersections, and now speed cameras would be part of the mix, too. The State Supreme Court ruled in 2015 that cameras needed to take photos of drivers, not just license plates. This ruling shut down most state camera programs including that of St. Louis. Former St. Louis County Police Chief Tim Fitch, who fought against RLCs beginning in 2011, said he is still against the revenue generators. Within a week of the announcement, now Councilman Fitch introduced a bill to ban RLCs throughout St. Louis County. The bill requires county voters to decide the issue at the 2020 ballot box.

## New York

The New York City Council passed the Streets Master Plan, which was quickly approved by Mayor Bill de Blasio. The plan was spearheaded by mayoral candidate and current Council Speaker Corey Johnson, who has declared he wants to break the city’s car culture. The NYC DOT will begin implementation in December 2021—one month before de Blasio leaves office. The legislation requires the city to build 250 miles of protected bike lanes and 150 miles of dedicated bus lanes over five years. Soon after the plan was approved, two council members introduced legislation to create two new city agencies: Office of Active Transportation and Office of Pedestrians.

## Oklahoma

Drivers arrested for a DUI now have two options: go directly to District Court to fight the case or join the “Impaired Driver Accountability Program” within 30 days of arrest. The Accountability Program now allows a motorist to “voluntarily” put an

interlock device in his or her car. Before Senate Bill 712, the DUI process was long and drawn out. It started with a hearing at the Department of Public Safety (not a court), which made every person arrested for a DUI put an interlock device in their car before a conviction.

## Texas

Austin’s city auditor released a report noting there is a remote possibility that the city will be able to achieve its stated Vision Zero goal of eliminating all traffic deaths and severe injuries by 2025. The audit also raised questions about whether the funding from a 2016 bond spent on Vision Zero has been effective. In the review of crash data, the auditor examined how dangerous the 28 intersections were before VZ program implementation: “Our review of documentation related to improvements at these intersections indicated there were few fatal or serious injury crashes between 2012 and 2016.” As of late September 2019, the number of traffic fatalities on Austin streets was up 20 percent from last year with VZ measures in place.

## Washington State

In the November 2019 elections, state voters passed a measure limiting vehicle surcharges on car tags to \$30. Property taxes will now be assessed on the vehicle’s value, as indicated by the Kelley Blue Book, not an inflated valuation imposed by state officials. Initiative 976 also eliminated the ability of Sound Transit – the regional transit authority – to impose taxes on drivers. Washington has been taking in \$700 million per year from motorists, with most of the funds going to transit projects in the Puget Sound area. Tim Eyman, who is now running for governor, led the effort to pass I-976. He said after the win, “*If Seattle wants a massive multi-billion dollar boondoggle, don’t force the rest of us to pay for it.*” The state’s various municipalities and transit agencies expect the measure to be challenged in the courts. Meanwhile, they are scrambling to adjust to the new fiscal reality. 